

Environmental Protection Agency

§ 52.1391

(1) Sections 3(B)(2) and 4(D) (excluding “or in the flare” and “or the flare” in both sections, which was previously disapproved in paragraphs (d)(1)(i)(B) and (C) above), 3(A)(1)(d) and 4(B) of Cenex Harvest State Cooperatives’ exhibit A to the stipulation between the Montana Department of Environmental Quality and Cenex Harvest State Cooperatives, adopted June 12, 1998 by Board Order issued by the Montana Board of Environmental Review.

(2) Method #6A-1 of attachment #2 of Cenex Harvest State Cooperatives’ exhibit A, as revised pursuant to the stipulation between the Montana Department of Environmental Quality and Cenex Harvest State Cooperatives, adopted by Board Order issued on March 17, 2000, by the Montana Board of Environmental Review.

(3) Sections 3(B)(2), 4(B), and 6(B)(3) of Exxon’s exhibit A to the stipulation between the Montana Department of Environmental Quality and Exxon, adopted on June 12, 1998 by Board Order issued by the Montana Board of Environmental Review.

(4) Sections 2(A)(11)(d), 3(A)(1), 3(B)(1) and 4(C) of Exxon Mobil Corporation’s exhibit A, as revised pursuant to the stipulation between the Montana Department of Environmental Quality and Exxon Mobil Corporation, adopted by Board Order issued on March 17, 2000, by the Montana Board of Environmental Review.

(f) Administrative Rules of Montana 17.8.335 of the State’s rule entitled “Maintenance of Air Pollution Control Equipment for Existing Aluminum Plants,” submitted by the Governor on January 16, 2003, is disapproved. We cannot approve this rule into the SIP because it is inconsistent with the Act (*e.g.*, sections 110(a) and 110(1)), prior rulemakings and our guidance.

[57 FR 57347, Dec. 4, 1992, as amended at 57 FR 60486, Dec. 21, 1993; 60 FR 36722, July 18, 1995; 64 FR 68038, Dec. 6, 1999; 66 FR 42437, Aug. 13, 2001; 66 FR 55099, Nov. 1, 2001; 67 FR 22241, May 2, 2002; 68 FR 27911, May 22, 2003; 71 FR 4828, Jan. 30, 2006]

§§ 52.1385–52.1386 [Reserved]

§ 52.1387 **Visibility protection.**

(a) The requirements of section 169A of the Clean Air Act are not met be-

cause the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) *Long-term strategy.* The provisions of § 52.29 are hereby incorporated into the applicable plan for the State of Montana.

[52 FR 45138, Nov. 24, 1987]

§ 52.1388 **Stack height regulations.**

The State of Montana has committed to revise its stack height regulations should EPA complete rulemaking to respond to the decision in *NRDC v. Thomas*, 838 F.2d 1224 (D.C. Cir. 1988). In a letter to Douglas M. Skie, EPA, dated May 6, 1988, Jeffrey T. Chaffee, Chief, Air Quality Bureau, stated:

* * * We are submitting this letter to allow EPA to continue to process our current SIP submittal with the understanding that if EPA’s response to the NRDC remand modifies the July 8, 1985 regulations, EPA will notify the State of the rules that must be changed to comply with the EPA’s modified requirements. The State of Montana agrees to make the appropriate changes.

[54 FR 24341, June 7, 1989. Redesignated at 55 FR 19262, May 9, 1990]

§ 52.1389 [Reserved]

§ 52.1390 **Missoula variance provision.**

The Missoula City-County Air Pollution Control Program’s Chapter X, Variances, which was adopted by the Montana Board of Health and Environmental Sciences on June 28, 1991 and submitted by the Governor of Montana to EPA in a letter dated August 20, 1991, is disapproved. This rule is inconsistent with section 110(i) of the Clean Air Act, which prohibits any State or EPA from granting a variance from any requirement of an applicable implementation plan with respect to a stationary source.

[59 FR 64139, Dec. 13, 1994]

§ 52.1391 **Emission inventories.**

(a) The Governor of the State of Montana submitted the 1990 carbon monoxide base year emission inventories for Missoula and Billings on July 18, 1995, as a revision to the State Implementation Plan (SIP). The Governor submitted the 1990 carbon monoxide