

Missouri for a waiver from the Clean Air Act requirement for Oxides of Nitrogen (NO<sub>x</sub>) Reasonably Available Control Technology (RACT) in the Missouri portion of the St. Louis (MO-IL) metropolitan 8-hour ozone nonattainment area for purposes of attaining the 1997 8-hour ozone National Ambient Air Quality Standard.

(c) On November 3, 2011 and April 29, 2014, Missouri submitted requests to redesignate the Missouri portion of the St. Louis MO-IL area to attainment of the 1997 8-hour ozone standard. The Missouri portion of the St. Louis MO-IL area includes Jefferson, Franklin, St. Charles, and St. Louis Counties along with the City of St. Louis. As part of the redesignation request, the State submitted a plan for maintaining the 1997 8-hour ozone standard through 2025 in the area as required by Section 175A of the Clean Air Act.

(d) *Determination of attainment.* As required by section 181(b)(2)(A) of the Clean Air Act, EPA has determined that the St. Louis, MO-IL marginal 2008 ozone nonattainment area has attained the NAAQS by the applicable attainment date of July 20, 2016.

[76 FR 43601, July 21, 2011, as amended at 77 FR 25366, Apr. 30, 2012; 80 FR 9209, Feb. 20, 2015; 81 FR 41446, June 27, 2016]

#### § 52.1343 Control strategy: Sulfur dioxide.

(a) *Determination of attainment.* EPA has determined, as of September 13, 2017, that the Jefferson County 2010 SO<sub>2</sub> nonattainment has attained the 2010 SO<sub>2</sub> 1-hr NAAQS. This determination suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, reasonable further progress, contingency measures, and other plan elements related to attainment of the standards for as long as the area continues to meet the 2010 SO<sub>2</sub> 1-hr NAAQS.

(b) [Reserved]

[82 FR 42947, Oct. 13, 2017]

### Subpart BB—Montana

#### § 52.1370 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Imple-

mentation Plan for Montana under section 110 of the Clean Air Act, 42 U.S.C. 7410 and 40 CFR part 51 to meet national ambient air quality standards or other requirements under the Clean Air Act.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c), (d), and (e) of this section with an EPA approval date prior to March 1, 2015, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as submitted by the state to EPA, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries for paragraphs (c), (d), and (e) of this section with EPA approval dates after March 1, 2015, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 8 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the State Implementation Plan as of March 1, 2015.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, West Building, 1301 Constitution Ave. NW., Washington, DC 20460; and, the National Archives and Records Administration (NARA). For information on the availability of materials from the docket in the EPA Headquarters Library, please call the Office of Air and Radiation (OAR) at (202) 566-1742. For information on the availability of this material at NARA, call (202) 741-6030, or go to <http://www.archives.gov/federal-register/cfr/ibr-locations.html>. Copies of the Montana regulations we have approved are also available at <http://www.epa.gov/region8/air/sip.html>.

(c) *EPA-approved regulations.*

State citation	Rule title	State effective date	EPA final rule date	Final rule citation	Comments
<b>(1) Statewide</b>					
<b>(i) Administrative Rules of Montana, Subchapter 01, General Provisions</b>					
17.8.101 .....	Definitions .....	8/11/2006	1/26/2010	75 FR 3993	
17.8.102 .....	Incorporation by Reference.	6/26/2015	5/31/2017	82 FR 24853	
17.8.103 .....	Incorporation by Reference.	6/26/2015	5/31/2017	82 FR 24853	
17.8.105 .....	Testing Requirements	7/4/1996	8/13/2001	66 FR 42427	
17.8.106 .....	Source Testing Protocol.	10/8/1999	8/13/2001	66 FR 42427	
17.8.110 .....	Malfunctions .....	4/11/2003	1/24/2006	71 FR 3776	
17.8.111 .....	Circumvention .....	9/13/1985	8/13/2001	66 FR 42427	
17.8.130 .....	Enforcement Procedures—Notice of Violation—Order to Take Corrective Action.	4/9/2004	1/24/2006	71 FR 3770	
17.8.131 .....	Enforcement Procedures—Appeal to Board.	12/31/1972	8/13/2001	66 FR 42427	
17.8.132 .....	Credible Evidence .....	12/8/2000	11/20/2002	67 FR 70009	
17.8.140 .....	Rehearing Procedures—Form and Filing of Petition.	12/31/1972	8/13/2001	66 FR 42427	
17.8.141 .....	Rehearing Procedures—Filing Requirements.	12/31/1972	8/13/2001	66 FR 42427	
17.8.142 .....	Rehearing Procedures—Board Review.	12/31/1972	8/13/2001	66 FR 42427	
17.8.150 .....	Definitions .....	10/30/2015	4/20/2016	81 FR 23186	
17.8.151 .....	Board Action .....	10/30/2015	4/20/2016	81 FR 23186	
17.8.152 .....	Reporting .....	10/30/2015	4/20/2016	81 FR 23186	
<b>(ii) Administrative Rules of Montana, Subchapter 03, Emission Standards</b>					
17.8.301 .....	Definitions .....	10/24/2008	1/29/2010	75 FR 4698	
17.8.302 .....	Incorporation by Reference.	10/26/2007	1/26/2010	75 FR 3993	
17.8.304 .....	Visible Air Contaminants.	8/11/1995	8/13/2001	66 FR 42427	Excluding (4)(f).
17.8.308 .....	Particulate Matter, Airborne.	2/13/2009	1/29/2010	75 FR 4698	
17.8.309 .....	Particulate Matter, Fuel Burning Equipment.	11/10/1995	8/13/2001	66 FR 42427	Excluding (5)(b).
17.8.310 .....	Particulate Matter, Industrial Processes.	11/10/1995	8/13/2001	66 FR 42427	Excluding (3)(e).
17.8.316 .....	Incinerators .....	4/9/2004	7/29/2008	73 FR 43871	
17.8.320 .....	Wood-waste Burners ..	4/9/2004	1/24/2006	71 FR 3770	
17.8.321 .....	Sulfur Emissions—Kraft Pulp Mills (16.8.1413).	12/31/1972	7/18/1995	60 FR 36715	* 16.8.1413 is the SIP approved Kraft Pulp Mill Rule. 17.8.321 is not SIP approved.
17.8.322 .....	Sulfur Oxide Emissions—Sulfur in Fuel.	12/31/1972	8/13/2001	66 FR 42427	
17.8.324 .....	Hydrocarbon Emissions—Petroleum Products.	10/29/1993	8/13/2001	66 FR 42427	Excluding (1)(c) and (2)(d).
17.8.325 .....	Motor Vehicles .....	12/31/1972	8/13/2001	66 FR 42427	
17.8.326 .....	Prohibited Materials for Wood or Coal Residential Stoves.	10/29/1993	8/13/2001	66 FR 42427	
17.8.330 .....	Emission Standards for Existing Aluminum Plants—Definitions.	2/10/1989	8/13/2001	66 FR 42427	
17.8.331 .....	Emission Standards for Existing Aluminum Plants—Standards.	2/26/1982	8/13/2001	66 FR 42427	

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17.8.332 .....	Emission Standards for Existing Aluminum Plants—Standard for Visible Emissions.	7/4/1996	8/13/2001	66 FR 42427	
17.8.333 .....	Emission Standards for Existing Aluminum Plants—Monitoring and Reporting.	2/26/1982	8/13/2001	66 FR 42427	
17.8.334 .....	Emission Standards for Existing Aluminum Plants—Startup and Shutdown.	2/26/1982	8/13/2001	66 FR 42427	
<b>(iii) Administrative Rules of Montana, Subchapter 04, Stack Heights and Dispersion Techniques</b>					
17.8.401 .....	Definitions [16.8.1204]	6/13/1986	7/18/1995	60 FR 36715	* 16.8.1204 is the SIP approved Stack Height and Dispersion Techniques rule. 17.8.401 is not SIP approved.
17.8.402 .....	Requirements [16.8.1205].	6/13/1986	7/18/1995	60 FR 36715	* 16.8.1205 is the SIP approved Stack Height and Dispersion Techniques rule. 17.8.402 is not SIP approved.
17.8.403 .....	Exemptions [16.8.1206].	6/13/1986	7/18/1995	60 FR 36715	* 16.8.1206 is the SIP approved Stack Height and Dispersion Techniques rule. 17.8.403 is not SIP approved.
<b>(iv) Administrative Rules of Montana, Subchapter 06, Open Burning</b>					
17.8.601 .....	Definitions .....	12/27/2002	8/24/2006	71 FR 49999	
17.8.602 .....	Incorporation by Reference.	10/26/2007	1/26/2010	75 FR 3993	
17.8.604 .....	Prohibited Open Burning—When Permit Required.	04/15/2011	8/20/2015	80 FR 50584	
17.8.605 .....	Special Burning Periods.	12/27/2002	8/24/2006	71 FR 49999	
17.8.606 .....	Minor Open Burning Source Requirements.	12/27/2002	8/24/2006	71 FR 49999	
17.610 .....	Major Open Burning Source Restrictions.	04/15/2011	8/20/2015	80 FR 50584	
17.8.611 .....	Emergency Open Burning Permits.	7/23/1999	8/13/2001	66 FR 42427	
17.8.612 .....	Conditional Air Quality Open Burning Permits.	04/15/2011	8/20/2015	80 FR 50584	
17.8.613 .....	Christmas Tree Waste Open Burning Permits.	04/15/2011	8/20/2015	80 FR 50584	
17.8.614 .....	Commercial Film Production Open Burning Permits.	04/15/2011	8/20/2015	80 FR 50584	
17.8.615 .....	Firefighter Training .....	04/15/2011	8/20/2015	80 FR 50584	
<b>(v) Administrative Rules of Montana, Subchapter 07, Permit Construction and Operation of Air Contaminant Sources</b>					
17.8.740 .....	Definitions .....	12/27/2002	11/21/2014	79 FR 69374	
17.8.743 .....	Montana Air Quality Permits—When Required.	12/27/2002	11/21/2014	79 FR 69374	Approved except the phrase in 17.8.743(1)(b) "asphalt concrete plants, mineral crushers, and".

State citation	Rule title	State effective date	EPA final rule date	Final rule citation	Comments
17.8.744 .....	Montana Air Quality Permits—General Exclusions.	12/27/2002	7/8/2011	76 FR 40237	
17.8.745 .....	Montana Air Quality Permits—Exclusion for De Minimis Changes.	5/28/2010	2/13/2012	77 FR 7531	
17.8.748 .....	New or Modified Emitting Units—Permit Application Requirements.	12/27/2002	7/8/2011	76 FR 40237	
17.8.749 .....	Conditions For Issuance or Denial of Permit.	10/17/2003	7/8/2011	76 FR 40237	(1), (3), (4), (5), (6), and (8) approved with state effective date of 12/27/02. (7) approved with state effective date of 10/17/03.
17.8.752 .....	Emission Control Requirements.	12/27/2002	7/8/2011	76 FR 40237	
17.8.755 .....	Inspection of Permit ....	12/27/2002	7/8/2011	76 FR 40237	
17.8.756 .....	Compliance with Other Requirements.	12/27/2002	7/8/2011	76 FR 40237	
17.8.759 .....	Review of Permit Applications.	12/23/2005	7/8/2011	76 FR 40237	(1) through (3) approved with state effective date of 10/17/13. (4) through (6) approved with state effective date of 12/23/05.
17.8.760 .....	Additional Review of Permit Applications.	12/27/2002	7/8/2011	76 FR 40237	
17.8.762 .....	Duration of Permit .....	12/27/2002	7/8/2011	76 FR 40237	
17.8.763 .....	Revocation of Permit ..	04/15/2011	8/20/2015	80 FR 50564	
17.8.764 .....	Administrative Amendment to Permit.	12/27/2002	11/21/2014	79 FR 69374	
17.8.765 .....	Transfer of Permit .....	12/27/2002	7/8/2011	76 FR 40237	
17.8.767 .....	Incorporation by Reference.	6/17/2005	7/8/2011	76 FR 40237	(1)(a) through (c) approved with state effective date of 12/27/02. (1)(d) through (g), (2), (3), and (4) approved with state effective date of 6/17/05.

## (vi) Administrative Rules of Montana, Subchapter 08, Prevention of Significant Deterioration of Air Quality

17.8.801 .....	Definitions .....	10/14/2011	4/20/2016	81 FR 23186
17.8.802 .....	Incorporation by Reference.	10/16/2009	8/20/2015	80 FR 50564
17.8.804 .....	Ambient Air Increments	10/14/2011	4/20/2016	81 FR 23186
17.8.805 .....	Ambient Air Ceilings ...	8/23/1996	8/13/2001	66 FR 42427
17.8.806 .....	Restrictions on Area Classifications.	8/23/1996	8/13/2001	66 FR 42427
17.8.807 .....	Exclusions from Increment Consumption.	8/23/1996	8/13/2001	66 FR 42427
17.8.808 .....	Redesignation .....	8/23/1996	8/13/2001	66 FR 42427
17.8.809 .....	Stack Heights .....	8/23/1996	8/13/2001	66 FR 42427
17.8.818 .....	Review of Major Stationary Source and Major Modifications—Source Applicability and Exemptions.	10/10/2014	4/20/2016.	81 FR 23186
17.8.819 .....	Control Technology Review.	4/9/2004	1/24/2006	71 FR 3770
17.8.820 .....	Source Impact Analysis.	8/23/1996	8/13/2001	66 FR 42427
17.8.821 .....	Air Quality Models .....	4/11/2003	1/24/2006	71 FR 3776
17.8.822 .....	Air Quality Analysis .....	10/14/2011	4/20/2016	81 FR 23186
17.8.823 .....	Source Information .....	8/23/1996	8/13/2001	66 FR 42427

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17.8.824 .....	Additional Impact Analyses.	8/23/1996	8/13/2001	66 FR 42427	
17.8.825 .....	Sources Impacting Federal Class I Areas—Additional Requirements.	10/14/2011	4/20/2016	80 FR 23186	
17.8.826 .....	Public Participation .....	12/27/2002	7/8/2011	76 FR 40237	
17.8.827 .....	Source Obligation .....	8/23/1996	8/13/2001	66 FR 42427	
17.8.828 .....	Innovative Control Technology.	8/23/1996	8/13/2001	66 FR 42427	
<b>(vii) Administrative Rules of Montana, Subchapter 09, Permit Requirements for Major Stationary Sources or Major Modifications Locating Within Nonattainment Areas</b>					
17.8.901 .....	Definitions .....	10/24/2008	1/29/2010	75 FR 4698	
17.8.902 .....	Incorporation by Reference.	6/17/2005	7/19/2006	71 FR 40922	
17.8.904 .....	When Air Quality Preconstruction Permit Required.	12/27/2002	7/8/2011	76 FR 40237	
17.8.905 .....	Additional Conditions of Air Quality Preconstruction Permit.	4/11/2003	1/24/2006	71 FR 3776	
17.8.906 .....	Baseline for Determining Credit for Emissions and Air Quality Offsets.	12/27/2002	7/7/2011	76 FR 40237	
<b>(viii) Administrative Rules of Montana, Subchapter 10, Preconstruction Permit Requirements for Major Stationary Sources or Major Modifications Locating Within Attainment or Unclassified Areas</b>					
17.8.1001 .....	Definitions .....	8/23/1996	8/13/2001	66 FR 42427	
17.8.1002 .....	Incorporation by Reference.	6/17/2005	7/19/2006	71 FR 40922	
17.8.1004 .....	When Air Quality Preconstruction Permit Required.	12/27/2002	7/8/2011	76 FR 40237	
17.8.1005 .....	Additional Conditions of Air Quality Preconstruction Permit.	12/27/2002	7/8/2011	76 FR 40237	
17.8.1006 .....	Review of Specified Sources for Air Quality Impact.	8/23/1996	8/13/2001	66 FR 42427	
17.8.1007 .....	Baseline for Determining Credit for Emissions and Air Quality Offsets.	10/24/2008	1/29/2010	75 FR 4698	
<b>(ix) Administrative Rules of Montana, Subchapter 11, Visibility Impact Assessment</b>					
17.8.1101 .....	Definitions .....	8/23/1996	8/13/2001	66 FR 42427	
17.8.1102 .....	Incorporation by Reference.	10/26/2007	1/26/2010	75 FR 3993	
17.8.1103 .....	Applicability—Visibility Requirements.	8/23/1996	8/13/2001	66 FR 42427	
17.8.1106 .....	Visibility Impact Analysis.	12/27/2002	7/8/2011	76 FR 40237	
17.8.1107 .....	Visibility Models .....	8/23/1996	8/13/2001	66 FR 42427	
17.8.1108 .....	Notification of Permit Application.	8/23/1996	8/13/2001	66 FR 42427	
17.8.1109 .....	Adverse Impact and Federal Land Manager.	12/27/2002	7/8/2011	76 FR 40237	
17.8.1110 .....	Visibility Monitoring .....	8/23/1996	8/13/2001	66 FR 42427	
17.8.1111 .....	Additional Impact Analysis.	8/23/1996	8/13/2001	66 FR 42427	
<b>(x) Administrative Rules of Montana, Subchapter 13, Conformity</b>					
17.8.1301 .....	Definitions .....	6/4/1999	9/21/2001	66 FR 48561	

State citation	Rule title	State effective date	EPA final rule date	Final rule citation	Comments
17.8.1304 .....	Determining Conformity of Transportation Plans, Programs, and Projects to State or Federal Implementation Plans.	8/23/1996	9/21/2001	66 FR 48561	
17.8.1305 .....	Consultation Requirements: Applicability.	6/4/1999	9/21/2001	66 FR 48561	
17.8.1306 .....	Consultation Procedures.	6/4/1999	9/21/2001	66 FR 48561	
17.8.1310 .....	Special Issues .....	6/4/1999	9/21/2001	66 FR 48561	
17.8.1311 .....	Notice Requirements for Non-FHWA/FTA Projects.	6/4/1999	9/21/2001	66 FR 48561	
17.8.1312 .....	Conflict Resolution .....	6/4/1999	9/21/2001	66 FR 48561	
17.8.1313 .....	Public Consultation Procedures.	6/4/1999	9/21/2001	66 FR 48561	
<b>(xi) Administrative Rules of Montana, Subchapter 14, Conformity of General Federal Actions</b>					
17.8.1401 .....	Definitions .....	6/4/1999	10/7/2002	67 FR 62392	
17.8.1402 .....	Incorporation By Reference.	6/4/1999	10/7/2002	67 FR 62392	
<b>(xii) Administrative Rules of Montana, Subchapter 16, Emission Control Requirements for Oil and Gas Well Facilities Operating Prior to Issuance of a Montana Air Quality Permit</b>					
17.8.1601 .....	Definitions .....	1/1/2006	11/19/2013	78 FR 69296	
17.8.1602 .....	Applicability and Coordination with Montana Air Quality Permit Rules.	1/1/2006	11/19/2013	78 FR 69296	
17.8.1603 .....	Emission Control Requirements.	1/1/2006	11/19/2013	78 FR 69296	
17.8.1604 .....	Inspection and Repair Requirements.	1/1/2006	11/19/2013	78 FR 69296	
17.8.1605 .....	Recordkeeping Requirements.	1/1/2006	11/19/2013	78 FR 69296	
17.8.1606 .....	Delayed Effective Date	12/23/2005	11/19/2013	78 FR 69296	
<b>(xiii) Administrative Rules of Montana, Subchapter 17, Registration of Air Contaminant Sources</b>					
17.8.1701 .....	Definitions .....	4/7/2006	11/19/2013	78 FR 69296	
17.8.1702 .....	Applicability .....	4/7/2006	11/19/2013	78 FR 69296	
17.8.1703 .....	Registration Process and Information.	4/7/2006	11/19/2013	78 FR 69296	
17.8.1704 .....	Registration Fee .....	4/7/2006	11/19/2013	78 FR 69296	
17.8.1705 .....	Operating Requirements: Facility-wide.	4/7/2006	11/19/2013	78 FR 69296	
17.8.1710 .....	Oil or Gas Well Facilities General Requirements.	4/7/2006	11/19/2013	78 FR 69296	
17.8.1711 .....	Oil or Gas Well Facilities Emission Control Requirements.	4/7/2006	11/19/2013	78 FR 69296	
17.8.1712 .....	Oil or Gas Well Facilities Inspection and Repair Requirements.	4/7/2006	11/19/2013	78 FR 69296	
17.8.1713 .....	Oil or Gas Well Facilities Recordkeeping and Reporting Requirements.	4/7/2006	11/19/2013	78 FR 69296	
<b>(2) County Specific</b>					
<b>(i) Cascade County</b>					
7–01 .....	Definitions .....	10/16/2000	6/12/2001	66 FR 31548	
7–02 .....	Prohibited Open Burning—When Permit Required.	10/16/2000	6/12/2001	66 FR 31548	

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7-03 .....	Minor Open Burning Source Requirements.	10/16/2000	6/12/2001	66 FR 31548	
7-04 .....	Major Open Burning Source Restrictions.	10/16/2000	6/12/2001	66 FR 31548	
7-05 .....	Special Burning Periods.	10/16/2000	6/12/2001	66 FR 31548	
7-06 .....	Firefighting Training ....	10/16/2000	6/12/2001	66 FR 31548	
7-07 .....	Conditional Air Quality Open Burning Permits.	10/16/2000	6/12/2001	66 FR 31548	
7-08 .....	Emergency Open Burning Permits.	10/16/2000	6/12/2001	66 FR 31548	
7-09 .....	Commercial Film Production Open Burning Permits.	10/16/2000	6/12/2001	66 FR 31548	
7-10 .....	Fees .....	10/16/2000	6/12/2001	66 FR 31548	
<b>(ii) Flathead County</b>					
	Table of Contents, Flathead County Air Pollution Control Program Regulations.				
Appendix A .....	Kalispell Air Pollution Control District Map.	5/20/1994	3/19/1996	61 FR 11153	
Appendix B .....	Kalispell Air Pollution Control District Description.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 01 .....	Short Title .....	5/20/1994	3/19/1996	61 FR 11153	
Chapter 02 .....	Declaration of Policy and Purpose.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 03 .....	Authorities for Program	5/20/1994	3/19/1996	61 FR 11153	
Chapter 04 .....	Administration .....	5/20/1994	3/19/1996	61 FR 11153	
Chapter 05 .....	Control Board, Meetings-Duties-Policies.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 06 .....	Air Quality Staff .....	5/20/1994	3/19/1996	61 FR 11153	
Chapter 07 .....	Inspections .....	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Sub-Chapter 1.	General Definitions ....	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 201	Definitions .....	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 202	Materials Prohibited ....	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 203	Minor Open Burning Source Requirements.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 204	Major Open Burning Source Requirements.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 205	Special Open Burning Periods.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 206	Fire Fighter Training ...	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 207	Open Burning Disposal of Christmas Tree Waste.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 208	Conditional Air Quality Open Burning Permits.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 209	Emergency Open Burning Permits.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 210	Permit Fees .....	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Sub-Chapter 3.	Voluntary Solid Fuel Burning Device Curtailment Program.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 401	Prohibited Materials for Wood or Coal residential (Solid Fuel Burning Device) Stoves.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Sub-Chapter 5.	Kalispell Air Pollution Control District, Intent.	5/20/1994	3/19/1996	61 FR 11153	

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Chapter 08, Rule 501	Material To Be Used on Roads and Parking Lots-Standards.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 502	Construction and Demolition Activity.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 503	Pavement of Roads Required.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 504	Pavement of Parking Lots Required.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 505	Street Sweeping and Flushing.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 506	Clearing of land greater than ¼ acre in size.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 507	Contingency Plan .....	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Sub-Chapter 6.	Columbia Falls Air Pollution Control District—Intent.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 601	Material To Be Used on Roads and Parking Lots-Standards.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 602	Construction and Demolition Activity.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08; Sub-Chapter 6, Rule 603.	Pavement of Roads Required.	5/20/1994	3/19/1996	61 FR 11153	
Chapter 08, Rule 604	Pavement of Parking Lots Required.	5/20/1994	3/19/1996	61 FR 11153	
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(iii) Lincoln County					
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75.1.205 .....	Issuance of Air Pollution Alert.	2/1/1996	9/30/1996	61 FR 51014	
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75.1.209 .....	Enforceability .....	2/1/1996	9/30/1996	61 FR 51014	
75.1.301 .....	Intent: Road Dust Control Regulations: Materials to Be used on Roads and Parking Lots.	2/1/1996	9/30/1996	61 FR 51014	
75.1.302 .....	Definitions .....	2/1/1996	9/30/1996	61 FR 51014	
75.1.303 .....	Emission Limits .....	2/1/1996	9/30/1996	61 FR 51014	
75.1.401 .....	Definitions, Street Sweeping and Flushing.	2/1/1996	9/30/1996	61 FR 51014	
75.1.402 .....	Emission Limits .....	2/1/1996	9/30/1996	61 FR 51014	
75.1.501 .....	Emission Limits, Dust Control for Log Yards.	2/1/1996	9/30/1996	61 FR 51014	



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75.1.601 .....	Intent, Limiting the Application of Sanding Material.	2/1/1996	9/30/1996	61 FR 51014	
75.1.602 .....	Application Limits .....	2/1/1996	9/30/1996	61 FR 51014	
75.1.603 .....	Resolution .....	2/1/1996	9/30/1996	61 FR 51014	
75.1.701 .....	Intent, Open Burning Regulations: Management of Open Burning.	2/1/1996	9/30/1996	61 FR 51014	
75.1.702 .....	Definitions .....	2/1/1996	9/30/1996	61 FR 51014	
75.1.703 .....	Open Burning Control Areas.	2/1/1996	9/30/1996	61 FR 51014	
75.1.704 .....	Materials Prohibited ....	2/1/1996	9/30/1996	61 FR 51014	
75.1.705 .....	General Open Burning Regulations.	2/1/1996	9/30/1996	61 FR 51014	
75.1.706 .....	Minor Open Burning Source Requirements.	2/1/1996	9/30/1996	61 FR 51014	
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75.1.708 .....	Trade Waste Burning Requirements.	2/1/1996	9/30/1996	61 FR 51014	
75.1.709 .....	Licensed Landfill Requirements.	2/1/1996	9/30/1996	61 FR 51014	
75.1.710 .....	Firefighter Training .....	2/1/1996	9/30/1996	61 FR 51014	
75.1.711 .....	Special Burning Periods.	2/1/1996	9/30/1996	61 FR 51014	
75.1.712 .....	Open Burning Permit Requirements & Local Restrictions.	2/1/1996	9/30/1996	61 FR 51014	
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75.1.714 .....	Emergency Open Burning Permits.	2/1/1996	9/30/1996	61 FR 51014	
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75.1.716 .....	Commercial Film Production Open Burning Permits.	2/1/1996	9/30/1996	61 FR 51014	
75.1.717 .....	Prohibited Acts .....	2/1/1996	9/30/1996	61 FR 51014	
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1.103 .....	Authorities for program	11/17/2000	11/15/2001	66 FR 57391	
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1.105 .....	Air pollution control board.	11/17/2000	11/15/2001	66 FR 57391	
1.106 .....	Air quality staff .....	11/17/2000	11/15/2001	66 FR 57391	
1.107 .....	Air quality advisory council.	11/17/2000	11/15/2001	66 FR 57391	
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3.102 .....	Particulate matter contingency measures.	11/17/2000	11/15/2001	66 FR 57391	
3.103 .....	Carbon monoxide contingency measures.	11/17/2000	11/15/2001	66 FR 57391	

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3.104 .....	Early implementation of contingency measures.	11/17/2000	11/15/2001	66 FR 57391	
4.101 .....	Purpose .....	11/17/2000	11/15/2001	66 FR 57391	
4.102 .....	Applicability .....	11/17/2000	11/15/2001	66 FR 57391	
4.103 .....	General provisions .....	11/17/2000	11/15/2001	66 FR 57391	
4.104 .....	Air pollution control stages.	11/17/2000	11/15/2001	66 FR 57391	
4.105 .....	Emergency operations	11/17/2000	11/15/2001	66 FR 57391	
4.106 .....	Abatement plan for certain sources.	11/17/2000	11/15/2001	66 FR 57391	
4.107 .....	Enforcement procedure	11/17/2000	11/15/2001	66 FR 57391	
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4.109 .....	Stage II warning control activities.	11/17/2000	11/15/2001	66 FR 57391	
4.110 .....	Stage III emergency control activities.	11/17/2000	11/15/2001	66 FR 57391	
4.111 .....	Stage IV crisis control activities.	11/17/2000	11/15/2001	66 FR 57391	
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5.105 .....	Circumvention .....	11/17/2000	11/15/2001	66 FR 57391	
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6.107 .....	Issuance or denial of an air quality permit.	11/17/2000	11/15/2001	66 FR 57391	
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6.501 .....	Emission control requirements.	11/17/2000	11/15/2001	66 FR 57391	
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6.703 .....	Fuels .....	11/17/2000	11/15/2001	66 FR 57391	
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7.106 .....	Minor outdoor burning source requirements.	11/17/2000	11/15/2001	66 FR 57391	
7.107 .....	Major outdoor burning source requirements.	11/17/2000	11/15/2001	66 FR 57391	
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7.111 .....	Christmas tree waste outdoor burning permits.	11/17/2000	11/15/2001	66 FR 57391	
7.112 .....	Emergency outdoor burning permits.	11/17/2000	11/15/2001	66 FR 57391	
7.113 .....	Commercial film production outdoor burning permits.	11/17/2000	11/15/2001	66 FR 57391	
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8.102 .....	General requirements	11/17/2000	11/15/2001	66 FR 57391	
8.103 .....	Stationary source requirements.	11/17/2000	11/15/2001	66 FR 57391	
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8.105 .....	Agricultural exemption	11/17/2000	11/15/2001	66 FR 57391	
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8.202 .....	New roads in the air stagnation zone.	11/17/2000	11/15/2001	66 FR 57391	
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8.206 .....	Maintenance of pavement required.	11/17/2000	11/15/2001	66 FR 57391	
8.207 .....	Paving existing facilities in the air stagnation zone.	11/17/2000	11/15/2001	66 FR 57391	
8.301 .....	Deicer required .....	11/17/2000	11/15/2001	66 FR 57391	
8.302 .....	Durability requirements	11/17/2000	11/15/2001	66 FR 57391	
8.303 .....	Street sweeping requirements.	11/17/2000	11/15/2001	66 FR 57391	
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9.109 .....	Sale of new solid fuel burning devices.	11/17/2000	11/15/2001	66 FR 57391	
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9.113 .....	Special need permits ..	11/17/2000	11/15/2001	66 FR 57391	
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9.115 .....	Permit application requirements.	11/17/2000	11/15/2001	66 FR 57391	
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10.102 .....	Definitions .....	11/17/2000	11/15/2001	66 FR 57391	
10.103 .....	Oxygenated fuel required.	11/17/2000	11/15/2001	66 FR 57391	
10.104 .....	Labeling gasoline pumps.	11/17/2000	11/15/2001	66 FR 57391	

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10.105 .....	Oxygenate blending facility requirements.	11/17/2000	11/15/2001	66 FR 57391	
10.106 .....	Distributor requirements.	11/17/2000	11/15/2001	66 FR 57391	
10.107 .....	Fueling facility operator requirements.	11/17/2000	11/15/2001	66 FR 57391	
10.108 .....	Inability to produce oxygenated fuel in extraordinary circumstances.	11/17/2000	11/15/2001	66 FR 57391	
10.109 .....	Registration fees .....	11/17/2000	11/15/2001	66 FR 57391	
10.110 .....	Contingency measure	11/17/2000	11/15/2001	66 FR 57391	
10.201 .....	Regulation of sulfur in fuel.	11/17/2000	11/15/2001	66 FR 57391	
10.202 .....	Regulation of sulfur in fuel burned within the air stagnation zone.	11/17/2000	11/15/2001	66 FR 57391	
10.203 .....	Labeling requirements	11/17/2000	11/15/2001	66 FR 57391	
10.301 .....	Containers with more than 65,000 gallon capacity.	11/17/2000	11/15/2001	66 FR 57391	
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10.304 .....	Exemptions .....	11/17/2000	11/15/2001	66 FR 57391	
11.101 .....	Removal of control devices.	11/17/2000	11/15/2001	66 FR 57391	
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14.104 .....	Other remedies .....	11/17/2000	11/15/2001	66 FR 57391	
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14.106 .....	Administrative review ..	11/17/2000	11/15/2001	66 FR 57391	
14.107 .....	Control board hearings	11/17/2000	11/15/2001	66 FR 57391	
14.108 .....	Judicial review .....	11/17/2000	11/15/2001	66 FR 57391	
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15.104 .....	Solid fuel burning device penalties.	11/17/2000	11/15/2001	66 FR 57391	
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	Missoula City County Air Pollution Control Program Regulations, Table of Contents, Acronyms and Appendices, Table of Contents.				
(v) Yellowstone					
Regulation 002—Open Burning, A.	Definitions .....	9/24/1999	8/13/2001	66 FR 42427	
Regulation 002—Open Burning, B.	Incorporation by Reference.	9/24/1999	8/13/2001	66 FR 42427	

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Regulation 002—Open Burning, C.	Prohibited Open Burning—When Permit Required.	9/24/1999	8/13/2001	66 FR 42427	
Regulation 002—Open Burning, D.	Minor Open Burning Source Restriction.	9/24/1999	8/13/2001	66 FR 42427	
Regulation 002—Open Burning, E.	Major Open Burning Source Restriction.	9/24/1999	8/13/2001	66 FR 42427	
Regulation 002—Open Burning, F.	Special Burning Periods.	9/24/1999	8/13/2001	66 FR 42427	
Regulation 002—Open Burning, G.	Fire Fighter Training ...	9/24/1999	8/13/2001	66 FR 42427	
Regulation 002—Open Burning, H.	Conditional Air Quality Open Burning Permits.	6/7/2002	11/5/2003	68 FR 62529	
Regulation 002—Open Burning, I.	Emergency Open Burning Permits.	9/24/1999	8/13/2001	66 FR 42427	
Regulation 002—Open Burning, J.	Commercial Film Production Open Burning.	9/24/1999	8/13/2001	66 FR 42427	
Regulation 002—Open Burning, K.	Fees .....	9/24/1999	8/13/2001	66 FR 42427	

(d) *EPA-approved source-specific requirements.*

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<b>(1) Cascade County</b>			
1985 December 5 Stipulation and 1985 October 20 Permit for Montana Refining Company. In the matter of the Montana Refining Company, Cascade County; compliance with ARM 16.8.811, ambient air quality standard for carbon monoxide.	12/5/1985	9/7/1990	55 FR 36812
<b>(2) Deer Lodge County</b>			
1978 November 16 Order for Anaconda Copper Smelter. In the Matter of the Petition of the Department of Health and Environmental Sciences for an Order adopting a Sulfur Oxides Control Strategy for the Anaconda Copper Smelter at Anaconda, Montana, and requiring the Anaconda Company to comply with the Control Strategy.	11/16/1978	1/10/1980	45 FR 2034
<b>(3) Flathead County</b>			
Air Quality Permit #2667—M, Dated 1/24/92. Plum Creek Manufacturing, Inc Stipulation—A-1 Paving, In the Matter of Compliance of A-1 Paving, Kalispell, Montana.	1/24/1992 9/17/1993	4/14/1994 3/19/1996	59 FR 17700 61 FR 11153
Stipulation—Equity Supply Company, In the Matter of Compliance of Equity Supply Company.	9/17/1993	3/19/1996	61 FR 11153
Stipulation—Flathead Road Department #1, In the Matter of Compliance of Flathead Road Department, Kalispell, Montana.	9/17/1993	3/19/1996	61 FR 11153
Stipulation—Flathead Road Department #2, In the Matter of Compliance of Flathead Road Department, Kalispell, Montana.	9/17/1993	3/19/1996	61 FR 11153.
Stipulation—Klingler Lumber Company, In the Matter of Compliance of Klingler Lumber Company, Inc., Kalispell, Montana.	9/17/1993	3/19/1996	61 FR 11153
Stipulation—McElroy & Wilkens, In the Matter of Compliance of McElroy and Wilkens, Inc., Kalispell, Montana.	9/17/1993	3/19/1996	61 FR 11153
Stipulation—Montana Mokko, In the Matter of Compliance of Montana Mokko, Kalispell, Montana.	9/17/1993	3/19/1996	61 FR 11153
Stipulation—Pack and Company, In the Matter of Compliance of Pack and Company, Inc., Kalispell, Montana.	9/7/1993	3/19/1996	61 FR 11153
Stipulation—Pack Concrete, In the Matter of Compliance of Pack Concrete, Inc., Kalispell, Montana.	9/17/1993	3/19/1996	61 FR 11153
Stipulation—Plum Creek, In the Matter of Compliance of Plum Creek Manufacturing, L.P., Kalispell, Montana.	9/17/1993	3/19/1996	61 FR 11153
<b>(4) Lewis and Clark County</b>			
Total Suspended Particulate NAAQS—East Helena, ASARCO Application for Revisions of Montana State Air Quality Control Implementation Plan—Only as it applies to Total Suspended Particulate.	4/24/1979	1/10/1980	45 FR 2034
Sulfur Dioxide NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Asarco Stipulation—1994 March 15.	3/15/1994	1/27/1995	60 FR 5313

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Sulfur Dioxide NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Exhibit A—Asarco Emission Limitations and Conditions, Asarco Incorporated, East Helena, Montana.	3/15/1994	1/27/1995	60 FR 5313
Asarco Board Order—1994 March 18. In the Matter of the Application of the Department of Health and Environmental Sciences for Revision of the Montana State Air Quality Control Implementation Plan Relating to Control of Sulfur Dioxide Emissions from the Lead Smelter Located at East Helena, Montana, owned and operated by Asarco Incorporated.	3/18/1994	1/27/1995	60 FR 5313
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, American Chemet Stipulation—1995 June 30.	6/30/1995	6/18/2001	66 FR 32760
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, American Chemet Board Order—1995 August 4.	8/4/1995	6/18/2001	66 FR 32760
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Exhibit A—American Chemet Emissions Limitations and Conditions, American Chemet Corporation, East Helena, Montana.	6/10/2013	3/28/2018	83 FR 13196.
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Asarco Stipulation—1996 June 11.	6/11/1996	6/18/2001	66 FR 32760
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Asarco Board Order—1996 June 26.	6/26/1996	6/18/2001	66 FR 32760
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Exhibit A—Asarco Emission Limitations and Conditions with attachments 1–7, Asarco Lead Smelter, East Helena, Montana.	6/26/1996	6/18/2001	66 FR 32760
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Asarco Stipulation—1998 August 13.	8/28/1998	6/18/2001	66 FR 32760
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Asarco Board Order—1998 August 28.	8/28/1998	6/18/2001	66 FR 32760
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Asarco Stipulation—2000 July 18.	9/15/2000	6/18/2001	66 FR 32767
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Asarco Board Order—2000 September 15.	9/15/2000	6/18/2001	66 FR 32767
<b>(5) Lincoln County</b>			
Board Order—1994 December 16 (Stimson Lumber). In the Matter of Compliance of Stimson Lumber Company, Libby, Montana.	12/16/1994	9/30/1996	61 FR 51014
Air Quality Permit #2627–M Dated 7/25/91. Stimson Lumber Company (formerly Champion International Corp).	3/19/1993	8/30/1994	59 FR 44627
Stipulation—Stimson Lumber. In the Matter of Compliance of Stimson Lumber Company, Libby, Montana.	12/16/1994	9/30/1996	61 FR 51014
<b>(6) Missoula County</b>			
Air Quality Permit #2303M, Dated 3/20/92. Louisiana-Pacific Corporation .....	3/20/1992	1/18/1994	59 FR 2537
Air Quality Permit #2589M, Dated 1/23/92. Stone Container Corporation .....	1/24/1992	1/18/1994	59 FR 2537
<b>(7) Rosebud County</b>			
1980 October 22 Permit for Western Energy Company. ....	10/22/1980	4/26/1985	50 FR 16475
<b>(8) Silver Bow County</b>			
Air Quality Permit #1636–06 dated 8/22/96. Rhone-Poulenc Basic Chemicals Company.	8/22/1996	12/6/1999	64 FR 68034
Air Quality Permit #1749–05 dated 1/5/94. Montana Resources, Inc .....	1/5/1994	3/22/1995	60 FR 15056
<b>(9) Yellowstone County</b>			
Cenex June 12, 1998 Board Order and Stipulation. In the Matter of the Application of the Department of Health and Environmental Sciences for Revision of the Montana State Air Quality Control Implementation plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	6/12/1998	5/2/2002	67 FR 22168
Cenex June 12, 1998 Exhibit A (with 3/17/00 Revisions) Emission Limitations and Other Conditions.	3/17/2000	5/22/2003	68 FR 27908
Cenex March 17, 2000 Board Order and Stipulation. In the Matter of the Application of the Department of Environmental Quality for Revision of the Montana State Air Quality Control Implementation Plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	3/17/2000	5/22/2003	68 FR 27908
Conoco June 12, 1998 Board Order and Stipulation. In the Matter of the Application of the Department of Health and Environmental Sciences for Revision of the Montana State Air Quality Control Implementation plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	6/12/1998	5/2/2002	67 FR 22168
Conoco June 12, 1998 Exhibit A. Emission Limitations and Other Conditions	6/12/1998	5/2/2002	67 FR 22168

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Title/subject	State effective date	Notice of final rule date	NFR citation
Exxon June 12, 1998 Board Order and Stipulation. In the Matter of the Application of the Department of Health and Environmental Sciences for Revision of the Montana State Air Quality Control Implementation Plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	6/12/1998	5/2/2002	67 FR 22168
Exxon June 12, 1998 Exhibit A (with 3/17/00 Revisions). Emission Limitations and Other Conditions.	3/17/2000	5/22/2003	68 FR 27908
Exxon March 17, 2000 Board Order and Stipulation. In the Matter of the Application of the Department of Environmental Quality for Revision of the Montana State Air Quality Control Implementation Plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	3/17/2000	5/22/2003	68 FR 27908
Montana Power June 12, 1998 Board Order and Stipulation. In the Matter of the Application of the Department of Health and Environmental Sciences for Revision of the Montana State Air Quality Control Implementation plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	6/12/1998	5/2/2002	67 FR 22168
Montana Power June 12, 1998 Exhibit A, Emission Limitations and Conditions.	6/12/1998	5/2/2002	67 FR 22168
Montana Sulphur & Chemical Company June 12, 1998 Board Order and Stipulation. In the Matter of the Application of the Department of Health and Environmental Sciences for Revision of the Montana State Air Quality Control Implementation plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	6/12/1998	5/2/2002	67 FR 22168
Montana Sulphur & Chemical Company June 12, 1998 Exhibit A. Emission Limitations and Other Conditions.	6/12/1998	5/2/2002	67 FR 22168
Western Sugar June 12, 1998 Board Order and Stipulation. In the Matter of the Application of the Department of Health and Environmental Sciences for Revision of the Montana State Air Quality Control Implementation plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	6/12/1998	5/2/2002	67 FR 22168.
Western Sugar June 12, 1998 Exhibit A. Emission Limitations and Other Conditions.	6/12/1998	5/2/2002	67 FR 22168
Yellowstone Energy Limited Partnership June 12, 1998 Board Order and Stipulation. In the Matter of the Application of the Department of Health and Environmental Sciences for Revision of the Montana State Air Quality Control Implementation Plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	6/12/1998	5/2/2002	67 FR 22168
Yellowstone Energy Limited Partnership June 12, 1998 Exhibit A (with 3/17/00 revisions) Emission Limitations and Other Conditions.	3/17/2000	5/22/2003	68 FR 27908
Yellowstone Energy Limited Partnership March 17, 2000 Board Order and Stipulation. In the Matter of the Application of the Department of Environmental Quality for Revision of the Montana State Air Quality Control Implementation Plan Relating to Control of Sulfur Dioxide Emissions in the Billings/Laurel Area.	3/17/2000	5/22/2003	68 FR 27908

(e) *EPA-approved nonregulatory provisions.*

Title/Subject	State effective date	Notice of final rule date	NFR Citation
<b>(1) Statewide</b>			
Emergency Episode Avoidance Plan .....	6/23/2004	1/3/2006	71 FR 19.
Montana State Department of Health and Environmental Sciences, Air Quality Bureau, Sampling and Analytical Procedures, .....	12/31/1971	1/16/1986	51 FR 2397.
Nonregulatory Provisions, 40 CFR 52.1394, 1997 Ozone Infrastructure Certification .....	12/22/2009	7/22/2011	76 FR 43918.
Nonregulatory Provisions, Interstate Transport, Rule Declaration Satisfying the Requirements of 110(a)(D)(2)(i) of the CAA for 1997 8-hr Ozone and PM <sub>2.5</sub> Standards .....	2/12/2007	2/26/2008	73 FR 10150.
Infrastructure Requirements for the 1997 and 2006 PM <sub>2.5</sub> National Ambient Air Quality Standards .....	N/A	7/30/2013	78 FR 45864.
Interstate Transport of Pollution for the 2006 PM <sub>2.5</sub> NAAQS .....	N/A	7/30/2013	78 FR 45869.
Infrastructure Requirements for the 2008 Lead, 2008 8-hour Ozone, 2010 NO <sub>2</sub> , 2010 SO <sub>2</sub> , and 2012 PM <sub>2.5</sub> National Ambient Air Quality Standards .....	N/A	4/20/2016	81 FR 23186
Infrastructure Requirements, Interstate Transport of Pollution 110(a)(2)(D)(ii) for the 1997 and 2006 PM <sub>2.5</sub> NAAQS .....	N/A	4/20/2016	81 FR 23186
Montana Code Annotated 2–2–121(2)(e) and 2–2–121(8) .....	N/A	4/20/2016	81 FR 23186
<b>(2) Cascade County</b>			
Board Order—2000 October 16, Approval of Amendment for Cascade County's Air Pollution Control Program .....	10/16/2000	6/12/2001	66 FR 31548.

Title/Subject	State effective date	Notice of final rule date	NFR Citation
Great Falls Carbon Monoxide (CO)—Maintenance Plan, State of Montana Air Quality Control Implementation Plan, Cascade County Carbon Monoxide Limited Maintenance Plan, Chapter 7, Great Falls Carbon Monoxide (CO) Limited Maintenance Plan and the Associated Alternative Monitoring Strategy .....	N/A	4/1/2015	80 FR 17331
<b>(3) Flathead County</b>			
Board Order—1991 November 15. In the Matter of the Application of the Cities of Columbia Falls and Kalispell and the County of Flathead for Approval of a Local Air Pollution Control Program .....	11/15/1991	4/14/1994	59 FR 17700.
Board Order—1993 September 17. In the Matter of Compliance of Named Stationary Sources .....	9/17/1993	3/19/1996	61 FR 11153.
Board Order—1994 May 20. In the Matter of the Application of the Cities of Columbia Falls and Kalispell and the County of Flathead for Approval of a Local Air Pollution Control Program .....	5/20/1994	3/19/1996	61 FR 11153.
Kalispell Particulate Matter (PM–10) Attainment Plan, PM–10 SIP Commitment, Commitment Letter .....		3/19/1996	61 FR 11153.
Particulate Matter (PM–10)—Plan Summary, Columbia Falls Particulate Matter (PM–10) Attainment Plan.			
Particulate Matter (PM–10)—Plan Summary, Plan Summary, Kalispell Particulate Matter (PM–10) Attainment Plan.			
Resolution 867, Adopting Flathead County Air Pollution Control Program	11/15/1991	4/14/1994	59 FR 17700.
Resolution 867B, Adopting Flathead County Air Pollution Control Program .....	10/3/1991	3/19/1996	61 FR 11153.
Stipulation—1991 November 15. In the Matter of the Application of the Cities of Columbia Falls and Kalispell and the County of Flathead for Approval of Local Air Pollution Control Program .....	11/15/1991	4/14/1994	59 FR 17700.
<b>(4) Lewis and Clark County</b>			
Lead NAAQS—Plan Summary, Plan Summary, East Helena Lead Attainment Plan.			
Sulfur Dioxide NAAQS—Plan Summary, Plan Summary, East Helena Sulfur Dioxide (SO <sub>2</sub> ) Attainment Plan.			
Total Suspended Particulate NAAQS—East Helena, East Helena Section of Chapter 5 of SIP, 4–6–79 .....		1/10/1980	45 FR 2034.
<b>(5) Lincoln County</b>			
Board Orders, Board Order—1991 November 15. In the Matter of the Application of the City of Libby and County of Lincoln for Approval of its Local Air Pollution Control Program .....	11/15/1991	8/30/1994	59 FR 44627.
Board Orders, Board Order—1993 March 19. In the Matter of the Application of the City of Libby and County of Lincoln for Approval of Amendments to their Local Air Pollution Control Program .....	3/19/1993	8/30/1994	59 FR 44627.
Board Orders, Board Order—1994 December 16. In the Matter of the Application of the City of Libby and County of Lincoln for Approval of Amendments to the Local Air Pollution Control Program .....	12/16/1994	9/30/1996	61 FR 51014.
Board Orders, Board Order—1996 February 1. In the Matter of the Application of the City of Libby and County of Lincoln for Approval of Amendments to the Local Air Pollution Control Program .....	2/1/1996	9/30/1996	61 FR 51014.
Board Orders, Board Order; March 23, 2006. In the Matter of the Application of Lincoln County for Approval of Amendments to its Local Air Pollution Control Program .....	3/23/2006	3/17/2011	76 FR 14584.
Particulate Matter (PM–10)—Plan Summary, Plan Summary, Libby Particulate Matter (PM–10) Attainment Plan .....		3/17/2011	76 FR 14584.
Resolution, 276 .....	3/19/1993	8/30/1994	59 FR 44627.
Resolution, 377 .....	9/27/1995	9/30/1996	61 FR 51014.
Resolution, 725 .....	3/23/2006	3/17/2011	76 FR 14584.
State of Montana Air Quality Control Implementation Plan, Lincoln County Air Quality Control Program, Chapter 27, Libby PM–10 SIP Commitments, 27.10.18, .....	12/21/1992	8/30/1994	59 FR 44627.
Stipulation—1991 October 7. In the Matter of the Application of the City of Libby and County of Lincoln for Approval of its Local Air Pollution Control Program .....	11/15/1991	8/30/1994	59 FR 44627.
Stipulation—1993 March 18. In the Matter of the Application of the City of Libby and County of Lincoln for Approval of Amendments to their Local Air Pollution Control Program .....	3/19/1993	8/30/1994	59 FR 44627.



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Title/Subject	State effective date	Notice of final rule date	NFR Citation
<b>(6) Missoula County</b>			
Board Order—1991 June 28, In the matter of the Application of the City of Missoula and the County of Missoula for Approval of Amendments to its Local Air Pollution Control Program .....	1/24/1992	1/18/1994	59 FR 2537.
Board Orders, Board Order—1992 March 20, In the matter of the Application of the City of Missoula and the County of Missoula for Approval of Amendments to its Local Air Pollution Control Program .....	3/20/1992	1/18/1994	59 FR 2537.
Board Order—1992 September 25, In the matter of the Application of the City of Missoula and the County of Missoula for Approval of Amendments to its Local Air Pollution Control Program relating to the adoption of a Carbon Monoxide Control Plan .....	9/25/1992	11/8/1994	59 FR 55585.
Board Order—1993 November 19, In the matter of the Application of the City of Missoula and the County of Missoula for Approval of Amendments to its Local Air Pollution Control Program .....	11/19/1993	12/13/1994	59 FR 64139.
Board Order—1994 September 16, In the matter of the Application of the City of Missoula and the County of Missoula for Approval of Amendments to its Local Air Pollution Control Program .....	9/16/1994	8/30/1995	60 FR 45051.
Board Order—1997 October 31, In the matter of the Application of the City of Missoula and the County of Missoula for Approval of Amendments to its Local Air Pollution Control Program .....	10/31/1997	1/3/2000	65 FR 16.
Board Order—2000 November 30, In the matter of the Application of the City of Missoula and the County of Missoula for Approval of Amendments to its Local Air Pollution Control Program .....	11/17/2000	11/15/2001	66 FR 57391.
Missoula Carbon Monoxide (CO) Maintenance Plan, State of Montana Air Quality Control Implementation Plan, Chapter 32, The Missoula County Carbon Monoxide Redesignation Request and Maintenance Plan .....	3/7/2005	8/17/2007	72 FR 46158.
Particulate Matter (PM-10)—Plan Summary, Plan Summary, Missoula Particulate Matter (PM-10)—Attainment Plan Summary.			
Stipulations, Stipulation—1991 April 29, In the matter of the Application of the City of Missoula and the County of Missoula for Approval of Amendments to its Local Air Pollution Control Program .....	1/24/1992	1/18/1994	59 FR 2537.
<b>(7) Sanders County</b>			
Board Order, Board Order—1997 June 20, In the Matter of the Application of The Department of Environmental Quality for Inclusion of a Control Plan for PM-10 Emissions in The Thompson Falls Area Into the Montana State Implementation Plan .....	6/20/1997	1/22/2004	69 FR 3011.
Maintenance Agreement, Maintenance Agreement—1997 May, Maintenance Agreement Between The City of Thompson Falls, Department of Transportation, and Department of Environmental Quality for Street Sweeping Responsibilities .....	6/20/1997	1/22/2004	69 FR 3011.
Particulate Matter (PM-10)—Plan Summary, Plan Summary, Thompson Falls Particulate Matter (PM-10) Control Plan.			
<b>(8) Silver Bow County</b>			
Board Order—1991 November 15, In the Matter of the Application of Butte-Silver Bow Council of Commissioners for Approval of its Local Air Pollution Control Program .....	11/15/1991	3/11/1994	59 FR 11550.
Board Order—1994 May 20, In the Matter of the Application of Butte-Silver Bow Council of Commissioners for Approval of Amendments to its Local Air Pollution Control Program .....	5/20/1994	3/22/1995	60 FR 15056.
Ordinance 330, Establishing Residential Wood Burning and Idling Diesel Vehicle and Locomotive Requirements .....	11/15/1991	3/11/1994	59 FR 11550.
Ordinance 468, Contingency Measure Requirements for Liquid De-icers .....	5/20/1994	3/22/1995	60 FR 15056.
Particulate Matter (PM-10)—Plan Summary, Plan Summary, Butte Particulate Matter (PM-10) Attainment Plan.			
Resolutions, Resolution 1307, Establishing Sanding and Chip Seal Material Standards and Street Sweeping and Flushing Policies .....	3/6/1991	3/11/1994	59 FR 11550.
State of Montana Air Quality Control Implementation Plan, Butte/Silver Bow Air Quality Control Program, Chapter 47, Butte PM-10 SIP Commitments, 47.10.18 .....	7/9/1992	3/11/1994	59 FR 11550.
Stipulation—1991 October 7, In the matter of compliance of the City and County of Butte-Silver Bow and the Montana Department of Transportation .....	11/15/1991	3/11/1994	59 FR 11550.
Stipulation—1991 October 8, In the matter of the Application of Butte-Silver Bow Council of Commissioners for Approval of its Local Air Pollution Control Program .....	3/20/1992	3/11/1994	59 FR 11550.

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<b>(9) Yellowstone County</b>			
Billings Carbon Monoxide (CO)—Plan Summary, Plan Summary, Billings Carbon Monoxide (CO) Maintenance Plan.			
Billings Carbon Monoxide (CO)—Maintenance Plan, State of Montana Air Quality Control Implementation Plan, Yellowstone County Carbon Monoxide Limited Maintenance Plan, Chapter 56, Billings Carbon Monoxide (CO) Limited Maintenance Plan and the associated Alternative Monitoring Strategy .....	N/A	3/30/2015	80 FR 16571
Board Order, Board Order—1999 September 24, Approval of Amendments to Yellowstone County's Air Pollution Control Program .....	9/24/1999	8/13/2001	66 FR 42427.
Sulfur Dioxide—Board Orders, Stipulations, Exhibits and Attachments, 1977 December 1—Stipulation, In the matter of the Proposed Revision of the State Implementation Plan for the Billings Air Quality Maintenance Area .....	1/25/1978	9/6/1979	44 FR 51977.
Sulfur Dioxide—Board Orders, Stipulations, Exhibits and Attachments, 1978 January 25—Board Order, In the matter of the Proposed Revision of the Montana State Implementation Plan for the Billings Air Quality Maintenance Area .....	1/25/1978	9/6/1979	44 FR 51977.
Sulfur Dioxide—Board Orders, Stipulations, Exhibits and Attachments, Montana Power June 12, 1998 Exhibit A, Emission Limitations and Other Conditions .....	6/12/1998	5/2/2002	67 FR 22168.
Billings 2010 SO <sub>2</sub> Maintenance Plan .....	12/14/2015	5/10/2016	81 FR 28719

[80 FR 22911, Apr. 24, 2015, as amended at 80 FR 50584, Aug. 20, 2015; 81 FR 23186, Apr. 20, 2016; 81 FR 28719, May 10, 2016; 82 FR 24855, May 31, 2017; 83 FR 13198, Mar. 28, 2018]

convenience of the user, the revised text is set forth as follows:

§ 52.1370 Identification of plan.

EFFECTIVE DATE NOTE: At 83 FR 29695, June 26, 2018, § 52.1370 was amended in the table in paragraph (c) by revising table entry “17.8.818,” effective July 26, 2018. For the

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State citation	Rule title	State effective date	EPA rule final date	Final rule citation	Comments
* * *	* * *	* * *	* * *	* * *	* * *
<b>(vi) Administrative Rules of Montana, Subchapter 08, Prevention of Significant Deterioration of Air Quality</b>					
17.8.818 .....	Review of Major Stationary Sources and Major Modifications—Source Applicability and Exemptions.	8/20/2016	6/26/2018	83 FR 29694	*
* * *	* * *	* * *	* * *	* * *	* * *

§ 52.1371 Classification of regions.

The Montana Emergency Episode Avoidance Plan was revised with an

August 2, 2004 submittal by the Governor. The August 2, 2004 Emergency Episode Avoidance Plan classified the Air Quality Control Regions (AQCR) as follows:

Air quality control regions (AQCR)	Pollutant				
	Particulate matter	Sulfur oxide	Nitrogen dioxide	Carbon monoxide	Ozone
Billings Intrastate AQCR 140 .....	III	III	III	III	III
Great Falls Intrastate AQCR 141 .....	III	III	III	III	III
Helena Intrastate AQCR 142 .....	III	III	III	III	III

Air quality control regions (AQCR)	Pollutant				
	Particulate matter	Sulfur oxide	Nitrogen dioxide	Carbon monoxide	Ozone
Miles City Intrastate AQCR 143 .....	III	III	III	III	III
Missoula Intrastate AQCR 144 .....	III	III	III	III	III

[64 FR 68038, Dec. 6, 1999, as amended at 66 FR 31550, June 12, 2001; 71 FR 21, Jan. 3, 2006]

#### § 52.1372 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Montana's plans for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plans satisfy all requirements of Part D, Title I, of the Clean Air Act as amended in 1977, except as noted below.

[45 FR 2036, Jan. 10, 1980]

#### § 52.1373 Control strategy: Carbon monoxide.

(a) On July 8, 1997, the Governor of Montana submitted revisions to the SIP narrative for the Missoula carbon monoxide control plan.

(b) Revisions to the Montana State Implementation Plan, revised Carbon Monoxide Maintenance Plan for Billings, as submitted by the Governor's Designee on July 13, 2011, and the associated Alternative Monitoring Strategy for Billings, as submitted by the Governor's Designee on June 22, 2012.

(c) Revisions to the Montana State Implementation Plan, revised Carbon Monoxide Maintenance Plan for Great Falls, as submitted by the Governor's Designee on July 13, 2011, and the associated Alternative Monitoring Strategy for Great Falls, as submitted by the Governor's Designee on June 22, 2012.

(d) Revisions to the Montana State Implementation Plan, revised Carbon Monoxide Maintenance Plan for Missoula, as submitted by the Governor on September 19, 2016 (as approved by the EPA on February 1, 2018).

[64 FR 68038, Dec. 6, 1999, as amended at 67 FR 7973, Feb. 21, 2002; 67 FR 31150, May 9, 2002; 72 FR 46161, Aug. 17, 2007; 80 FR 16573, Mar. 30, 2015; 80 FR 17333, Apr. 1, 2015; 82 FR 43184, Sept. 14, 2017; 83 FR 4598, Feb. 1, 2018]

#### § 52.1374 Control strategy: Particulate matter.

(a) On July 8, 1997, the Governor of Montana submitted minor revisions to the Columbia Falls, Butte and Missoula PM-10 SIPs.

(b) *Determination*—EPA has determined that the Whitefish PM<sub>10</sub> “moderate” nonattainment area attained the PM<sub>10</sub> national ambient air quality standard by December 31, 1999. This determination is based on air quality monitoring data from 1997, 1998, and 1999. EPA has determined that the Thompson Falls PM<sub>10</sub> “moderate” nonattainment area attained the PM<sub>10</sub> national ambient air quality standard by December 31, 2000. This determination is based on air quality monitoring data from 1998, 1999, and 2000.

(c) *Determination of Attainment*. EPA has determined, July 14, 2015, based on quality-assured air monitoring data for 2007–2009 and 2012–2014 ambient air quality data, that the Libby, MT fine particulate matter (PM<sub>2.5</sub>) nonattainment area attained the 1997 annual PM<sub>2.5</sub> national ambient air quality standards (NAAQS). Therefore, EPA has met the requirement of CAA section 188(b)(2) to determine, based on the area's air quality as of the attainment date or as expeditiously as practicable, whether the area attained the 1997 annual PM<sub>2.5</sub> NAAQS. Additionally, this determination suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual PM<sub>2.5</sub> NAAQS. If EPA determines, after notice-and-comment rulemaking, that this area no longer meets the 1997 annual PM<sub>2.5</sub> NAAQS, the corresponding

## § 52.1375

determination of attainment for that area shall be withdrawn.

[64 FR 68038, Dec. 6, 1999, as amended at 66 FR 55105, Nov. 1, 2001; 80 FR 40912, July 14, 2015]

### § 52.1375 Control strategy: Lead.

Determination—EPA has determined that the East Helena Lead nonattainment area has attained the lead national ambient air quality standards through calendar year 1999. This determination is based on air quality data currently in the AIRS database (as of the date of our determination, June 18, 2001).

[66 FR 55098, Nov. 1, 2001]

### § 52.1376 Extensions.

On October 7, 1993, EPA granted the request by the State for the full three years allowed by section 172(b) of the CAA, as amended in 1990, for submittal of the SIP for the East Helena area to attain and maintain the sulfur dioxide secondary NAAQS. Therefore, the SIP for the area was due November 15, 1993. The SIP was not submitted by that date.

[61 FR 16062, Apr. 11, 1996]

### § 52.1377 [Reserved]

### § 52.1378 General requirements.

(a) The requirements of § 51.116(c) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

(b) Regulation for public availability of emission data. (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine

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whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial nonnecessary by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

[39 FR 34536, Sept. 26, 1974, as amended at 40 FR 55331, Nov. 28, 1975; 51 FR 40676, Nov. 7, 1986]

### § 52.1379 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met, since section 69–3918 of the Montana Clean Air Act could, in some circumstances prohibit the disclosure of emission data to the public. Therefore, section 69–3918 is disapproved.

[39 FR 34536, Sept. 26, 1974, as amended at 51 FR 40676, Nov. 7, 1986]

## §§ 52.1380–52.1381 [Reserved]

## § 52.1382 Prevention of significant deterioration of air quality.

(a) The Montana plan, as submitted, is approved as meeting the requirements of Part C, Subpart 1 of the Clean Air Act, except that it does not apply to sources proposing to construct on Indian Reservations.

(b) Regulation for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the Montana State implementation plan and are applicable to proposed major stationary sources or major modifications to be located on Indian Reservations.

(c)(1) Except as set forth in this paragraph, all areas of Montana are designated Class II.

(2) The Northern Cheyenne Indian Reservation is designated Class I.

(3) The Flathead Indian Reservation is designated Class I.

(4) The Fort Peck Indian Reservation is designated Class I.

[42 FR 40697, Aug. 11, 1977, as amended at 47 FR 23928, June 2, 1982; 48 FR 20233, May 5, 1983; 49 FR 4735, Feb. 8, 1984; 53 FR 48645, Dec. 2, 1988; 55 FR 19262, May 9, 1990; 55 FR 22333, June 1, 1990; 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

## § 52.1384 Emission control regulations.

(a) Administrative Rules of Montana 17.8.309(5)(b) and 17.8.310(3)(e) of the State's rule regulating fuel burning, which were submitted by the Governor on April 14, 1999 and which allow terms of a construction permit to override a requirement that has been approved as part of the SIP, are disapproved. We cannot approve these provisions into the SIP, as it would allow the State to change a SIP requirement through the issuance of a permit. Pursuant to section 110 of the Act, to change a requirement of the SIP, the State must adopt a SIP revision and obtain our approval of the revision.

(b)(1) In 40 CFR 52.1370(c)(51), we incorporated by reference several documents that comprise the East Helena Lead SIP. Sections 52.1370(c)(51)(i)(B) and (C) indicate that certain provisions of the documents that were incorporated by reference were excluded.

The excluded provisions of § 52.1370(c)(51)(i)(B) and (C) are disapproved. These provisions are disapproved because they do not entirely conform to the requirement of section 110(a)(2) of the Act that SIP limits must be enforceable, nor to the requirement of section 110(i) that the SIP can be modified only through the SIP revision process. The following phrases, words, or section in exhibit A of the stipulation between the Montana Department of Environmental Quality (MDEQ) and Asarco, adopted by order issued on June 26, 1996 by the Montana Board of Environmental Review (MBER), are disapproved:

(i) The words, "or an equivalent procedure" in the second and third sentences in section 2(A)(22) of exhibit A;

(ii) The words, "or an equivalent procedure" in the second and third sentences in section 2(A)(28) of exhibit A;

(iii) The words, "or an equivalent procedure" in the second sentence in section 5(G) of exhibit A;

(iv) The sentence, "Any revised documents are subject to review and approval by the Department as described in section 12," from section 6(E) of exhibit A;

(v) The words, "or a method approved by the Department in accordance with the Montana Source Testing Protocol and Procedures Manual shall be used to measure the volumetric flow rate at each location identified," in section 7(A)(2) of exhibit A;

(vi) The sentence, "Such a revised document shall be subject to review and approval by the Department as described in section 12," in section 11(C) of exhibit A;

(vii) The sentences, "This revised Attachment shall be subject to the review and approval procedures outlined in Section 12(B). The Baghouse Maintenance Plan shall be effective only upon full approval of the plan, as revised. This approval shall be obtained from the Department by January 6, 1997. This deadline shall be extended to the extent that the Department has exceeded the time allowed in section 12(B) for its review and approval of the revised document," in section 12(A)(7) of exhibit A; and

(viii) Section 12(B) of exhibit A.

(2) Paragraphs 15 and 16 of the stipulation by the MDEQ and Asarco adopted by order issued on June 26, 1996 by the MBER are disapproved. Paragraph 20 of the stipulation by the MDEQ and American Chemet adopted by order issued on August 4, 1995 by the MBER is disapproved.

(c) Administrative Rules of Montana 17.8.324(1)(c) and 2(d) (formerly ARM 16.8.1425(1)(c) and (2)(d)) of the State's rule regulating hydrocarbon emissions from petroleum products, which were submitted by the Governor on May 17, 1994 and later recodified with a submittal by the Governor on September 19, 1997, and which allow the discretion by the State to allow different equipment than that required by this rule, are disapproved. Such discretion cannot be allowed without requiring EPA review and approval of the alternative equipment to ensure that it is equivalent in efficiency to that equipment required in the approved SIP.

(d) In § 52.1370(c)(46), we approved portions of the Billings/Laurel Sulfur Dioxide SIP and incorporated by reference several documents. This paragraph identifies those portions of the Billings/Laurel SO<sub>2</sub> SIP that have been disapproved.

(1) In § 52.1370(c)(46)(i)(A) through (G), certain provisions of the documents incorporated by reference were excluded. The following provisions that were excluded by § 52.1370(c)(46)(i)(A) through (G) are disapproved. We cannot approve these provisions because they do not conform to the requirements of the Clean Air Act:

(i) The following paragraph and portions of sections of the stipulation and exhibit A between the Montana Department of Environmental Quality and Cenex Harvest Cooperatives adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review:

(A) Paragraph 20 of the stipulation;

(B) The following phrase from section 3(B)(2) of exhibit A: "or in the flare"; and

(C) The following phrases in section 4(D) of exhibit A: "or in the flare" and "or the flare."

(ii) Paragraph 20 of the stipulation between the Montana Department of Environmental Quality and Conoco,

Inc., adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review.

(iii) The following paragraphs and portions of sections of the stipulation and exhibit A between the Montana Department of Environmental Quality and Exxon Company, USA, adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review:

(A) Paragraphs 1 and 22 of the stipulation;

(B) The following phrase of section 3(E)(4) of exhibit A: "or in the flare"; and

(C) The following phrases of section 4(E) of exhibit A: "or in the flare" and "or the flare."

(iv) Paragraph 20 of the stipulation between the Montana Department of Environmental Quality and Montana Power Company, adopted by Board Order issued on June 12, 1998, by Montana Board of Environmental Review.

(v) The following paragraphs and sections of the stipulation and exhibit A between the Montana Department of Environmental Quality and Montana Sulphur & Chemical Company, adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review: paragraphs 1, 2 and 22 of the stipulation; sections 3(A)(1)(a) and (b), 3(A)(3), and 3(A)(4) of exhibit A.

(vi) Paragraph 20 of the stipulation between the Montana Department of Environmental Quality and Western Sugar Company, adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review.

(vii) Paragraph 20 of the stipulation between the Montana Department of Environmental Quality and Yellowstone Energy Limited Partnership, adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review.

(2) Section (3)(A)(2) of exhibit A of the stipulation between the Montana Department of Environmental Quality and Montana Sulphur & Chemical Company, adopted by Board Order issued on June 12, 1998, by the Montana Board of Environmental Review, which section

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3(A)(2) we approved for the limited purpose of strengthening the SIP, is hereby disapproved. This limited disapproval does not prevent EPA, citizens, or the State from enforcing section 3(A)(2).

(e) In 40 CFR 52.1370(c)(52), we approved portions of the Billings/Laurel Sulfur Dioxide SIP for the limited purpose of strengthening the SIP. Those provisions that we limitedly approved are hereby limitedly disapproved. This limited disapproval does not prevent EPA, citizens, or the State from enforcing the provisions. This paragraph identifies those provisions of the Billings/Laurel SO<sub>2</sub> SIP identified in 40 CFR 52.1370(c)(52) that have been limitedly disapproved.

(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)(1)(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(l)), 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 because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) [Reserved]

[52 FR 45138, Nov. 24, 1987, as amended at 82 FR 3129, Jan. 10 2017]

### § 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,

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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 base year emission inventory for Great Falls on April 23, 1997, as a revision to the SIP. The inventories address emissions from point, area, on-road mobile, and non-road sources. These 1990 base year carbon monoxide inventories satisfy the nonattainment area requirements of the Clean Air Act of section 187(a)(1) for Missoula and section 172(c)(3) for Billings and Great Falls.

(b) As part of the Thompson Falls Air Pollution Control Plan (approved at § 52.1370(c)(60)), the Governor of Montana submitted a PM-10 emission inventory for the Thompson Falls area as a SIP revision. The PM-10 emission inventory covers the time period of July 1, 1990 through June 30, 1991.

[62 FR 65616, Dec. 15, 1997, as amended at 69 FR 3012, Jan. 22, 2004]

### § 52.1392 Federal Implementation Plan for the Billings/Laurel Area.

(a) *Applicability.* This section applies to the owner(s) or operator(s), including any new owner(s) or operator(s) in the event of a change in ownership or operation, of the following facilities in the Billings/Laurel, Montana area: CHS Inc. Petroleum Refinery, Laurel Refinery, 803 Highway 212 South, Laurel, MT; ConocoPhillips Petroleum Refinery, Billings Refinery, 401 South 23rd St., Billings, MT; ExxonMobil Petroleum Refinery, 700 Exxon Road, Billings, MT; and Montana Sulphur & Chemical Company, 627 Exxon Road, Billings, MT.

(b) *Scope.* The facilities listed in paragraph (a) of this section are also subject to the Billings/Laurel SO<sub>2</sub> SIP,

as approved at 40 CFR 52.1370(c)(46) and (52). In cases where the provisions of this FIP address emissions activities differently or establish a different requirement than the provisions of the approved SIP, the provisions of this FIP take precedence.

(c) *Definitions.* For the purpose of this section, we are defining certain words or initials as described in this paragraph. Terms not defined below that are defined in the Clean Air Act or regulations implementing the Clean Air Act, shall have the meaning set forth in the Clean Air Act or such regulations.

(1) *Aliquot* means a fractional part of a sample that is an exact divisor of the whole sample.

(2) *Annual Emissions* means the amount of SO<sub>2</sub> emitted in a calendar year, expressed in pounds per year rounded to the nearest pound, where:

Annual emissions =  $\Sigma$  Daily emissions within the calendar year.

(3) *Calendar Day* means a 24-hour period starting at 12 midnight and ending at 12 midnight, 24 hours later.

(4) *Clock Hour* means a twenty-fourth ( $\frac{1}{24}$ ) of a calendar day; specifically any of the standard 60-minute periods in a day that are identified and separated on a clock by the whole numbers one (1) through 12.

(5) *Continuous Emission Monitoring System or CEMS* means all continuous concentration and volumetric flow rate monitors, associated data acquisition equipment, and all other equipment necessary to meet the requirements of this section for continuous monitoring.

(6) *Daily Emissions* means the amount of SO<sub>2</sub> emitted in a calendar day, expressed in pounds per day rounded to the nearest tenth ( $\frac{1}{10}$ ) of a pound, where:

Daily emissions =  $\Sigma$  3-hour emissions within a calendar day.

(7) *EPA* means the United States Environmental Protection Agency.

(8) *Exhibit* means for a given facility named in paragraph (a) of this section, exhibit A to the stipulation of the Montana Department of Environmental Quality and that facility,



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adopted by the Montana Board of Environmental Review on either June 12, 1998, or March 17, 2000.

(9) *1998 Exhibit* means for a given facility named in paragraph (a) of this section, the exhibit adopted by the Montana Board of Environmental Review on June 12, 1998.

(10) *2000 Exhibit* means for a given facility named in paragraph (a) of this section, the exhibit adopted by the Montana Board of Environmental Review on March 17, 2000.

(11) *Flare* means a combustion device that uses an open flame to burn combustible gases with combustion air provided by uncontrolled ambient air around the flame. This term includes both ground and elevated flares.

(12) The initials *Hg* mean mercury.

(13) *Hourly* means or refers to each clock hour in a calendar day.

(14) *Hourly Average* means an arithmetic average of all valid and complete 15-minute data blocks in a clock hour. Four (4) valid and complete 15-minute data blocks are required to determine an hourly average for each CEMS per clock hour.

Exclusive of the above definition, an hourly CEMS average may be determined with two (2) valid and complete 15-minute data blocks, for two (2) of the 24 hours in any calendar day. A complete 15-minute data block for each CEMS shall have a minimum of one (1) data point value; however, each CEMS shall be operated such that all valid data points acquired in any 15-minute block shall be used to determine the 15-minute block's reported concentration and flow rate.

(15) *Hourly Emissions* means the pounds per clock hour of SO<sub>2</sub> emissions from a source (including, but not limited to, a flare, stack, fuel oil system, sour water system, or fuel gas system) determined using hourly averages and rounded to the nearest tenth ( $\frac{1}{10}$ ) of a pound.

(16) The initials *H<sub>2</sub>S* mean hydrogen sulfide.

(17) *Integrated sampling* means an automated method of obtaining a sample from the gas stream to the flare that produces a composite sample of individual aliquots taken over time.

(18) The initials *MBER* mean the Montana Board of Environmental Review.

(19) The initials *MDEQ* mean the Montana Department of Environmental Quality.

(20) The initials *mm* mean millimeters.

(21) The initials *MSCC* mean the Montana Sulphur & Chemical Company.

(22) *Pilot gas* means the gas used to maintain the presence of a flame for ignition of gases routed to a flare.

(23) *Purge gas* means a continuous gas stream introduced into a flare header, flare stack, and/or flare tip for the purpose of maintaining a positive flow that prevents the formation of an explosive mixture due to ambient air ingress.

(24) The initials *ppm* mean parts per million.

(25) The initials *SCFH* mean standard cubic feet per hour.

(26) The initials *SCFM* mean standard cubic feet per minute.

(27) *Standard Conditions* means (a) 20 °C (293.2 °K, 527.7 °R, or 68.0 °F) and one (1) atmosphere pressure (29.92 inches Hg or 760 mm Hg) for stack and flare gas emission calculations, and (b) 15.6 °C (288.7 °K, 520.0 °R, or 60.3 °F) and one (1) atmosphere pressure (29.92 inches Hg or 760 mm Hg) for refinery fuel gas emission calculations.

(28) The initials *SO<sub>2</sub>* mean sulfur dioxide.

(29) The initials *SWS* mean sour water stripper.

(30) The term *3-hour emissions* means the amount of SO<sub>2</sub> emitted in each of the eight (8) non-overlapping 3-hour periods in a calendar day, expressed in pounds and rounded to the nearest tenth ( $\frac{1}{10}$ ) of a pound, where:

3 hour emissions =  $\Sigma$  Hourly emissions within the 3-hour period.

(31) The term *3-hour period* means any of the eight (8) non-overlapping 3-hour periods in a calendar day: Midnight to 3 a.m., 3 a.m. to 6 a.m., 6 a.m. to 9 a.m., 9 a.m. to noon, noon to 3 p.m., 3 p.m. to 6 p.m., 6 p.m. to 9 p.m., 9 p.m. to midnight.

(32) *Turnaround* means a planned activity involving shutdown and startup of one or several process units for the

purpose of performing periodic maintenance, repair, replacement of equipment, or installation of new equipment.

(33) *Valid* means data that are obtained from a monitor or meter serving as a component of a CEMS which meets the applicable specifications, operating requirements, and quality assurance and control requirements of section 6 of ConocoPhillips', CHS Inc.'s, ExxonMobil's, and MSCC's 1998 exhibits, respectively, and this section.

(d) *CHS Inc. emission limits and compliance determining methods*—(1) *Introduction*. The provisions for CHS Inc. cover the following units:

(i) The flare.

(ii) Combustion sources, which consist of those sources identified in the combustion sources emission limit in section 3(A)(1)(d) of CHS Inc.'s 1998 exhibit.

(2) *Flare requirements*—(i) *Emission limit*. The total emissions of SO<sub>2</sub> from the flare shall not exceed 150.0 pounds per 3-hour period.

(ii) *Compliance determining method*. Compliance with the emission limit in paragraph (d)(2)(i) of this section shall be determined in accordance with paragraph (h) of this section.

(3) *Combustion sources*—(i) *Restrictions*. Sour water stripper overheads (ammonia (NH<sub>3</sub>) and H<sub>2</sub>S gases removed from the sour water in the sour water stripper) shall not be burned in the main crude heater. At all times, CHS Inc. shall keep a chain and lock on the valve that supplies sour water stripper overheads from the old sour water stripper to the main crude heater and shall keep such valve closed.

(ii) *Compliance determining method*. CHS Inc. shall log and report any non-compliance with the requirements of paragraph (d)(3)(i) of this section.

(4) *Data reporting requirements*. (i) CHS Inc. shall submit quarterly reports beginning with the first calendar quarter following May 21, 2008. The quarterly reports shall be submitted within 30 days of the end of each calendar quarter. The quarterly reports shall be submitted to EPA at the following address: Air Program Contact, EPA Montana Operations Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, MT 59626.

The quarterly report shall be certified for accuracy in writing by a responsible CHS Inc. official. The quarterly report shall consist of both a comprehensive electronic-magnetic report and a written hard copy data summary report.

(ii) The electronic report shall be on magnetic or optical media, and such submittal shall follow the reporting format of electronic data being submitted to the MDEQ. EPA may modify the reporting format delineated in this section, and, thereafter, CHS Inc. shall follow the revised format. In addition to submitting the electronic quarterly reports to EPA, CHS Inc. shall also record, organize, and archive for at least five (5) years the same data, and upon request by EPA, CHS Inc. shall provide EPA with any data archived in accordance with this provision. The electronic report shall contain the following:

(A) Hourly average total sulfur concentrations as H<sub>2</sub>S or SO<sub>2</sub> in ppm in the gas stream to the flare;

(B) Hourly average H<sub>2</sub>S concentrations of the flare pilot and purge gases in ppm;

(C) Hourly average volumetric flow rates in SCFH of the gas stream to the flare;

(D) Hourly average volumetric flow rates in SCFH of the flare pilot and purge gases;

(E) Hourly average temperature (in °F) and pressure (in mm or inches of Hg) of the gas stream to the flare;

(F) Hourly emissions from the flare in pounds per clock hour; and

(G) Daily calibration data for all flare, pilot gas, and purge gas CEMS.

(iii) The quarterly written report shall contain the following information:

(A) The 3-hour emissions in pounds per 3-hour period from each flare;

(B) Periods in which only natural gas or an inert gas was used as flare pilot gas or purge gas or both;

(C) The results of all quarterly Cylinder Gas Audits (CGA), Relative Accuracy Audits (RAA), and annual Relative Accuracy Test Audits (RATA) for all total sulfur analyzer(s) and H<sub>2</sub>S analyzer(s), and the results of all annual calibrations and verifications for the

volumetric flow, temperature, and pressure monitors;

(D) For all periods of flare volumetric flow rate monitoring system or total sulfur analyzer system downtime, flare pilot gas or purge gas volumetric flow or H<sub>2</sub>S analyzer system downtime, or failure to obtain or analyze a grab or integrated sample, the written report shall identify:

(1) Dates and times of downtime or failure;

(2) Reasons for downtime or failure;

(3) Corrective actions taken to mitigate downtime or failure; and

(4) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(E) For all periods that the range of the flare or any pilot or purge gas volumetric flow rate monitor(s), any flare total sulfur analyzer(s), or any pilot or purge gas H<sub>2</sub>S analyzer(s) is exceeded, the written report shall identify:

(1) Date and time when the range of the volumetric flow monitor(s), total sulfur analyzer(s), or H<sub>2</sub>S analyzer(s) was exceeded; and

(2) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(F) For all periods that the flare volumetric flow monitor or monitors are recording flow, yet any Flare Water Seal Monitoring Device indicates there is no flow, the written report shall identify:

(1) Date, time, and duration when the flare volumetric flow monitor(s) recorded flow, yet any Flare Water Seal Monitoring Device indicated there was no flow;

(G) For each 3-hour period in which the flare emission limit is exceeded, the written report shall identify:

(1) The date, start time, and end time of the excess emissions;

(2) Total hours of operation with excess emissions, the hourly emissions, and the 3-hour emissions;

(3) All information regarding reasons for operating with excess emissions; and

(4) Corrective actions taken to mitigate excess emissions;

(H) The date and time of any non-compliance with the requirements of paragraph (d)(3)(i) of this section; and

(I) When no excess emissions have occurred or the continuous monitoring system(s) or manual system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

(e) *ConocoPhillips emission limits and compliance determining methods*—(1) *Introduction*. The provisions for ConocoPhillips cover the following units:

(i) The main flare, which consists of two flares—the north flare and the south flare—that are operated on alternating schedules. These flares are referred to herein as the north main flare and south main flare, or generically as the main flare.

(ii) The Jupiter Sulfur SRU flare, which is the flare at Jupiter Sulfur, ConocoPhillips' sulfur recovery unit.

(2) *Flare requirements*—(i) *Emission limits*. (A) Combined emissions of SO<sub>2</sub> from the main flare (which can be emitted from either the north or south main flare, but not both at the same time) shall not exceed 150.0 pounds per 3-hour period.

(B) Emissions of SO<sub>2</sub> from the Jupiter Sulfur SRU flare and the Jupiter Sulfur SRU/ATS stack (also referred to as the Jupiter Sulfur SRU stack) shall not exceed 75.0 pounds per 3-hour period, 600.0 pounds per calendar day, and 219,000 pounds per calendar year.

(ii) *Compliance determining method*. (A) Compliance with the emission limit in paragraph (e)(2)(i)(A) of this section shall be determined in accordance with paragraph (h) of this section. In the event that a single monitoring location cannot be used for both the north and south main flare, ConocoPhillips shall monitor the flow and measure the total sulfur concentration at more than one location in order to determine compliance with the main flare emission limit. ConocoPhillips shall log and report any instances when emissions are vented from the north main flare and south main flare simultaneously.

(B) Compliance with the emission limits and requirements in paragraph (e)(2)(i)(B) of this section shall be determined by summing the emissions from the Jupiter Sulfur SRU flare and

SRU/ATS stack. Emissions from the Jupiter Sulfur SRU flare shall be determined in accordance with paragraph (h) of this section and the emissions from the Jupiter Sulfur SRU/ATS stack shall be determined pursuant to ConocoPhillips' 1998 exhibit (see section 4(A) of the exhibit).

(3) *Data reporting requirements.* (i) ConocoPhillips shall submit quarterly reports on a calendar year basis, beginning with the first calendar quarter following May 21, 2008. The quarterly reports shall be submitted within 30 days of the end of each calendar quarter. The quarterly reports shall be submitted to EPA at the following address: Air Program Contact, EPA Montana Operations Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, MT 59626.

The quarterly report shall be certified for accuracy in writing by a responsible ConocoPhillips official. The quarterly report shall consist of both a comprehensive electronic-magnetic report and a written hard copy data summary report.

(ii) The electronic report shall be on magnetic or optical media, and such submittal shall follow the reporting format of electronic data being submitted to the MDEQ. EPA may modify the reporting format delineated in this section, and, thereafter, ConocoPhillips shall follow the revised format. In addition to submitting the electronic quarterly reports to EPA, ConocoPhillips shall also record, organize, and archive for at least five (5) years the same data, and upon request by EPA, ConocoPhillips shall provide EPA with any data archived in accordance with this provision. The electronic report shall contain the following:

(A) Hourly average total sulfur concentrations as H<sub>2</sub>S or SO<sub>2</sub> in ppm in the gas stream to the ConocoPhillips main flare and Jupiter Sulfur SRU flare;

(B) Hourly average H<sub>2</sub>S concentrations of the ConocoPhillips main flare and Jupiter Sulfur SRU flare pilot and purge gases in ppm;

(C) Hourly average volumetric flow rates in SCFH of the gas streams to the ConocoPhillips main flare and Jupiter Sulfur SRU flare;

(D) Hourly average volumetric flow rates in SCFH of the ConocoPhillips main flare and Jupiter Sulfur SRU flare pilot and purge gases;

(E) Hourly average temperature (in °F) and pressure (in mm or inches of Hg) of the gas streams to the ConocoPhillips main flare and Jupiter Sulfur SRU flare;

(F) Hourly emissions in pounds per clock hour from the ConocoPhillips main flare and Jupiter Sulfur SRU flare; and

(G) Daily calibration data for all flare, pilot gas, and purge gas CEMS.

(iii) The quarterly written report shall contain the following information:

(A) The 3-hour emissions in pounds per 3-hour period from the ConocoPhillips main flare and the sum of the combined 3-hour emissions from the Jupiter Sulfur SRU/ATS stack and Jupiter Sulfur SRU flare in pounds per 3-hour period;

(B) Periods in which only natural gas or an inert gas was used as flare pilot gas or purge gas or both;

(C) The results of all quarterly Cylinder Gas Audits (CGA), Relative Accuracy Audits (RAA), and annual Relative Accuracy Test Audits (RATA) for all total sulfur analyzer(s) and H<sub>2</sub>S analyzer(s), and the results of all annual calibrations and verifications for the volumetric flow, temperature, and pressure monitors;

(D) For all periods of flare volumetric flow rate monitoring system or total sulfur analyzer system downtime, flare pilot gas or purge gas volumetric flow or H<sub>2</sub>S analyzer system downtime, or failure to obtain or analyze a grab or integrated sample, the written report shall identify:

(1) Dates and times of downtime or failure;

(2) Reasons for downtime or failure;

(3) Corrective actions taken to mitigate downtime or failure; and

(4) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(E) For all periods that the range of the flare or any pilot or purge gas volumetric flow rate monitor(s), any flare total sulfur analyzer(s), or any pilot or

purge gas H<sub>2</sub>S analyzer(s) is exceeded, the written report shall identify:

(1) Date and time when the range of the volumetric flow monitor(s), total sulfur analyzer(s), or H<sub>2</sub>S analyzer(s) was exceeded, and

(2) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(F) For all periods that the flare volumetric flow monitor or monitors are recording flow, yet any Flare Water Seal Monitoring Device indicates there is no flow, the written report shall identify:

(1) Date, time, and duration when the flare volumetric flow monitor(s) recorded flow, yet any Flare Water Seal Monitoring Device indicated there was no flow;

(G) Identification of dates, times, and duration of any instances when emissions were vented from the north and south main flares simultaneously;

(H) For each 3-hour period in which a flare emission limit is exceeded, the written report shall identify:

(1) The date, start time, and end time of the excess emissions;

(2) Total hours of operation with excess emissions, the hourly emissions, and the 3-hour emissions;

(3) All information regarding reasons for operating with excess emissions; and

(4) Corrective actions taken to mitigate excess emissions; and

(I) When no excess emissions have occurred or the continuous monitoring system(s) or manual system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

(f) *ExxonMobil emission limits and compliance determining methods*—(1) *Introduction*. The provisions for ExxonMobil cover the following units:

(i) The Primary process flare and the Turnaround flare. The Primary process flare is the flare normally used by ExxonMobil. The Turnaround flare is the flare ExxonMobil uses for about 30 to 40 days every 5 to 6 years when the facility's major SO<sub>2</sub> source, the fluid catalytic cracking unit, is not normally operating.

(ii) The following refinery fuel gas combustion units: The FCC CO Boiler,

F-2 crude/vacuum heater, F-3 unit, F-3X unit, F-5 unit, F-700 unit, F-201 unit, F-202 unit, F-402 unit, F-551 unit, F-651 unit, standby boiler house (B-8 boiler), and Coker CO Boiler (only when the Yellowstone Energy Limited Partnership (YELP) facility is receiving ExxonMobil Coker unit flue gas or whenever the ExxonMobil Coker is not operating).

(iii) Coker CO Boiler stack.

(2) *Flare requirements*—(i) *Emission limit*. The total combined emissions of SO<sub>2</sub> from the Primary process and Turnaround refinery flares shall not exceed 150.0 pounds per 3-hour period.

(ii) *Compliance determining method*. Compliance with the emission limit in paragraph (f)(2)(i) of this section shall be determined in accordance with paragraph (h) of this section. If volumetric flow monitoring device(s) installed and concentration monitoring methods used to measure the gas stream to the Primary Process flare cannot measure the gas stream to the Turnaround flare, ExxonMobil may apply to EPA for alternative measures to determine the volumetric flow rate and total sulfur concentration of the gas stream to the Turnaround flare. Before EPA will approve such alternative measures, ExxonMobil must agree that the Turnaround flare will be used only during refinery turnarounds of limited duration and frequency—no more than 60 days once every five (5) years—which restriction shall be considered an enforceable part of this FIP. Such alternative measures may consist of reliable flow estimation parameters to estimate volumetric flow rate and manual sampling of the gas stream to the flare to determine total sulfur concentrations, or such other measures that EPA finds will provide accurate estimations of SO<sub>2</sub> emissions from the Turnaround flare.

(3) *Refinery fuel gas combustion requirements*—(i) *Emission limits*. The applicable emission limits are contained in section 3(A)(1) of ExxonMobil's 2000 exhibit and section 3(B)(2) of ExxonMobil's 1998 exhibit.

(ii) *Compliance determining method*. For the limits referenced in paragraph (f)(3)(i) of this section, the compliance determining methods specified in section 4(B) of ExxonMobil's 1998 exhibit

shall be followed except when the H<sub>2</sub>S concentration in the refinery fuel gas stream exceeds 1200 ppmv as measured by the H<sub>2</sub>S CEMS required by section 6(B)(3) of ExxonMobil's 1998 exhibit (the H<sub>2</sub>S CEMS.) When such value is exceeded, the following compliance monitoring method shall be employed:

(A) ExxonMobil shall measure the H<sub>2</sub>S concentration in the refinery fuel gas according to the procedures in paragraph (f)(3)(ii)(B) of this section and calculate the emissions according to the equations in paragraph (f)(3)(ii)(C) of this section.

(B) Within four (4) hours after the H<sub>2</sub>S CEMS measures an H<sub>2</sub>S concentration in the refinery fuel gas stream greater than 1200 ppmv, ExxonMobil shall initiate sampling of the refinery fuel gas stream at the fuel header on a once-per-hour frequency using length-of-stain detector tubes pursuant to ASTM Method D4810-06, "Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length-of-Stain Detector Tubes" (incorporated by reference, see paragraph (j) of this section) with the appropriate sample tube range. If the results exceed the tube's range, another tube of a higher range must be used until results are in the tube's range. ExxonMobil shall continue to use the length-of-stain detector tube method at this frequency until the H<sub>2</sub>S CEMS measures an H<sub>2</sub>S concentration in the refinery fuel gas stream equal to or less than 1200 ppmv continuously over a 3-hour period.

(C) When the length-of-stain detector tube method is required, SO<sub>2</sub> emissions from refinery fuel gas combustion shall be calculated as follows: the Hourly emissions shall be calculated using equation 1, 3-hour emissions shall be calculated using equation 2, and the Daily emissions shall be calculated using equation 3.

Equation 1:  $E_H = K * C_H * Q_H$

Where:

$E_H$  = Refinery fuel gas combustion hourly emissions in pounds per hour, rounded to the nearest tenth of a pound;

$K = 1.688 \times 10^{-7}$  in (pounds/standard cubic feet (SCF))/parts per million (ppm);

$C_H$  = Hourly refinery fuel gas H<sub>2</sub>S concentration in ppm determined by the length-of-stain detector tube method as required

by paragraph (f)(3)(ii)(B) of this section; and

$Q_H$  = actual fuel gas firing rate in standard cubic feet per hour (SCFH), as measured by the monitor required by section 6(B)(8) of ExxonMobil's 1998 exhibit.

Equation 2: (Refinery fuel gas combustion 3-hour emissions) =  $\Sigma$  (Hourly emissions within the 3-hour period as determined by equation 1).

Equation 3: (Refinery fuel gas combustion daily emissions) =  $\Sigma$  (3-hour emissions within the day as determined by equation 2).

(4) *Coker CO Boiler stack requirements*—(i) *Emission limits*. When ExxonMobil's Coker unit is operating and Coker unit flue gases are burned in the Coker CO Boiler, the applicable emission limits are contained in section 3(B)(1) of ExxonMobil's 2000 exhibit.

(ii) *Compliance determining method*. (A) Compliance with the emission limits referenced in paragraph (f)(4)(i) of this section shall be determined by measuring the SO<sub>2</sub> concentration and flow rate in the Coker CO Boiler stack according to the procedures in paragraphs (f)(4)(ii)(B) and (C) of this section and calculating emissions according to the equations in paragraph (f)(4)(ii)(D) of this section.

(B) Beginning on May 21, 2008, ExxonMobil shall operate and maintain a CEMS to measure sulfur dioxide concentrations in the Coker CO Boiler stack. Whenever ExxonMobil's Coker unit is operating and Coker unit flue gases are exhausted through the Coker CO Boiler stack, the CEMS shall be operational and shall achieve a temporal sampling resolution of at least one (1) concentration measurement per minute, meet the requirements expressed in the definition of "hourly average" in paragraph (c)(14) of this section, and meet the CEMS Performance Specifications contained in section 6(C) of ExxonMobil's 1998 exhibit, except that ExxonMobil shall perform a Cylinder Gas Audit (CGA) or Relative Accuracy Audit (RAA) which meets the requirements of 40 CFR part 60, Appendix F, within eight (8) hours of when the Coker unit flue gases begin exhausting through the Coker CO Boiler stack. ExxonMobil shall perform an annual Relative Accuracy Test Audit

(RATA) on the CEMS and notify EPA in writing of each annual RATA a minimum of 25 working days prior to actual testing.

(C) Beginning on May 21, 2008, ExxonMobil shall operate and maintain a continuous stack flow rate monitor to measure the stack gas flow rates in the Coker CO Boiler stack. Whenever ExxonMobil's Coker unit is operating and Coker unit flue gases are exhausted through the Coker CO Boiler stack, this CEMS shall be operational and shall achieve a temporal sampling resolution of at least one (1) flow rate measurement per minute, meet the requirements expressed in the definition of 'hourly average' in paragraph (c)(14) of this section, and meet the Stack Gas Flow Rate Monitor Performance Specifications of section 6(D) of ExxonMobil's 1998 exhibit, except that ExxonMobil shall perform an annual Relative Accuracy Test Audit (RATA) on the CEMS and notify EPA in writing of each annual RATA a minimum of 25 working days prior to actual testing.

(D) SO<sub>2</sub> emissions from the Coker CO Boiler stack shall be determined in accordance with the equations in sections 2(A)(1), (8), (11)(a), and (16) of ExxonMobil's 1998 exhibit.

(5) *Data reporting requirements.* (i) ExxonMobil shall submit quarterly reports beginning with the first calendar quarter following May 21, 2008. The quarterly reports shall be submitted within 30 days of the end of each calendar quarter. The quarterly reports shall be submitted to EPA at the following address: Air Program Contact, EPA Montana Operations Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, MT 59626.

The quarterly report shall be certified for accuracy in writing by a responsible ExxonMobil official. The quarterly report shall consist of both a comprehensive electronic-magnetic report and a written hard copy data summary report.

(ii) The electronic report shall be on magnetic or optical media, and such submittal shall follow the reporting format of electronic data being submitted to the MDEQ. EPA may modify the reporting format delineated in this section, and, thereafter, ExxonMobil

shall follow the revised format. In addition to submitting the electronic quarterly reports to EPA, ExxonMobil shall also record, organize, and archive for at least five (5) years the same data, and upon request by EPA, ExxonMobil shall provide EPA with any data archived in accordance with this provision. The electronic report shall contain the following:

(A) Hourly average total sulfur concentrations as H<sub>2</sub>S or SO<sub>2</sub> in ppm in the gas stream to the flare(s);

(B) Hourly average H<sub>2</sub>S concentrations of the flare pilot and purge gases in ppm;

(C) Hourly average SO<sub>2</sub> concentrations in ppm from the Coker CO Boiler stack;

(D) Hourly average volumetric flow rates in SCFH of the flare pilot and purge gases;

(E) Hourly average volumetric flow rates in SCFH in the gas stream to the flare(s) and in the Coker CO Boiler stack;

(F) Hourly average H<sub>2</sub>S concentrations in ppm from the refinery fuel gas system;

(G) Hourly average refinery fuel gas combustion units' actual fuel firing rate in SCFH;

(H) Hourly average temperature (in °F) and pressure (in mm or inches of Hg) of the gas stream to the flare(s);

(I) Hourly emissions in pounds per clock hour from the flare(s), Coker CO Boiler stack, and refinery fuel gas combustion system; and

(J) Daily calibration data for the CEMS described in paragraphs (f)(2)(ii), (f)(3)(ii) and (f)(4)(ii) of this section.

(iii) The quarterly written report shall contain the following information:

(A) The 3-hour emissions in pounds per 3-hour period from the flare(s), Coker CO Boiler stack, and refinery fuel gas combustion system;

(B) Periods in which only natural gas or an inert gas was used as flare pilot gas or purge gas or both;

(C) Daily emissions in pounds per calendar day from the Coker CO Boiler stack and refinery fuel gas combustion system;

(D) The results of all quarterly or other Cylinder Gas Audits (CGA), Relative Accuracy Audits (RAA), and annual Relative Accuracy Test Audits (RATA) for the CEMS described in paragraphs (f)(2)(ii) (flare total sulfur analyzer(s)), (f)(3)(ii), and (f)(4)(ii) of this section, and the results of all annual calibrations and verifications for the volumetric flow, temperature, and pressure monitors;

(E) For all periods of flare volumetric flow rate monitoring system or total sulfur analyzer system downtime, Coker CO Boiler stack CEMS downtime, refinery fuel gas combustion system CEMS downtime, flare pilot gas or purge gas volumetric flow or H<sub>2</sub>S analyzer system downtime, or failure to obtain or analyze a grab or integrated sample, the written report shall identify:

(1) Dates and times of downtime or failure;

(2) Reasons for downtime or failure;

(3) Corrective actions taken to mitigate downtime or failure; and

(4) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(F) For all periods that the range of the flare or any pilot or purge gas volumetric flow rate monitor(s), any flare total sulfur analyzer(s), or any pilot or purge gas H<sub>2</sub>S analyzer(s) is exceeded, the written report shall identify:

(1) Date and time when the range of the volumetric flow monitor(s), total sulfur analyzer(s), or H<sub>2</sub>S analyzer(s) was exceeded, and

(2) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(G) For all periods that the range of the refinery fuel gas CEMS is exceeded, the written report shall identify:

(1) Date, time, and duration when the range of the refinery fuel gas CEMS was exceeded;

(H) For all periods that the flare volumetric flow monitor or monitors are recording flow, yet any Flare Water Seal Monitoring Device indicates there is no flow, the written report shall identify:

(1) Date, time, and duration when the flare volumetric flow monitor(s) recorded flow, yet any Flare Water Seal Monitoring Device indicated there was no flow;

(I) For each 3-hour period and calendar day in which the flare emission limits, the Coker CO Boiler stack emission limits, or the fuel gas combustion system emission limits are exceeded, the written report shall identify:

(1) The date, start time, and end time of the excess emissions;

(2) Total hours of operation with excess emissions, the hourly emissions, the 3-hour emissions, and the daily emissions;

(3) All information regarding reasons for operating with excess emissions; and

(4) Corrective actions taken to mitigate excess emissions; and

(J) When no excess emissions have occurred or the continuous monitoring system(s) or manual system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

(g) *Montana Sulphur & Chemical Company (MSCC) emission limits and compliance determining methods*—(1) *Introduction*. The provisions for MSCC cover the following units:

(i) The flares, which consist of the 80-foot west flare, 125-foot east flare, and 100-meter flare.

(ii) The SRU 100-meter stack.

(iii) The auxiliary vent stacks and the units that can exhaust through the auxiliary vent stacks, which consist of the Railroad Boiler, the H-1 Unit, the H1-A unit, the H1-1 unit and the H1-2 unit.

(iv) The SRU 30-meter stack and the units that can exhaust through the SRU 30-meter stack. The units that can exhaust through the SRU 30-meter stack are identified in section 3(A)(2)(d) and (e) of MSCC's 1998 exhibit.

(2) *Flare requirements*—(i) *Emission limit*. Total combined emissions of SO<sub>2</sub> from the 80-foot west flare, 125-foot east flare, and 100-meter flare shall not exceed 150.0 pounds per 3-hour period.

(ii) *Compliance determining method*. Compliance with the emission limit in paragraph (g)(2)(i) of this section shall



be determined in accordance with paragraph (h) of this section. In the event MSCC cannot monitor all three flares from a single location, MSCC shall establish multiple monitoring locations.

(3) *SRU 100-meter stack requirements*—

(i) *Emission limits.* Emissions of SO<sub>2</sub> from the SRU 100-meter stack shall not exceed:

(A) 2,981.7 pounds per 3-hour period;

(B) 23,853.6 pounds per calendar day; and

(C) 9,088,000 pounds per calendar year.

(ii) *Compliance determining method.* (A) Compliance with the emission limits contained in paragraph (g)(3)(i) of this section shall be determined by the CEMS and emission testing methods required by sections 6(B)(1) and (2) and section 5, respectively, of MSCC's 1998 exhibit.

(B) MSCC shall notify EPA in writing of each annual source test a minimum of 25 working days prior to actual testing.

(C) The CEMS referenced in paragraph (g)(3)(ii)(A) of this section shall achieve a temporal sampling resolution of at least one (1) concentration and flow rate measurement per minute, meet the requirements expressed in the definition of "hourly average" in paragraph (c)(14) of this section, and meet the "CEM Performance Specifications" in sections 6(C) and (D) of MSCC's 1998 exhibit, except that MSCC shall also notify EPA in writing of each annual Relative Accuracy Test Audit at least 25 working days prior to actual testing.

(4) *Auxiliary vent stacks*—(i) *Emission limits.* (A) Total combined emissions of SO<sub>2</sub> from the auxiliary vent stacks shall not exceed 12.0 pounds per 3-hour period;

(B) Total combined emissions of SO<sub>2</sub> from the auxiliary vent stacks shall not exceed 96.0 pounds per calendar day;

(C) Total combined emissions of SO<sub>2</sub> from the auxiliary vent stacks shall not exceed 35,040 pounds per calendar year; and

(D) The H<sub>2</sub>S concentration in the fuel burned in the Railroad Boiler, the H-1 Unit, the H1-A unit, the H1-1 unit, and the H1-2 unit, while any of these units is exhausting to the auxiliary vent stacks, shall not exceed 160 ppm per 3-

hour period and 100 ppm per calendar day.

(ii) *Compliance determining method.* (A) Compliance with the emission limits in paragraph (g)(4)(i) of this section shall be determined by measuring the H<sub>2</sub>S concentration of the fuel burned in the Railroad Boiler, the H-1 Unit, the H1-A unit, the H1-1 unit, and the H1-2 unit (when fuel other than natural gas is burned in one or more of these units) according to the procedures in paragraph (g)(4)(ii)(C) of this section.

(B) Beginning June 20, 2008, MSCC shall maintain logs of:

(1) The dates and time periods that emissions are exhausted through the auxiliary vent stacks,

(2) The heaters and boilers that are exhausting to the auxiliary vent stacks during such time periods, and

(3) The type of fuel burned in the heaters and boilers during such time periods.

(C) Beginning June 20, 2008, MSCC shall measure the H<sub>2</sub>S content of the fuel burned when fuel other than natural gas is burned in a heater or boiler that is exhausting to an auxiliary vent stack. MSCC shall begin measuring the H<sub>2</sub>S content of the fuel at the fuel header within one (1) hour from when a heater or boiler begins exhausting to an auxiliary vent stack and on a once-per-3-hour period frequency until no heater or boiler is exhausting to an auxiliary vent stack. To determine the H<sub>2</sub>S content of the fuel burned, MSCC shall use length-of-stain detector tubes pursuant to ASTM Method D4810-06, "Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length-of-Stain Detector Tubes" (incorporated by reference, see paragraph (j) of this section) with the appropriate sample tube range. If the results exceed the tube's range, another tube of a higher range must be used until results are in the tube's range.

(5) *SRU 30-meter stack*—(i) *Emission limits.* (A) Emissions of SO<sub>2</sub> from the SRU 30-meter stack shall not exceed 12.0 pounds per 3-hour period;

(B) Emissions of SO<sub>2</sub> from the SRU 30-meter stack shall not exceed 96.0 pounds per calendar day;

(C) Emissions of SO<sub>2</sub> from the SRU 30-meter stack shall not exceed 35,040 pounds per calendar year; and

(D) The H<sub>2</sub>S concentration in the fuel burned in the heaters and boilers described in paragraph (g)(1)(iv) of this section, while any of these units is exhausting to the SRU 30-meter stack, shall not exceed 160 ppm per 3-hour period and 100 ppm per calendar day.

(ii) *Compliance determining method.* (A) Compliance with the emission limits in paragraph (g)(5)(i) of this section shall be determined by measuring the H<sub>2</sub>S concentration of the fuel burned in the heaters and boilers described in paragraph (g)(1)(iv) of this section (when fuel other than natural gas is burned in one or more of these heaters or boilers) according to the procedures in paragraph (g)(5)(ii)(C) of this section.

(B) Beginning June 20, 2008, MSCC shall maintain logs of:

(1) The dates and time periods that emissions are exhausted through the SRU 30-meter stack,

(2) The heaters and boilers that are exhausting to the SRU 30-meter stack during such time periods, and

(3) The type of fuel burned in the heaters and boilers during such time periods.

(C) Beginning June 20, 2008, MSCC shall measure the H<sub>2</sub>S content of the fuel burned when fuel other than natural gas is burned in a heater or boiler that is exhausting to the SRU 30-meter stack. MSCC shall begin measuring the H<sub>2</sub>S content of the fuel at the fuel header within one (1) hour from when any heater or boiler begins exhausting to the SRU 30-meter stack and on a once-per-3-hour period frequency until no heater or boiler is exhausting to the SRU 30-meter stack. To determine the H<sub>2</sub>S content of the fuel burned, MSCC shall use length-of-stain detector tubes pursuant to ASTM Method D4810-06, “Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length-of-Stain Detector Tubes” (incorporated by reference, see paragraph (j) of this section) with the appropriate sample tube range. If the results exceed the tube’s range, another tube of a higher range must be used until results are in the tube’s range.

(6) Data reporting requirements:

(i) MSCC shall submit quarterly reports beginning with the first calendar quarter following May 21, 2008. The quarterly reports shall be submitted

within 30 days of the end of each calendar quarter. The quarterly reports shall be submitted to EPA at the following address: Air Program Contact, EPA Montana Operations Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, MT 59626.

The quarterly report shall be certified for accuracy in writing by a responsible MSCC official. The quarterly report shall consist of both a comprehensive electronic-magnetic report and a written hard copy data summary report.

(ii) The electronic report shall be on magnetic or optical media, and such submittal shall follow the reporting format of electronic data being submitted to the MDEQ. EPA may modify the reporting format delineated in this section, and, thereafter, MSCC shall follow the revised format. In addition to submitting the electronic quarterly reports to EPA, MSCC shall also record, organize, and archive for at least five (5) years the same data, and upon request by EPA, MSCC shall provide EPA with any data archived in accordance with this provision. The electronic report shall contain the following:

(A) Hourly average total sulfur concentrations as H<sub>2</sub>S or SO<sub>2</sub> in ppm, in the gas stream to the flare(s);

(B) Hourly average H<sub>2</sub>S concentrations of the flare pilot and purge gases in ppm;

(C) Hourly average SO<sub>2</sub> concentrations in ppm from the SRU 100-meter stack;

(D) Hourly average volumetric flow rates in SCFH in the gas stream to the flare(s) and in the SRU 100-meter stack;

(E) Hourly average volumetric flow rates in SCFH of the flare pilot and purge gases;

(F) Hourly average temperature (in °F) and pressure (in mm or inches of Hg) in the gas stream to the flare(s);

(G) Hourly emissions in pounds per clock hour from the flare(s) and SRU 100-meter stack;

(H) Daily calibration data for all flare CEMS, all pilot gas and purge gas CEMS, and the SRU 100-meter stack CEMS;

(iii) The quarterly written report shall contain the following information:

(A) The 3-hour emissions in pounds per 3-hour period from the flare(s) and SRU 100-meter stack, and 3-hour H<sub>2</sub>S concentrations in the fuel burned in the heaters and boilers described in paragraphs (g)(1)(iii) and (iv) of this section while any of these units is exhausting to the SRU 30-meter stack or auxiliary vent stacks and burning fuel other than natural gas;

(B) Periods in which only natural gas or an inert gas was used as flare pilot gas or purge gas or both;

(C) Daily emissions in pounds per calendar day from the SRU 100-meter stack;

(D) Annual emissions of SO<sub>2</sub> in pounds per calendar year from the SRU 100-meter stack;

(E) The results of all quarterly Cylinder Gas Audits (CGA), Relative Accuracy Audits (RAA) and annual Relative Accuracy Test Audits (RATA) for all total sulfur analyzer(s), all H<sub>2</sub>S analyzer(s), and the SRU 100-meter stack CEMS, and the results of all annual calibrations and verifications for the volumetric flow, temperature, and pressure monitors;

(F) For all periods of flare volumetric flow rate monitoring system or total sulfur analyzer system downtime, SRU 100-meter CEMS downtime, flare pilot gas or purge gas volumetric flow or H<sub>2</sub>S analyzer system downtime, failure to obtain or analyze a grab or integrated sample, or failure to obtain an H<sub>2</sub>S concentration sample as required by paragraphs (g)(4)(ii)(C) and (g)(5)(ii)(C) of this section, the written report shall identify:

(1) Dates and times of downtime or failure;

(2) Reasons for downtime or failure;

(3) Corrective actions taken to mitigate downtime or failure; and

(4) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(G) For all periods that the range of the flare or any pilot or purge gas volumetric flow rate monitor(s), any flare total sulfur analyzer(s), or any pilot or purge gas H<sub>2</sub>S analyzer(s), is exceeded, the written report shall identify:

(1) Date and time when the range of the volumetric flow monitor(s), total sulfur analyzer(s), or H<sub>2</sub>S analyzer(s) was exceeded; and

(2) The other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, used to determine flare emissions;

(H) For all periods that the flare volumetric flow monitor or monitors are recording flow, yet any Flare Water Seal Monitoring Device indicates there is no flow, the written report shall identify:

(1) Date, time, and duration when the flare volumetric flow monitor(s) recorded flow, yet any Flare Water Seal Monitoring Device indicated there was no flow;

(I) For each 3-hour period and calendar day in which the flare emission limit, the SRU 100-meter stack emission limits, the SRU 30-meter stack emission limits, or auxiliary vent stack emission limits are exceeded, the written report shall identify:

(1) The date, start time, and end time of the excess emissions;

(2) Total hours of operation with excess emissions, the hourly emissions, the 3-hour emissions, and the daily emissions;

(3) All information regarding reasons for operating with excess emissions; and

(4) Corrective actions taken to mitigate excess emissions;

(J) For instances in which emissions are exhausted through the auxiliary vent stacks or 30-meter stack, the quarterly written report shall identify:

(1) The dates and time periods that emissions were exhausted through the auxiliary vent stacks or the 30-meter stack;

(2) The heaters and boilers that were exhausting to the auxiliary vent stacks or 30-meter stack during such time periods; and

(3) The type of fuel burned in the heaters and boilers during such time periods; and

(K) When no excess emissions have occurred or the continuous monitoring system(s) or manual system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

(h) *Flare compliance determining method.* (1) Compliance with the emission limits in paragraphs (d)(2)(i), (e)(2)(i), (f)(2)(i) and (g)(2)(i) of this section shall be determined by measuring the total sulfur concentration and volumetric flow rate of the gas stream to the flare(s) (corrected to one (1) atmosphere pressure and 68 °F) and using the methods contained in the flare monitoring plan required by paragraph (h)(5) of this section. The volumetric flow rate of the gas stream to the flare(s) shall be determined in accordance with the requirements in paragraph (h)(2) of this section and the total sulfur concentration of the gas stream to the flare(s) shall be determined in accordance with paragraph (h)(3) of this section.

(2) *Flare flow monitoring:* (i) Within 365 days after receiving EPA approval of the flare monitoring plan required by paragraph (h)(5) of this section, each facility named in paragraph (a) of this section shall install and calibrate, and, thereafter, calibrate, maintain and operate, a continuous flow monitoring system capable of measuring the volumetric flow of the gas stream to the flare(s) in accordance with the specifications contained in paragraphs (h)(2)(iii) through (vi) of this section. The flow monitoring system shall require more than one flow monitoring device or flow measurements at more than one location if one monitor cannot measure the total volumetric flow to each flare.

(ii) Volumetric flow monitors meeting the proposed volumetric flow monitoring specifications below should be able to measure the majority of volumetric flow in the gas streams to the flare. However, in rare events (e.g., upset conditions) the flow to the flare may exceed the range of the monitor. In such cases, or when the volumetric flow monitor or monitors are not working, other methods approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section shall be used to determine the volumetric flow rate to the flare, which shall then be used to calculate SO<sub>2</sub> emissions. In quarterly reports, sources shall indicate when these other methods are used.

(iii) The flare gas stream volumetric flow rate shall be measured on an actual wet basis, converted to Standard Conditions, and reported in SCFH. The minimum detectable velocity of the flow monitoring device(s) shall be 0.1 feet per second (fps). The flow monitoring device(s) shall continuously measure the range of flow rates corresponding to velocities from 0.5 to 275 fps and have a manufacturer's specified accuracy of ±5% of the measured flow over the range of 1.0 to 275 fps and ±20% of the measured flow over the range of 0.1 to 1.0 fps. The volumetric flow monitor(s) shall feature automated daily calibrations at low and high ranges. The volumetric flow monitor(s) shall be calibrated annually according to manufacturer's specifications.

(iv) For correcting flow rate to standard conditions (defined as 68 °F and 760 mm, or 29.92 inches, of Hg), temperature and pressure shall be monitored continuously. Temperature and pressure shall be monitored in the same location as volumetric flow, and the temperature and pressure monitors shall be calibrated prior to installation according to manufacturer's specifications and, thereafter, annually to meet accuracy specifications as follows: The temperature monitor shall be calibrated to within ±2.0% at absolute temperature and the pressure monitor shall be calibrated to within ±5.0 mmHg;

(v) The flow monitoring device(s) shall be calibrated prior to installation to demonstrate accuracy of the measured flow to within 5.0% at flow rates equivalent to 30%, 60%, and 90% of monitor full scale.

(vi) Each volumetric flow device shall achieve a temporal sampling resolution of at least one (1) flow rate measurement per minute, meet the requirements expressed in the definition of "hourly average" in paragraph (c)(14) of this section, and be installed in a manner and at a location that will allow for accurate measurements of the total volume of the gas stream going to each flare. Each temperature and pressure monitoring device shall achieve a temporal sampling resolution of at least one (1) measurement per minute, meet the requirements expressed in the

definition of "hourly average" in paragraph (c)(14) of this section, and be installed in a manner that will allow for accurate measurements.

(vii) In addition to the continuous flow monitors, facilities may use flare water seal monitoring devices to determine whether there is flow going to the flare. If used, owners or operators shall install, calibrate, operate, and maintain these devices according to manufacturer's specifications. The devices shall include a continuous monitoring system that:

(A) Monitors the status of the water seal to indicate when flow is going to the flare;

(B) Automatically records the time and duration when flow is going to the flare; and

(C) Verifies that the physical seal has been restored after flow has been sent to the flare.

If the water seal monitoring devices indicate that there is no flow going to the flare, yet the continuous flow monitor is indicating flow, the presumption will be that no flow is going to the flare.

(viii) Each facility named in paragraph (a) of this section, that does not certify that only natural gas or an inert gas is used for both the pilot gas and purge gas, shall determine the volumetric flow of each pilot gas and purge gas stream for which natural gas or inert gas is not used by one of the following methods:

(A) Measure the volumetric flow of the gas using continuous flow monitoring devices on an actual wet basis, converted to Standard Conditions, and reported in SCFH. Each flow monitoring device shall achieve a temporal sampling resolution of at least one (1) flow rate measurement per minute, meet the requirements expressed in the definition of "hourly average" in paragraph (c)(14) of this section, and be installed in a manner and at a location that will allow for accurate measurements of the total volume of the gas. Gas flow rate monitor accuracy determinations shall be required at least once every 48 months or more frequently at routine refinery turnaround. In cases when the flow monitoring device or devices are not working or the range of the monitoring de-

vice(s) is exceeded, other methods approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section shall be used to determine volumetric flow of the gas which shall then be used to calculate SO<sub>2</sub> emissions. In quarterly reports, sources shall indicate when other methods are used; or

(B) Use parameters and methods approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section to calculate the volumetric flows of the gas, in SCFH.

(3) *Flare concentration monitoring:* (i) Within 365 days after receiving EPA approval of the flare monitoring plan required by paragraph (h)(5) of this section, each facility named in paragraph (a) of this section shall determine the total sulfur concentration of the gas stream to the flare(s) using either continuous total sulfur analyzers or grab or integrated sampling with lab analysis, as described in the following paragraphs:

(A) Continuous total sulfur concentration monitoring. If a facility chooses to use continuous total sulfur concentration monitoring, the following requirements apply:

(1) The facility shall install and calibrate, and, thereafter, calibrate, maintain and operate, a continuous total sulfur concentration monitoring system capable of measuring the total sulfur concentration of the gas stream to each flare. Continuous monitoring shall occur at a location or locations that are representative of the gas combusted in the flare and be capable of measuring the normally expected range of total sulfur in the gas stream to the flare. The concentration monitoring system shall require more than one concentration monitoring device or concentration measurements at more than one location if one monitor cannot measure the total sulfur concentration to each flare. Total sulfur concentration shall be reported as H<sub>2</sub>S or SO<sub>2</sub> in ppm. In cases when the total sulfur analyzer or analyzers are not working or the concentration of the total sulfur exceeds the range of the analyzer(s), other methods, approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section, shall be used to determine total

sulfur concentrations, which shall then be used to calculate SO<sub>2</sub> emissions. In quarterly reports, sources shall indicate when these other methods are used.

(2) The total sulfur analyzer(s) shall achieve a temporal sampling resolution of at least one (1) concentration measurement per 15 minutes, meet the requirements expressed in the definition of “hourly average” in paragraph (c)(14) of this section, be installed, certified (on a concentration basis), and operated in accordance with 40 CFR part 60, Appendix B, Performance Specification 5, and be subject to and meet the quality assurance and quality control requirements (on a concentration basis) of 40 CFR part 60, Appendix F.

(3) Each affected facility named in paragraph (a) of this section shall notify the Air Program Contact at EPA’s Montana Operations Office, Federal Building, 10 West 15th Street, Suite 3200, Helena, MT 59626, in writing of each Relative Accuracy Test Audit a minimum of 25 working days prior to the actual testing.

(B) Grab or integrated total sulfur concentration monitoring: If a facility chooses grab or integrated sampling instead of continuous total sulfur concentration monitoring, the facility shall comply with the methods specified in either paragraph (h)(3)(i)(B)(1) (“Grab Sampling”) or (h)(3)(i)(B)(2) (“Integrated Sampling”), and the requirements of paragraphs (h)(3)(i)(B)(3) (“Sample Analysis”), (h)(3)(i)(B)(4) (“Exemptions”), and (h)(3)(i)(B)(5) (“Missing or Unanalyzed Sample”) of this section, as follows:

(1) *Grab Sampling.* Each facility that chooses to use grab sampling shall meet the following requirements: if the flow rate of the gas stream to the flare in any consecutive 15-minute period continuously exceeds 0.5 feet per second (fps) and the water seal monitoring device, if any, indicates that flow is going to the flare, a grab sample shall be collected within 15 minutes. The grab sample shall be collected at a location that is representative of the gas combusted in the flare. Thereafter, the sampling frequency shall be one (1) grab sample every three (3) hours, which shall continue until the velocity of the gas stream going to the flare in

any consecutive 15-minute period is continuously 0.5 fps or less. Samples shall be analyzed according to paragraph (h)(3)(i)(B)(3) of this section. The requirements of this paragraph (h)(3)(i)(B)(1) shall apply to each flare at a facility for which the sampling threshold is exceeded.

(2) *Integrated Sampling.* Each facility that chooses to use integrated sampling shall meet the following requirements: if the flow rate of the gas stream to the flare in any consecutive 15-minute period continuously exceeds 0.5 feet per second (fps) and the water seal monitoring device, if any, indicates that flow is going to the flare, a sample shall be collected within 15 minutes. The sample shall be collected at a location that is representative of the gas combusted in the flare. The sampling frequency, thereafter, shall be a minimum of one (1) aliquot for each 15-minute period until the sample container is full, or until the end of a 3-hour period is reached, whichever comes sooner. Within 30 minutes thereafter, a new sample container shall be placed in service, and sampling on this frequency, and in this manner, shall continue until the velocity of the gas stream going to the flare in any consecutive 15-minute period is continuously 0.5 fps or less. Samples shall be analyzed according to paragraph (h)(3)(i)(B)(3) of this section. The requirements of this paragraph (h)(3)(i)(B)(2) shall apply to each flare at a facility for which the sampling threshold is exceeded.

(3) Samples shall be analyzed using ASTM Method D4468–85 (Reapproved 2000) “Standard Test Method for Total Sulfur in Gaseous Fuels by Hydrogenolysis and Rateometric Colorimetry,” (incorporated by reference, see paragraph (j) of this section) ASTM Method D5504–01 (Reapproved 2006) “Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Chemiluminescence,” (incorporated by reference, see paragraph (j) of this section) or 40 CFR part 60, Appendix A–5, Method 15A “Determination of Total Reduced Sulfur Emissions From the Sulfur Recovery Plants in Petroleum Refineries.” Total

sulfur concentration shall be reported as H<sub>2</sub>S or SO<sub>2</sub> in ppm.

(4) *Exemptions.* For facilities using a sampling method specified in either paragraph (h)(3)(i)(B)(1) (“Grab Sampling”) or (h)(3)(i)(B)(2) (“Integrated Sampling”) of this section, obtaining a sample is not required if flaring is a result of a catastrophic or other unusual event, including a major fire or an explosion at the facility, such that collecting a sample at the EPA-approved location during the relevant period is infeasible or constitutes a safety hazard, provided that the owner or operator shall collect a sample at an alternative location if feasible, safe, and representative of the flaring event. The owner or operator shall demonstrate to EPA that it was infeasible or unsafe to collect a sample or to collect a sample at the sampling location approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section. The owner or operator shall also demonstrate to EPA that any sample collected at an alternative location is representative of the flaring incident. If a facility experiences ongoing difficulties collecting grab or integrated samples in accordance with its flare monitoring plan approved by EPA pursuant to paragraph (h)(5) of this section, EPA may require the facility to revise its flare monitoring plan and use continuous total sulfur concentration monitoring as described in paragraph (h)(3)(i)(A) of this section or other reliable method to determine total sulfur concentrations of the gas stream to the flare.

(5) *Missing or Unanalyzed Samples.* For facilities using a sampling method specified in either paragraph (h)(3)(i)(B)(1) (“Grab Sampling”) or (h)(3)(i)(B)(2) (“Integrated Sampling”) of this section, if a required sample is not obtained or analyzed for any reason, other methods approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section shall be used to determine total sulfur concentrations, which shall then be used to calculate SO<sub>2</sub> emissions. In quarterly reports, sources shall indicate when these other methods are used.

(6) *Reporting.* For facilities using a sampling method specified in either paragraph (h)(3)(i)(B)(1) (“Grab Sam-

pling”) or (h)(3)(i)(B)(2) (“Integrated Sampling”) of this section, since normally only one (1) sample per flare will be analyzed for a 3-hour period, the total sulfur concentration of a sample obtained during a given 3-hour period shall be substituted for each hour of such 3-hour period. If integrated sampling for a flare produces more than one (1) sample container during a 3-hour period, and the gas in each container is analyzed separately, the concentrations for the containers shall be averaged. For that flare, the resulting average shall be substituted for each hour of the 3-hour period during which the sampling occurred. The substituted hourly total sulfur concentrations determined per this paragraph shall be used to determine hourly emissions from the flare.

(ii) Each facility named in paragraph (a) of this section that does not certify that only natural gas or an inert gas is used for both the pilot gas and purge gas shall determine the H<sub>2</sub>S concentration of each pilot gas and purge gas stream for which natural gas or inert gas is not used by one of the following methods:

(A) Measure the H<sub>2</sub>S concentration of the gas by continuous H<sub>2</sub>S analyzer. The H<sub>2</sub>S concentration analyzer(s) shall achieve a temporal sampling resolution of at least one (1) concentration measurement per three (3) minutes, meet the requirements expressed in the definition of “hourly average” in paragraph (c)(14) of this section, be installed, certified (on a concentration basis), and operated in accordance with 40 CFR part 60, Appendix B, Performance Specification 2, and be subject to and meet the quality assurance and quality control requirements (on a concentration basis) of 40 CFR part 60, Appendix F. In cases where the H<sub>2</sub>S analyzer or analyzers are not working or the H<sub>2</sub>S concentration exceeds the range of the analyzer(s), other methods approved by EPA in the flare monitoring plan required by paragraph (h)(5) of this section shall be used to determine the H<sub>2</sub>S concentration of the gas, which shall then be used to calculate SO<sub>2</sub> emissions. In quarterly reports, sources shall indicate when other methods are used; or

(B) Use methods approved by EPA as part of the facility's flare monitoring plan required by paragraph (h)(5) of this section to estimate the H<sub>2</sub>S concentration of the gas.

(4) *Calculation of SO<sub>2</sub> emissions from flares.* Methods for calculating hourly and 3-hour SO<sub>2</sub> emissions from flares shall be submitted to EPA as part of the flare monitoring plan required by paragraph (h)(5) of this section. Following approval by EPA, such methods shall be followed for calculating hourly and 3-hour SO<sub>2</sub> emissions from a facility's flare(s).

(5) By October 20, 2008, each facility named in paragraph (a) of this section shall submit a flare monitoring plan. Each flare monitoring plan shall include, at a minimum, the following:

(i) A facility plot plan showing the location of each flare in relation to the general plant layout;

(ii) Drawing(s) with dimensions, preferably to scale, and an as-built process flow diagram of the flare(s) identifying major components, such as flare header, flare stack, flare tip(s) or burner(s), purge gas system, pilot gas system, water seal, knockout drum, and molecular seal;

(iii) A representative flow diagram showing the interconnections of the flare system(s) with vapor recovery system(s), process units, and other equipment as applicable;

(iv) A complete description of the gas flaring process for an integrated gas flaring system that describes the method of operation of the flares;

(v) A complete description of the vapor recovery system(s) which have interconnection to a flare, such as compressor description(s); design capacities of each compressor and the vapor recovery system; and the method currently used to determine and record the amount of vapors recovered;

(vi) A complete description of the proposed method to monitor, determine, and record the total volume and total sulfur concentration of gases combusted in the flare, including drawing(s) with dimensions, preferably to scale, showing the following information for the proposed flare gas stream monitoring systems:

(A) The locations to be used for all monitoring and sampling, including,

but not limited to: Flare flow monitors, total sulfur analyzers, concentration integrated sampling, concentration grab sampling, water seal monitoring devices, pilot and purge gas flow monitors, and pilot and purge gas concentration monitors;

(vii) A description of the method(s) used to determine, and reasoning behind, all monitoring and sampling locations;

(viii) The following information regarding pilot gas and purge gas for each flare:

(A) Type(s) of gas used;

(B) A complete description of the monitor(s) to be used, or the other parameters that will be used and monitored, to determine volumetric flows of the pilot gas and purge gas streams for which natural gas or inert gas is not used; and

(C) A complete description of the analyzer(s) to be used to determine, or other methods that will be used to estimate, the H<sub>2</sub>S concentrations in the pilot gas and purge gas streams for which natural gas or inert gas is not used;

(ix) A detailed description of manufacturer's specifications, including, but not limited to, make, model, type, range, precision, accuracy, calibration, maintenance, quality assurance procedure, and any other relevant specifications and information referenced in paragraphs (h)(2) and (3) of this section for all existing and proposed flow monitoring devices and total sulfur analyzers;

(x) The following information if grab or integrated sampling is used:

(A) A complete description of proposed analytical and sampling methods if grab or integrated sampling methods will be used for determining the total sulfur concentration of the gas stream going to the flare;

(B) A detailed description of manufacturer's specifications, including, but not limited to, make, model, type, maintenance, and quality assurance procedures for the integrated sampling device, if used; and

(C) A complete description of the proposed method to alert personnel designated to collect samples that the trigger for collecting a sample has occurred;



(xi) A complete description of the methods to be used to estimate flare emissions when any flare, pilot gas, or purge gas volumetric flow monitoring devices, total sulfur analyzers, or grab or integrated sampling methods, or pilot gas or purge gas H<sub>2</sub>S analyzers are not working or available, or the operating range of the monitors or analyzers is exceeded;

(xii) A complete description of the proposed data recording, collection, and management system and any other relevant specifications and information referenced in paragraphs (h)(2) and (3) of this section for each flare monitoring system;

(xiii) The following information for each flare using a water seal monitoring device:

(A) A detailed description of manufacturer's specifications, including, but not limited to, make, model, type, maintenance, and quality assurance procedures;

(B) A complete description of the proposed methods to determine that the water seal is no longer intact and flow is going to the flare, and the data used to establish, and reasoning behind, these methods;

(xiv) A schedule for the installation and operation of each flare monitoring system consistent with the deadline in paragraphs (h)(2) and (h)(3) of this section; and

(xv) A complete description of the methods to be used for calculating hourly and 3-hour SO<sub>2</sub> emissions from flares.

(6) Thirty (30) days prior to installing any continuous monitor or integrated sampler pursuant to paragraphs (h)(2) and (3) of this section, each facility named in paragraph (a) of this section shall submit for EPA review a quality assurance/quality control (QA/QC) plan for each monitor or sampler being installed.

(i) *Affirmative defense provisions for exceedances of flare emission limits during malfunctions, startups, and shutdowns.*

(1) In response to an action to enforce the emission limits in paragraphs (d)(2)(i), (e)(2)(i), (f)(2)(i), and (g)(2)(i) of this section, owners and/or operators of the facilities named in paragraph (a) of this section may assert an affirmative defense to a claim for civil penalties

for exceedances of such limits during periods of malfunction, startup, or shutdown. To establish the affirmative defense and to be relieved of a civil penalty in any action to enforce such a limit, the owner or operator of the facility must meet the notification requirements of paragraph (i)(2) of this section in a timely manner and prove by a preponderance of evidence that:

(i) For claims of malfunction:

(A) The excess emissions were caused by a sudden, unavoidable breakdown of equipment, or a sudden, unavoidable failure of a process to operate in the normal or usual manner, beyond the control of the owner or operator;

(B) The excess emissions:

(1) Did not stem from any activity or event that could have been foreseen and avoided, or planned for; and

(2) Could not have been avoided by better operation and maintenance practices;

(C) Repairs were made as expeditiously as possible when the applicable emission limitations were being exceeded. Off-shift and overtime labor were used, to the extent practicable;

(D) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions;

(ii) For claims of startup or shutdown:

(A) All or a portion of the facility was in startup or shutdown mode, resulting in the need to route gases to the flare;

(B) The periods of excess emissions that occurred during startup and shutdown were short and infrequent and could not have been prevented through careful planning and design or better operation and maintenance practices; and

(C) The frequency and duration of operation in startup or shutdown mode were minimized to the maximum extent practicable;

(iii) For claims of malfunction, startup, or shutdown:

(A) If the excess emissions resulted from a bypass of control equipment or a process, then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) All possible steps were taken to minimize the impact of the excess emissions on ambient air quality;

(C) All emissions monitoring systems were kept in operation if at all possible;

(D) The owner or operator's actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs;

(E) The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;

(F) At all times, the facility was operated in a manner consistent with good practices for minimizing emissions; and

(G) During the period of excess emissions, there were no exceedances of the SO<sub>2</sub> NAAQS that could be attributed to the emitting source.

(2) *Notification.* The owner or operator of the facility experiencing an exceedance of its flare emission limit(s) during startup, shutdown, or malfunction shall notify EPA verbally as soon as possible, but no later than noon of EPA's next working day, and shall submit written notification to EPA within 30 days of the initial occurrence of the exceedance. The written notification shall explain whether and how the elements set forth in paragraph (i)(1) of this section were met, and include all supporting documentation.

(3) *Injunctive relief.* The Affirmative Defense Provisions contained in paragraph (i)(1) of this section shall not be available to claims for injunctive relief.

(j) *Incorporation by reference.* (1) The materials listed in this paragraph are incorporated by reference in the corresponding paragraphs noted. These incorporations by reference are approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. These materials are incorporated as they exist on the date of the approval, and notice of any change in these materials will be published in the FEDERAL REGISTER. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the National Archives and Records Administration (NARA) and at the Air Program, EPA, Region 8,

1595 Wynkoop Street, Denver, CO. For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(2) The following materials are available for purchase from the following address: American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959, [www.astm.org](http://www.astm.org), or by calling (610) 832-9585.

(i) ASTM Method D4468-85 (Re-approved 2000), Standard Test Method for Total Sulfur in Gaseous Fuels by Hydrogenolysis and Rateometric Colorimetry, IBR approved for paragraph (h)(3)(i)(B)(3) of this section.

(ii) ASTM Method D4810-06, Standard Test Method for Hydrogen Sulfide in Natural Gas Using Length-of-Stain Detector Tubes, IBR approved for paragraphs (f)(3)(ii)(B), (g)(4)(ii)(C), and (g)(5)(ii)(C) of this section.

(ii) ASTM Method D5504-01 (Re-approved 2006), Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography IBR approved for paragraph (h)(3)(i)(B)(3) of this section.

[73 FR 21454, Apr. 21, 2008]

**§ 52.1393 Interstate transport requirements.**

(a) The State of Montana added the Interstate Transport Rule Declaration to the State SIP, State of Montana Air Quality Control Implementation Plan, Volume I, Chapter 9, to satisfy the requirements of Clean Air Act Section 110(a)(2)(D)(i) for the 8-hour ozone and PM<sub>2.5</sub> NAAQS promulgated in July 1997. The Montana Interstate Transport Rule Declaration, adopted and effective on the same date of February 12, 2007, was submitted to EPA on April 16, 2007. The April 16, 2007 Governor's letter included as an attachment a set of dated replacement pages for the Montana Interstate Transport Rule Declaration. The new set of pages were sent as replacement for the set of undated pages submitted earlier with the February 12, 2007 Record of Adoption package. In a May 10, 2007 e-mail to Domenico

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Mastrangelo, EPA, Debra Wolfe, of the Montana Department of Environmental Quality, confirmed February 12, 2007 as the adoption/effective date for the Montana Interstate Transport Rule Declaration.

(b) On February 10, 2010, Montana Governor Brian Schweitzer submitted a letter certifying, in part, that Montana's SIP is adequate to meet the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the 2006 PM<sub>2.5</sub> NAAQS.

(c) EPA is approving both elements of CAA section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS, which was submitted to EPA on January 3, 2013.

[73 FR 10154, Feb. 26, 2008, as amended at 78 FR 45871, July 30, 2013; 81 FR 7708, Feb. 16, 2016]

### § 52.1394 Section 110(a)(2) infrastructure requirements.

(a) On December 22, 2009, David L. Klemp, Bureau Chief, Air Resources Management Bureau, of the Montana Department of Environmental Quality submitted a certification letter which provides the State of Montana's SIP provisions which meet the requirements of CAA Section 110(a)(1) and (2) relevant to the 1997 Ozone NAAQS.

(b) On February 10, 2010, Brian Schweitzer, Governor, State of Montana, submitted a certification letter which provides the State of Montana's SIP provisions which meet the requirements of CAA section 110(a)(1) and (2), elements (A), (B), (C) with respect to the requirement to have a minor NSR program that addresses PM<sub>2.5</sub>; (E)(i), (E)(iii), (F), (G), (H), (J) with respect to the requirements of sections 121 and 127, (K), (L), and (M).

[76 FR 43923, July 22, 2011, as amended at 78 FR 45866, July 30, 2013]

### § 52.1395 Smoke management plan.

The Department considers smoke management techniques for agriculture and forestry management burning purposes as set forth in 40 CFR 51.308(d)(3)(v)(E). The Department considers the visibility impact of smoke when developing, issuing, or conditioning permits and when making dispersion forecast recommendations through the implementation of Title

17, Chapter 8, subchapter 6, ARM, Open Burning.

[77 FR 57915, Sept. 18, 2012]

### § 52.1396 Federal implementation plan for regional haze.

(a) *Applicability.* This section applies to each owner and operator of the following coal-fired electric generating units (EGUs) in the State of Montana: PPL Montana, LLC, Colstrip Power Plant, Units 1, 2; and PPL Montana, LLC, JE Corette Steam Electric Station. This section also applies to each owner and operator of cement kilns at the following cement production plants: Ash Grove Cement, Montana City Plant; and Oldcastle Materials Cement Holdings, Inc., Trident Plant. This section also applies to each owner and operator of CFAC and M2 Green Redevelopment LLC, Missoula site.

NOTE TO PARAGRAPH (a): On June 9, 2015, the NO<sub>x</sub> and SO<sub>2</sub> emission limits for Colstrip Units 1 and 2 and Corette were vacated by court order.

(b) *Definitions.* Terms not defined below shall have the meaning given them in the Clean Air Act or EPA's regulations implementing the Clean Air Act. For purposes of this section:

*Boiler operating day* means a 24-hour period between 12 midnight and the following midnight during which any fuel is combusted at any time in the EGU. It is not necessary for fuel to be combusted for the entire 24-hour period.

*Continuous emission monitoring system or CEMS* means the equipment required by this section to sample, analyze, measure, and provide, by means of readings recorded at least once every 15 minutes (using an automated data acquisition and handling system (DAHS)), a permanent record of SO<sub>2</sub> or NO<sub>x</sub> emissions, other pollutant emissions, diluent, or stack gas volumetric flow rate.

*Kiln operating day* means a 24-hour period between 12 midnight and the following midnight during which the kiln operates.

NO<sub>x</sub> means nitrogen oxides.

*Owner/operator* means any person who owns or who operates, controls, or supervises an EGU identified in paragraph (a) of this section.

*PM* means filterable total particulate matter.

SO<sub>2</sub> means sulfur dioxide.

*Unit* means any of the EGUs or cement kilns identified in paragraph (a) of this section.

(c) *Emissions limitations.* (1) The owners/operators of EGUs subject to this

section shall not emit or cause to be emitted PM, SO<sub>2</sub> or NO<sub>x</sub> in excess of the following limitations, in pounds per million British thermal units (lb/MMBtu), averaged over a rolling 30-day period for SO<sub>2</sub> and NO<sub>x</sub>:

Source name	PM emission limit (lb/MMBtu)	SO <sub>2</sub> emission limit (lb/MMBtu)	NO <sub>x</sub> emission limit (lb/MMBtu)
Colstrip Unit 1 .....	0.10	0.08	0.15
Colstrip Unit 2 .....	0.10	0.08	0.15
JE Corette Unit 1 .....	0.26	0.57	0.35

(2) The owners/operators of cement kilns subject to this section shall not emit or cause to be emitted PM, SO<sub>2</sub> or NO<sub>x</sub> in excess of the following limita-

tions, in pounds per ton of clinker produced, averaged over a rolling 30-day period for SO<sub>2</sub> and NO<sub>x</sub>:

Source name	PM emission limit	SO <sub>2</sub> emission limit (lb/ton clinker)	NO <sub>x</sub> emission limit (lb/ton clinker)
Ash Grove, Montana City .....	If the process weight rate of the kiln is less than or equal to 30 tons per hour, then the emission limit shall be calculated using $E = 4.10p^{0.67}$ where E = rate of emission in pounds per hour and p = process weight rate in tons per hour; however, if the process weight rate of the kiln is greater than 30 tons per hour, then the emission limit shall be calculated using $E = 55.0p^{0.11} - 40$ , where E = rate of emission in pounds per hour and P = process weight rate in tons per hour..	11.5	8.0
Oldcastle, Trident .....	0.77 lb/ton clinker .....	1.3	7.6

(3) [Reserved]

(4) These emission limitations shall apply at all times, including startups, shutdowns, emergencies, and malfunctions.

(d) *Compliance date.* The owners and operators of the BART sources subject to this section shall comply with the emission limitations and other requirements of this section as follows, unless otherwise indicated in specific paragraphs: Compliance with PM emission limits is required by November 17, 2012. Compliance with SO<sub>2</sub> and NO<sub>x</sub> emission limits is required by April 16, 2013, unless installation of additional emission controls is necessary to comply with emission limitations under this rule, in which case compliance is required by October 18, 2017.

NOTE TO PARAGRAPH (d): On June 9, 2015, the NO<sub>x</sub> and SO<sub>2</sub> emission limits, and thereby compliance dates, for Colstrip Units 1 and 2 and Corette were vacated by court order.

(e) *Compliance determinations for SO<sub>2</sub> and NO<sub>x</sub>—(1) CEMS for EGUs.* At all times after the compliance date speci-

fied in paragraph (d) of this section, the owner/operator of each unit shall maintain, calibrate, and operate a CEMS, in full compliance with the requirements found at 40 CFR part 75, to accurately measure SO<sub>2</sub>, NO<sub>x</sub>, diluent, and stack gas volumetric flow rate from each unit. The CEMS shall be used by the owner/operator to determine compliance with the emission limitations in paragraph (c) of this section for each unit.

(2) *Method for EGUs.* (i) For any hour in which fuel is combusted in a unit, the owner/operator of each unit shall calculate the hourly average SO<sub>2</sub> and NO<sub>x</sub> concentration in lb/MMBtu at the CEMS in accordance with the requirements of 40 CFR part 75. At the end of each boiler operating day, the owner/operator shall calculate and record a new 30-day rolling average emission rate in lb/MMBtu from the arithmetic average of all valid hourly emission rates from the CEMS for the current boiler operating day and the previous 29 successive boiler operating days.

(ii) An hourly average SO<sub>2</sub> or NO<sub>x</sub> emission rate in lb/MMBtu is valid only if the minimum number of data points, as specified in 40 CFR part 75, is acquired by the owner/operator for both the pollutant concentration monitor (SO<sub>2</sub> or NO<sub>x</sub>) and the diluent monitor (O<sub>2</sub> or CO<sub>2</sub>).

(iii) Data reported by the owner/operator to meet the requirements of this section shall not include data substituted using the missing data substitution procedures of subpart D of 40 CFR part 75, nor shall the data have been bias adjusted according to the procedures of 40 CFR part 75.

(3) *CEMS for cement kilns.* At all times after the compliance date specified in paragraph (d) of this section, the owner/operator of each unit shall maintain, calibrate, and operate a CEMS, in full compliance with the requirements found at 40 CFR 60.63(f) and (g), to accurately measure concentration by volume of SO<sub>2</sub> and NO<sub>x</sub> emissions into the atmosphere from each unit. The CEMS shall be used by the owner/operator to determine compliance with the emission limitations in paragraph (c) of this

section for each unit, in combination with data on actual clinker production. The owner/operator must operate the monitoring system and collect data at all required intervals at all times the affected unit is operating, except for periods of monitoring system malfunctions, repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments).

(4) *Method for cement kilns.* (i) The owner/operator of each unit shall record the daily clinker production rates.

(ii) The owner/operator of each unit shall calculate and record the 30-operating day rolling emission rates of SO<sub>2</sub> and NO<sub>x</sub>, in lb/ton of clinker produced, as the total of all hourly emissions data for the cement kiln in the preceding 30 days, divided by the total tons of clinker produced in that kiln during the same 30-day operating period, using the following equation:

$$E_D = k \frac{1}{(n)} \sum_{i=1}^n C_i Q_i / P_i$$

Where:

E<sub>D</sub> = 30 kiln operating day average emission rate of NO<sub>x</sub> or SO<sub>2</sub>, lb/ton of clinker;

C<sub>i</sub> = Concentration of NO<sub>x</sub> or SO<sub>2</sub> for hour i, ppm;

Q<sub>i</sub> = volumetric flow rate of effluent gas for hour i, where

C<sub>i</sub> and Q<sub>i</sub> are on the same basis (either wet or dry), scf/hr;

P<sub>i</sub> = total kiln clinker produced during production hour i, ton/hr;

k = conversion factor, 1.194 × 10<sup>-7</sup> for NO<sub>x</sub> and 1.660 × 10<sup>-7</sup> for SO<sub>2</sub>; and

n = number of kiln operating hours over 30 kiln operating days, n = 1 to 720.

For each kiln operating hour for which the owner/operator does not have at least one valid 15-minute CEMS data value, the owner/operator must use the average emissions rate (lb/hr) from the most recent previous hour for which valid data are available. Hourly clinker production shall be de-

termined by the owner/operator in accordance with the requirements found at 40 CFR 60.63(b).

(iii) At the end of each kiln operating day, the owner/operator of each unit shall calculate and record a new 30-day rolling average emission rate in lb/ton clinker from the arithmetic average of all valid hourly emission rates for the current kiln operating day and the previous 29 successive kiln operating days.

(f) *Compliance determinations for particulate matter—(1) EGU particulate matter BART emission limits.* Compliance with the particulate matter BART emission limits for each EGU BART unit shall be determined by the owner/operator from annual performance stack tests. Within 60 days of the compliance deadline specified in paragraph (d) of this section, and on at least an

annual basis thereafter, the owner/operator of each unit shall conduct a stack test on each unit to measure the particulate emissions using EPA Method 5, 5B, 5D, or 17, as appropriate, in 40 CFR part 60, appendix A. A test shall consist of three runs, with each run at least 120 minutes in duration and each run collecting a minimum sample of 60 dry standard cubic feet. Results shall be reported by the owner/operator in lb/MMBtu. The results from a stack test meeting the requirements of this paragraph (f)(1) that was completed within 12 months prior to the compliance deadline can be used in lieu of the first stack test required. If this option is chosen, then the next annual stack test shall be due no more than 12 months after the stack test that was used. In addition to annual stack tests, owner/operator shall monitor particulate emissions for compliance with the BART emission limits in accordance with the applicable Compliance Assurance Monitoring (CAM) plan developed and approved in accordance with 40 CFR part 64.

(2) *Cement kiln particulate matter BART emission limits.* Compliance with the particulate matter BART emission limits for each cement kiln shall be determined by the owner/operator from annual performance stack tests. Within 60 days of the compliance deadline specified in paragraph (d) of this section, and on at least an annual basis thereafter, the owner/operator of each unit shall conduct a stack test on each unit to measure particulate matter emissions using EPA Method 5, 5B, 5D, or 17, as appropriate, in 40 CFR part 60, appendix A. A test shall consist of three runs, with each run at least 120 minutes in duration and each run collecting a minimum sample of 60 dry standard cubic feet. The average of the results of three test runs shall be used by the owner/operator for demonstrating compliance. The results from a stack test meeting the requirements of this paragraph (f)(2) that was completed within 12 months prior to the compliance deadline can be used in lieu of the first stack test required. If this option is chosen, then the next annual stack test shall be due no more than 12 months after the stack test that was used. Clinker production shall

be determined in accordance with the requirements found at 40 CFR 60.63(b). Results of each test shall be reported by the owner/operator as the average of three valid test runs. In addition to annual stack tests, owner/operator shall monitor particulate emissions for compliance with the BART emission limits in accordance with the applicable Compliance Assurance Monitoring (CAM) plan developed and approved in accordance with 40 CFR part 64.

(i) For Ash Grove Cement, the emission rate of particulate matter shall be computed by the owner/operator for each run in pounds per hour (lb/hr).

(ii) For Trident, the emission rate (E) of particulate matter shall be computed by the owner/operator for each run in lb/ton clinker, using the following equation:

$$E = (C_s Q_s) / PK$$

Where:

E = emission rate of PM, lb/ton of clinker produced;

C<sub>s</sub> = concentration of PM in grains per standard cubic foot (gr/scf);

Q<sub>s</sub> = volumetric flow rate of effluent gas, where C<sub>s</sub> and Q<sub>s</sub> are on the same basis (either wet or dry), scf/hr;

P = total kiln clinker production, tons/hr; and

K = conversion factor, 7,000 gr/lb.

(g) *Recordkeeping for EGUs.* The owner/operator shall maintain the following records for at least five years:

(1) All CEMS data, including the date, place, and time of sampling or measurement; parameters sampled or measured; and results.

(2) Records of quality assurance and quality control activities for emissions measuring systems including, but not limited to, any records required by 40 CFR Part 75.

(3) Records of all major maintenance activities conducted on emission units, air pollution control equipment, and CEMS.

(4) Any other records required by 40 CFR part 75.

(5) All particulate matter stack test results.

(h) *Recordkeeping for cement kilns.* The owner/operator shall maintain the following records for at least five years:

(1) All CEMS data, including the date, place, and time of sampling or

measurement; parameters sampled or measured; and results.

(2) All particulate matter stack test results.

(3) All records of clinker production.

(4) Records of quality assurance and quality control activities for emissions measuring systems including, but not limited to, any records required by 40 CFR part 60, appendix F, Procedure 1.

(5) Records of all major maintenance activities conducted on emission units, air pollution control equipment, CEMS and clinker production measurement devices.

(6) Any other records required by 40 CFR part 60, Subpart F, or 40 CFR part 60, Appendix F, Procedure 1.

(i) *Reporting.* All reports under this section, with the exception of 40 CFR 52.1396(n) and (o), shall be submitted by the owner/operator to the Director, Office of Enforcement, Compliance and Environmental Justice, U.S. Environmental Protection Agency, Region 8, Mail Code 8ENF-AT, 1595 Wynkoop Street, Denver, Colorado 80202-1129.

(1) The owner/operator of each unit shall submit excess emissions reports for SO<sub>2</sub> and NO<sub>x</sub> BART limits. Reports shall be submitted quarterly by the owner/operator for EGUs and semi-annually for cement kilns, no later than the 30th day following the end of each calendar quarter or semiannual period, respectively. Excess emissions means emissions that exceed the emissions limits specified in paragraph (c) of this section. The reports shall include the magnitude, date(s), and duration of each period of excess emissions, specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the unit, the nature and cause of any malfunction (if known), and the corrective action taken or preventative measures adopted.

(2) The owner/operator of each unit shall submit CEMS performance reports, to include dates and duration of each period during which the CEMS was inoperative (except for zero and span adjustments and calibration checks), reason(s) why the CEMS was inoperative and steps taken to prevent recurrence, and any CEMS repairs or adjustments. The owner/operator shall

submit reports quarterly for EGUs and semiannually for cement kilns.

(i) *For EGUs:* The owner/operator of each unit shall also submit results of any CEMS performance tests required by 40 CFR part 75 (Relative Accuracy Test Audits, Relative Accuracy Audits, and Cylinder Gas Audits).

(ii) *For cement kilns:* Owner/operator of each unit shall also submit results of any CEMS performance tests required by 40 CFR part 60, appendix F, Procedure 1 (Relative Accuracy Test Audits, Relative Accuracy Audits, and Cylinder Gas Audits).

(3) When no excess emissions have occurred or the CEMS has not been inoperative, repaired, or adjusted during the reporting period, the owner/operator shall state such information in the quarterly reports required by sections (h)(1) and (2) of this section.

(4) The owner/operator of each unit shall submit results of any particulate matter stack tests conducted for demonstrating compliance with the particulate matter BART limits in paragraph (c) of this section within 60 days after the completion of the test.

(5) The owner/operator of each unit shall submit semi-annual reports of any excursions under the approved CAM plan in accordance with the schedule specified in the source's title V permit.

(j)-(k) [Reserved]

(1) *Notifications.* (1) The owner/operator shall submit notification of commencement of construction of any equipment which is being constructed to comply with the SO<sub>2</sub> or NO<sub>x</sub> emission limits in paragraph (c) of this section.

(2) The owner/operator shall submit semi-annual progress reports on construction of any such equipment.

(3) The owner/operator shall submit notification of initial startup of any such equipment.

(m) *Equipment operation.* At all times, the owner/operator shall maintain each unit, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions.

(n) *Credible evidence.* Nothing in this section shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to

whether a source would have been in compliance with requirements of this section if the appropriate performance or compliance test procedures or method had been performed.

(o) *CFAC notification.* CFAC shall notify EPA 60 days in advance of resuming operation. CFAC shall submit such notice to the Director, Air Program, U.S. Environmental Protection Agency, Region 8, Mail Code 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129. Once CFAC notifies EPA that it intends to resume operation, EPA will initiate and complete a BART determination after notification and revise the FIP as necessary in accordance with regional haze requirements, including the BART provisions in 40 CFR 51.308(e). CFAC will be required to install any controls that are required as soon as practicable, but in no case later than five years following the effective date of this rule.

(p) *M2Green Redevelopment LLC notification.* M2Green Redevelopment LLC shall notify EPA 60 days in advance of resuming operation. M2Green Redevelopment LLC shall submit such notice to the Director, Air Program, U.S. Environmental Protection Agency, Region 8, Mail Code 8P-AR, 1595 Wynkoop Street, Denver, Colorado 80202-1129. Once M2 Green Redevelopment LLC notifies EPA that it intends to resume operation, EPA will initiate and complete a four factor analysis after notification and revise the FIP as necessary in accordance with regional haze requirements including the “reasonable progress” provisions in 40 CFR 51.308(d)(1). M2 Green Redevelopment LLC will be required to install any controls that are required as soon as practicable, but in no case later than July 31, 2018.

[77 FR 57915, Sept. 18, 2012, as amended at 82 FR 42745, Sept. 12, 2017]

**§ 52.1397 Original identification of plan.**

(a) This section identifies the original “Air Implementation Plan for the State of Montana” and all revisions submitted by Montana that were federally approved prior to March 1, 2015.

(b) The plan was officially submitted on March 22, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Non-regulatory changes to the plan involving compliance schedules, emergency episodes, and air quality surveillance submitted May 10, 1972, by the State Department of Health.

(2) Plan revisions (Regulation 90-001, Part VI, Part VIII, Part XII) submitted June 26, 1972, by the Governor.

(3) The Governor submitted the Air Quality Maintenance Area identification to the Administrator on June 24, 1974.

(4) The Governor submitted revision to the Air Quality Maintenance Areas on January 25, 1975.

(5) Sulfur oxides control strategy and compliance schedule for the American Smelting and Refining Company submitted May 21, 1975, by the Governor.

(6) Sulfur oxides control strategy for the Billings and Laurel areas and schedule of Compliance for the Farmers Union Central Exchange (CENEX) refinery in Laurel submitted by the Governor on January 26, 1978.

(7) On May 5, September 4, and October 1, 1975, the Governor submitted revisions which amended regulations applicable to incinerators, industrial processes, storage of petroleum products, aluminum refineries, and malfunctions.

(8) On April 24, and October 4, 1979, the Governor submitted revisions for Anaconda, East Helena, and Laurel—SO<sub>2</sub>; Billings, Butte, Columbia Falls, Colstrip, East Helena, Great Falls, and Missoula—TSP; Billings and Missoula—CO; and Yellowstone County—ozone. No action is taken with regard to the revised new source review regulation, the revised stack height regulation, or the control strategies for East Helena SO<sub>2</sub> and Yellowstone County ozone.

(9) On February 21, 1980 the Governor submitted a plan revision to meet the requirements of Air Quality Monitoring, 40 CFR part 58, subpart C, § 58.20.

(10) On April 24, October 4, 1979, and January 7, 1980, the Governor submitted revisions to meet Part D and other sections of the Clean Air Act, as amended in 1977. No action is taken with regard to the revised stack height regulation.



## Environmental Protection Agency

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(11) On April 21, 1982, and April 22, 1982, Montana submitted revisions to the open burning regulation and redesignated the Anaconda area from non-attainment to attainment for sulfur dioxide (SO<sub>2</sub>).

(12) On January 19, 1983, Montana submitted revisions to the State Implementation Plan to meet the requirements of Part C, Subpart 1, and section 110 of the Clean Air Act.

(13) On July 20, 1982 Montana submitted revisions which amended the State's rules relating to malfunctions.

(14) Revisions to the SIP for Missoula and Billings Carbon Monoxide (CO) and Missoula Total Suspended Particulate (TSP) Attainment Plans were submitted by the Governor on August 14, 1981. A revision specifying a list of statewide source test procedures was submitted by the Governor on September 21, 1981.

(i) Incorporation by reference.

(A) Letter from Governor Ted Schwinden to EPA Region VIII Regional Administrator dated September 21, 1981, and document entitled "Montana SDHED-AQB Sampling and Analytical Procedures" as part of the SIP, adopted December 31, 1972.

(B) Missoula City Council Resolution Number 4146 approving amendments to Missoula Total Suspended Particulate and Carbon Monoxide Air Quality Attainment Plans, adopted on May 4, 1981.

(C) Missoula Board of County Commissioners Resolution number 81-73 approving changes in the Missoula TSP and CO State Implementation Plan, adopted on May 13, 1981.

(ii) Additional material.

(A) "Missoula SIP Revisions; Revision to Total Suspended Particulates Strategies and Strategy Development and Implementation for Carbon Monoxide," 1981.

(B) Certification of approval by Montana Board of Health and Environmental Sciences on May 28, 1981 of the "Transportation Control Plan" (July, 1980) prepared by Billings-Yellowstone City-County Planning Board.

(C) Billings-Yellowstone City-County Planning Board "Transportation Control Plan", July, 1980, approved on May 28, 1981.

(15) On September 29, 1983, the Governor submitted the Montana State Implementation Plan revision for lead.

(16) A revision to the East Helena nonattainment plan for sulfur dioxide (SO<sub>2</sub>) was submitted on June 7, 1982, and supplemental information was submitted October 4, 1983.

(17) On September 21, 1981 the Governor submitted a permit which had been issued to the Western Energy Company as required in the conditional approval of the Colstrip TSP plan.

(18) In a letter dated March 28, 1986, the Governor submitted modifications to the Montana SIP which revised rules governing stack height and dispersion techniques. In a letter dated November 25, 1985, the Chief of the Air Quality Bureau, Montana, submitted the stack height demonstration analysis with supplemental information submitted on January 28, 1986. EPA is approving the demonstration analysis for all of the stacks except the ASARCO stacks.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of Montana effective on June 13, 1986. The modifications repeal Administrative Rules of Montana (ARM) 116.8.1201, 116.8.1202 and 16.8.1203 in Subchapter 12 and adds ARM 16.8.1204 (Definitions), 16.8.1205 (Requirements), and 16.8.1206 (Exemptions).

(B) Stack height demonstration analysis submitted by the State on November 25, 1985 (except for materials pertaining to ASARCO), and January 28, 1986 (except for materials pertaining to ASARCO and Appendix A).

(19) On August 21, 1985 and September 5, 1989, the Governor of Montana submitted revisions to the plan. The submittal revised existing Prevention of Significant Deterioration (PSD) regulations.

(i) Incorporation by reference.

(A) Amendments to the Administrative Rules of Montana (ARM) 16.8.921 (27), (Definitions), effective April 1, 1983.

(B) Amendments to the Administrative Rules of Montana (ARM) 16.8.921(2), (Definitions), effective September 13, 1985.

(C) Amendments to the ARM 16.8.921(21) and (27) (Definitions), ARM 16.8.936 (Exemptions from Review), ARM 16.8.937 (Air Quality Models), and

ARM 16.8.941 (Class I Variances—General), effective June 16, 1989.

(ii) Additional material.

(A) February 29, 1988 letter from Douglas Skie, EPA, to Jeffrey Chaffee, Chief of the Montana Air Quality Bureau.

(B) September 9, 1988 letter from Jeffrey Chaffee, Chief of the Montana Air Quality Bureau, to Douglas Skie, EPA.

(C) December 14, 1988 letter from Douglas Skie, EPA, to Jeffrey Chaffee, Chief of the Montana Air Quality Bureau.

(D) April 28, 1989 letter from Jeffrey Chaffee, Chief of the Montana Air Quality Bureau, to Douglas Skie, EPA.

(20) A revision to the SIP was submitted by the Governor on August 21, 1985, for visibility monitoring and new source review.

(i) Incorporation by reference.

(A) Revision to the Montana SIP was made on July 19, 1985, for visibility new source review and monitoring.

(B) Revision to the Administrative Rules of Montana (ARM) was made on July 19, 1985, for visibility which includes new regulations ARM 16.8.1001-1008 and revising ARM 16.8.1107(3).

(21) Revisions to Montana TSP SIP for Butte were submitted by Governor Ted Schwinden on February 10, 1983.

(i) Incorporation by reference.

(A) State of Montana Air Quality Control, Implementation Plan, Chapter 5C, Butte, adopted January 14, 1983.

(B) Air quality Permit #1749 for Anaconda Minerals Company filed March 28, 1983.

(22) Revisions to the Montana CO SIP for Great Falls were submitted by the Governor on March 28, 1986.

(i) Incorporation by reference.

(A) Montana Refining Company permit dated October 20, 1985.

(B) Stipulation in the matter of the Montana Refining Company dated December 2, 1985.

(ii) Additional material.

(A) Montana SIP, chapter 5(3)D. Great Falls (Date: March 14, 1986).

(B) Pre-filed testimony by the Department of Health and Environmental Services dated February 28, 1986.

(23) On March 9, 1988, the Governor submitted a plan revising the State's Air Quality Modeling Rule (16.8.937)

and its Particulate Matter, Fuel Burning Equipment Rule (16.8.1402).

(i) Incorporation by reference.

(A) Modification to the State of Montana Air Quality Rules, that is the Air Quality Modeling rule (16.8.937) and the Particulate Matter, Fuel Burning Equipment rule (16.8.1402) adopted on January 15, 1988.

(24) On July 13, 1990, the Governor of Montana submitted revisions to the Montana Air Quality Rules, Subchapter 9, Prevention of Significant Deterioration of Air Quality (PSD) Regulations, to incorporate the nitrogen dioxide (NO<sub>2</sub>) increments.

(i) Incorporation by reference.

(A) Revisions to the Montana Air Quality Rules, Subchapter 9, Prevention of Significant Deterioration of Air Quality (PSD) effective on July 12, 1990.

(ii) Additional material.

(A) October 22, 1990 letter from Douglas Skie, EPA, to Jeffrey Chaffee, Chief, Montana Air Quality Bureau.

(B) December 4, 1990 letter from Jeffrey Chaffee, Chief, Montana Air Quality Bureau, to Douglas Skie, EPA.

(C) January 4, 1991 letter from Jeffrey Chaffee, Chief, Montana Air Quality Bureau, to Douglas Skie, EPA.

(D) April 30, 1991 letter from Douglas Skie, EPA, to Jeffrey Chaffee, Chief, Montana Air Quality Bureau.

(25) On August 20, 1991, the Governor of Montana submitted revisions to the plan for new source performance standards and national emission standards for hazardous air pollutants.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of Montana 16.8.1423, Standards of Performance of New Stationary Sources, and 16.8.1424, Emission Standards for Hazardous Air Pollutants, adopted July 1, 1991, effective July 12, 1991.

(ii) Additional material.

(A) Letter dated April 20, 1992 from Jeffrey T. Chaffee, Chief of the Montana Air Quality Bureau, to Doug Skie, Chief of Air Programs Branch, EPA Region VIII.

(26) On April 2, 1992, the Governor of Montana submitted revisions to the plan. The revisions included amendments to the Montana Air Quality Rules incorporating the July 1, 1991,

version of the Montana Quality Assurance Manual and streamlining of the procedure for updating the Quality Assurance Manual.

(i) Incorporation by reference.

(A) Revisions, as adopted March 31, 1992, to the Montana Air Quality Rules: 16.8.807 Ambient Air Monitoring, 16.8.809 Methods and Data, and the repeal of 16.8.810 Procedures for Reviewing and Revising the Montana Quality Assurance Manual.

(27) On April 25, 1988, the Governor submitted a plan to help assure attainment and maintenance of the PM-10 NAAQS throughout the State of Montana.

(i) Incorporation by reference.

(A) Amendments to the Administrative Rules of Montana (ARM) 16.8.821 (Ambient Air Quality Standards), and ARM 16.8.701, ARM 16.8.806, and ARM 16.8.921 (Definitions), effective April 29, 1988.

(B) Amendments to the ARM, subchapter 9 (Prevention of Significant Deterioration): sections 16.8.924, 16.8.925, and 16.8.936, effective April 29, 1988; section 16.8.937, effective March 11, 1988; section 16.8.930, effective April 1, 1988; and sections 16.8.922, 16.8.923, 16.8.926, 16.8.927, 16.8.928, 16.8.929, 16.8.931, 16.8.932, 16.8.933, 16.8.934, 16.8.935, 16.8.938, 16.8.939, 16.8.940, 16.8.941, 16.8.942, 16.8.943, effective January 1, 1983.

(C) Amendments to the ARM, subchapter 10 (Visibility Impact Assessment): section 16.8.1007, effective April 29, 1988; and sections 16.8.1001, 16.8.1002, 16.8.1003, 16.8.1004, 16.8.1005, 16.8.1006, and 16.8.1008, effective March 11, 1988; section 16.8.930, effective September 13, 1985.

(D) Amendments to the ARM, subchapter 12 (Stack Heights and Dispersion Techniques), sections 16.8.1204, 16.8.1205, and 16.8.1206, effective June 13, 1986.

(E) Amendments to the ARM, subchapter 13 (Open Burning), sections 16.8.1301, 16.8.1302, 16.8.1303, 16.8.1304, 16.8.1305, 16.8.1306, 16.8.1307, and 16.8.1308, effective April 16, 1982.

(F) Amendments to the ARM, subchapter 14 (Emission Standards): section 16.8.1401, effective February 16, 1979; section 16.8.1402, effective March 11, 1988; section 16.8.1403, effective Sep-

tember 5, 1975; section 16.8.1404, effective June 13, 1986; section 16.8.1406, effective December 29, 1978; section 16.8.1419, effective December 31, 1972; section 16.8.1423, effective March 11, 1988; and section 16.8.1428, effective June 13, 1986.

(G) Amendments to the ARM, Subchapter 16 (Combustion Device Tax Credit), sections 16.8.1601 and 16.8.1602, effective December 27, 1985.

(H) Appendix G-2, Montana Smoke Management Plan, effective April 15, 1988, is removed and replaced by §52.1395.

(28) On August 20, 1991, the Governor of Montana submitted revisions to the plan for visibility models, new source performance standards, and national emission standards for hazardous air pollutants.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of Montana 16.8.1004, Visibility Models, 16.8.1423, Standards of Performance for New Stationary Sources, and 16.8.1424, Emission Standards for Hazardous Air Pollutants, effective December 25, 1992.

(29) The Governor of Montana submitted a portion of the requirements for the moderate nonattainment area PM10 State Implementation Plan (SIP) for Butte, Montana with a letter dated July 9, 1992, with technical corrections dated May 17, 1993. The submittals were made to satisfy those moderate PM10 nonattainment area SIP requirements due for Butte on November 15, 1991. The Butte PM10 SIP replaces the prior approved Butte total suspended particulate (TSP) SIP approved in paragraph (c)(21).

(i) Incorporation by reference.

(A) Stipulation signed October 8, 1991 between the Montana Department of Health and Environmental Sciences and the Butte-Silver Bow Council of Commissioners, which delineates responsibilities and authorities between the two entities.

(B) Board order issued on November 15, 1991 by the Montana Board of Health and Environmental Sciences approving the Butte-Silver Bow Air Pollution Control Program.

(C) Stipulation between the Montana Department of Health and Environmental Sciences (signed September 27,

1991), the Montana Department of Transportation (signed October 4, 1991), and the Butte-Silver Bow Council of Commissioners (signed October 7, 1991) to ensure that Butte-Silver Bow and the Montana Department of Transportation comply with Butte-Silver Bow Council Resolution No. 1307.

(D) Butte/Silver Bow Resolution No. 1307, effective March 6, 1991, which addresses sanding and chip sealing standards and street sweeping and flushing requirements.

(E) Butte/Silver Bow Ordinance No. 330, effective August 3, 1988, which addresses residential wood burning and idling diesel vehicle and locomotive requirements.

(ii) Additional material.

(A) Montana Department of Health and Environmental Sciences Air Quality Permit #1636A, with a final modification date of October 26, 1991, for Rhone-Poulenc's elemental phosphorus plant.

(B) Montana Department of Health and Environmental Sciences Air Quality Permit #1749-04, with a final modification date of March 20, 1992, for Montana Resources, Inc.'s open pit copper and molybdenum mine, crushing and milling operation and concentrator.

(C) Montana Smoke Management Plan, effective April 28, 1988, which addresses prescribed burning requirements.

(D) Federal tailpipe standards, which provide an ongoing benefit due to fleet turnover.

(30) The Governor of Montana submitted a portion of the requirements for the moderate nonattainment area PM<sub>10</sub> State Implementation Plan (SIP) for Missoula, Montana, and the Missoula City-County Air Pollution Control Program regulations with letters dated August 20, 1991 and June 4, 1992. The submittals were made to satisfy those moderate PM<sub>10</sub> nonattainment area SIP requirements due for Missoula on November 15, 1991.

(i) Incorporation by reference.

(A) Stipulation signed April 29, 1991, between the Montana Department of Health and Environmental Sciences and the Missoula City-County Air Pollution Control Board, which delineates responsibilities and authorities between the two entities.

(B) Board order issued on June 28, 1991, by the Montana Board of Health and Environmental Sciences approving the comprehensive revised version of the Missoula City-County Air Pollution Control Program.

(C) Board order issued on March 20, 1992, by the Montana Board of Health and Environmental Sciences approving the amendments to Missoula City-County Air Pollution Control Program Rule 1401, concerning the use of approved liquid de-icer, and Rule 1428, concerning pellet stoves.

(D) Missoula County Rule 1401 (7), effective June 28, 1991, which addresses sanding and chip sealing standards and street sweeping and flushing requirements.

(E) Missoula County Rule 1401 (9), effective March 20, 1992, which addresses liquid de-icer requirements.

(F) Missoula County Rule 1428, effective June 28, 1991, with revisions to sections (2)(l)-(p), (4)(a)(i), and (4)(c)(vi) of Rule 1428, effective March 20, 1992, which addresses requirements for solid fuel burning devices.

(G) Missoula County Rule 1310 (3), effective June 28, 1991, which addresses prescribed wildland open burning.

(H) Other Missoula City-County Air Pollution Control Program regulations effective June 28, 1991, as follows: Chapter I. Short Title; Chapter II. Declaration of Policy and Purpose; Chapter III. Authorities for Program; Chapter IV. Administration; Chapter V. Control Board, Meetings-Duties-Powers; Chapter VI. Air Quality Staff; Chapter VII. Air Pollution Control Advisory Council; Chapter VIII. Inspections; Chapter IX., Subchapter 7 General Provisions; Chapter IX., Subchapter 14, Emission Standards, Rules 1401, 1402, 1403, 1404, 1406 (with amendments effective March 20, 1992), 1411, 1419, 1425, and 1426; Chapter XI. Enforcement, Judicial Review and Hearings; Chapter XII. Criminal Penalties; Chapter XIII. Civil Penalties; Chapter XIV. Non-Compliance Penalties; Chapter XV. Separability Clause; Chapter XVI. Amendments and Revisions; Chapter XVII. Limitations, and Appendix A, Maps.

(ii) Additional material.

## Environmental Protection Agency

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(A) Montana Department of Health and Environmental Sciences Air Quality Permit #2303-M, with a final modification date of March 20, 1992, for Louisiana-Pacific Corporation's particle board manufacturing facility.

(B) Montana Department of Health and Environmental Sciences Air Quality Permit #2589-M, with a final modification date of January 23, 1992, for Stone Container Corporation's pulp and paper mill facility.

(C) Federal tailpipe standards, which provide an ongoing benefit due to fleet turnover.

(31) The Governor of Montana submitted a portion of the requirements for the moderate nonattainment area PM<sub>10</sub> State Implementation Plan (SIP) for Columbia Falls, Montana with letters dated November 25, 1991, and May 6, 1992, with technical corrections dated June 15, 1993. The submittals were made to satisfy those moderate PM<sub>10</sub> nonattainment area SIP requirements due for Columbia Falls on November 15, 1991.

(i) Incorporation by reference.

(A) Stipulation signed November 15, 1991, between the Montana Department of Health and Environmental Sciences, the Flathead County Commission, and the Kalispell City Council and the Columbia Falls City Council, which delineates responsibilities and authorities between the MDHES and Flathead County.

(B) Board order issued on November 15, 1991, by the Montana Board of Health and Environmental Sciences approving the Flathead County Air Pollution Control Program.

(C) Flathead County Board of Commissioners Resolution No. 867, adopting the Flathead County Air Pollution Control Program and Flathead County Air Pollution Control Regulations, with the exception of rules 501 through 506, signed October 3, 1991.

(ii) Additional material.

(A) Montana Department of Health and Environmental Sciences Air Quality Permit # 2667-M, with a final modification date of January 24, 1992, for Plum Creek Manufacturing, Inc. Columbia Falls Operations.

(B) Montana Smoke Management Plan, effective April 28, 1988, which ad-

dresses prescribed burning requirements.

(C) Federal tailpipe standards, which provide an ongoing benefit due to fleet turnover.

(32) On November 6, 1992, Stan Stephens, the Governor of Montana, submitted a SIP revision to the Implementation Plan for the Control of Air Pollution. This revision establishes and requires the implementation of an oxygenated fuels program in Missoula County as required by section 211(m) of the Clean Air Act Amendments of 1990.

(i) Incorporation by reference.

(A) Missoula City-County Rule 1429, which establishes and requires the implementation of an oxygenated fuel program, as adopted June 9, 1992.

(ii) Additional materials.

(A) Letter dated November 6, 1992, from Governor Stan Stephens submitting the oxygenated gasoline program SIP revision.

(B) Stipulation signed June 12, 1991 between the Montana Department of Health and Environmental Sciences and the Missoula City-County Air Pollution Control Board, which delineates the responsibilities and authorities between the two entities.

(C) Board order issued September 25, 1992 by the Montana Board of Health and Environmental Sciences approving amendments to Missoula City-County Air Pollution Control Program, adopting Rule 1429 establishing and implementing an oxygenated fuels program.

(33) The Governor of Montana submitted a portion of the requirements for the moderate nonattainment area PM<sub>10</sub> State Implementation Plan (SIP) for Libby, Montana with letters dated November 25, 1991 and May 24, 1993, with technical corrections dated June 3, 1994. The submittals were to satisfy those moderate PM<sub>10</sub> nonattainment area SIP requirements due for Libby on November 15, 1991.

(i) Incorporation by reference.

(A) Stipulation signed October 7, 1991 between the Montana Department of Health and Environmental Sciences (MDHES), the County of Lincoln and the City of Libby, which delineates responsibilities and authorities between the MDHES, Lincoln County and Libby.

(B) Board order issued on November 15, 1991 by the Montana Board of Health and Environmental Sciences approving the Lincoln County Air Pollution Control Program.

(C) Stipulation signed March 18, 1993 between the Montana Department of Health and Environmental Sciences, the County of Lincoln and the City of Libby, seeking approval of amendments to the local air pollution control program.

(D) Board order issued on March 19, 1993 by the Montana Board of Health and Environmental Sciences approving amendments to the Lincoln County Air Pollution Control Program.

(E) Letter dated February 4, 1993, from Kendra J. Lind, Lincoln County Department of Environmental Health, to Gretchen Bennitt, Air Quality Bureau, Montana Department of Health and Environmental Sciences, which explains the local adoption process and effective date of amendments to the Lincoln County Air Quality Control Program regulations.

(F) Lincoln County Board of Commissioners Resolution No. 276, signed December, 23, 1992, and Libby City Council Ordinance No. 1470, signed February 1, 1993, adopting amendments to the Lincoln County Air Quality Control Program regulations 1 through 7.

(ii) Additional material.

(A) Montana Department of Health and Environmental Sciences Air Quality Permit #2627-M, with a final modification date of July 25, 1991, for Stimson Lumber Company (formerly Champion International Corporation), Libby Facility.

(B) Montana Smoke Management Plan, effective April 28, 1988, which addresses prescribed burning requirements.

(C) Federal tailpipe standards, which provide an ongoing benefit due to fleet turnover.

(34) On October 19, 1992, the Governor of Montana submitted a plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program to be incorporated into the Montana State Implementation Plan as required by section 507 of the Clean Air Act.

(i) Incorporation by reference.

(A) Montana Code Annotated, Sections 75-2-106, 75-2-107, 75-2-108, 75-2-109 and 75-2-220, to establish and fund a small business stationary source technical and environmental compliance assistance program, effective April 24, 1993.

(ii) Additional materials.

(A) October 19, 1992 letter from the Governor of Montana submitting a Small Business Stationary Source Technical and Environmental Compliance Assistance Program plan to EPA.

(B) The State of Montana plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program, adopted by the Board of Health and Environmental Sciences on September 25, 1992, effective September 25, 1992.

(35) The Governor of Montana submitted PM<sub>10</sub> and CO contingency measures for Missoula, Montana in a letter dated March 2, 1994. The Governor of Montana also submitted the Missoula City-County Air Pollution Control Program in a letter dated August 20, 1991, with amendments submitted in letters dated June 4, 1992 and March 2, 1994. The March 2, 1994 submittal satisfies several commitments made by the State in its original PM<sub>10</sub> moderate nonattainment area SIP.

(i) Incorporation by reference.

(A) Board order issued on November 19, 1993 by the Montana Board of Health and Environmental Sciences approving the amendments to Missoula City-County Air Pollution Control Program Chapter VII, VIII, and IX, regarding, among other things, the PM<sub>10</sub> and CO contingency measures, inspections, emergency procedures, permitting, and wood-waste burners.

(B) Missoula City-County Chapter IX, Subchapter 3, effective November 19, 1993, which addresses the PM<sub>10</sub> and CO contingency measure selection process.

(C) Missoula City-County Rule 1401(7), effective November 19, 1993, which addresses PM<sub>10</sub> contingency measure requirements for an expanded area of regulated road sanding materials.

(D) Missoula City-County Rule 1428(5) and 1428(7), effective November 19, 1993,

which addresses PM<sub>10</sub> and CO contingency measure requirements for solid fuel burning devices.

(E) Missoula City-County Air Pollution Control Program Chapter IX, Subchapter 13, Open Burning, effective June 28, 1991.

(F) Other Missoula City-County Air Pollution Control Program regulations effective June 28, 1991, with amendments effective on March 20, 1992 and November 19, 1993, as follows: all portions of Chapter IX, Subchapter 11, Permit, Construction and Operation of Air Contaminant Sources, except, Rules 1102(3), 1105(2), and 1111(2).

(G) Other Missoula City-County Air Pollution Control Program regulations effective June 28, 1991, with amendments effective on November 19, 1993, as follows: Chapter IX, Subchapter 4, Emergency Procedures and Chapter IX, Subchapter 14, Rule 1407, Prevention, Abatement and Control of Air Pollution from Wood-Waste Burners.

(H) Minor revisions to Missoula City-County Air Pollution Control Program Chapter VII, Air Quality Advisory Council, and Chapter VIII, Inspections, effective on November 19, 1993, as follows: Chapter VII(1) and Chapter VIII(4).

(36) The Governor of Montana submitted PM<sub>10</sub> contingency measures for Butte, Montana in a letter dated August 26, 1994. This submittal also contained revisions to the attainment and maintenance demonstrations for the moderate PM<sub>10</sub> nonattainment area SIP, due to modifications made to the Air Quality Permit for Montana Resources, Inc.

(i) Incorporation by reference.

(A) Board order issued on May 20, 1994 by the Montana Board of Health and Environmental Sciences approving the amendments to the Butte/Silver Bow Air Pollution Control Program regarding the PM<sub>10</sub> contingency measure.

(B) Butte/Silver Bow Ordinance No. 468, effective May 20, 1994, which addresses PM<sub>10</sub> contingency measure requirements for liquid de-icer application.

(ii) Additional material.

(A) Montana Department of Health and Environmental Sciences Air Quality Permit #1749-05, as revised with a final modification date of January 5,

1994, for Montana Resources, Inc.'s open pit copper and molybdenum mine, crushing and milling operation, and concentrator.

(37) The Governor of Montana submitted a State Implementation Plan (SIP) revision meeting the requirements for the primary SO<sub>2</sub> NAAQS SIP for the East Helena, Montana nonattainment area with a letter dated March 30, 1994. The submittal was to satisfy those SO<sub>2</sub> nonattainment area SIP requirements due for East Helena on May 15, 1992. The East Helena SO<sub>2</sub> SIP revision submitted on March 30, 1994, supercedes the East Helena SO<sub>2</sub> SIP approved in paragraph (c)(5) of this section and, effective after November 15, 1995, terminates the East Helena SO<sub>2</sub> SIP approved in paragraph (c)(16) of this section.

(i) Incorporation by reference.

(A) Stipulation signed March 15, 1994, between the Montana Department of Health and Environmental Sciences (MDHES) and Asarco, Incorporated, which specifies SO<sub>2</sub> emission limitations and requirements for the company's primary lead smelter located in East Helena, MT.

(B) Board order issued on March 18, 1994, by the Montana Board of Health and Environmental Sciences approving and adopting the control strategy for achieving and maintaining the primary SO<sub>2</sub> NAAQS in the East Helena area.

(38) [Reserved]

(39) On May 17, 1994, the Governor of Montana submitted revisions to the Administrative Rules of Montana (ARM) regarding nonattainment new source review, prevention of significant deterioration, general construction permitting, wood waste burners, source test methods, new source performance standards, and national emission standards for hazardous air pollutants. Also, the Governor requested that all existing State regulations approved in the SIP be replaced with the October 1, 1979 codification of the ARM as in effect on March 30, 1994. EPA is replacing all of the previously approved State regulations, except ARM 16.8.1302 and 16.8.1307, with those regulations listed in paragraph (c)(39)(i)(A) of this section. ARM 16.8.1302 and 16.8.1307, as in effect on April 16, 1982 and as approved

by EPA at 40 CFR 52.1370(c)(11), will remain part of the SIP.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) Sections 16.8.201–202, 16.8.301–304, and 16.8.401–404, effective 12/31/72; Section 16.8.701, effective 12/10/93; Section 16.8.704, effective 2/14/87; Section 16.8.705, effective 6/18/82; Section 16.8.707, effective 9/13/85; Sections 16.8.708–709, effective 12/10/93; Sections 16.8.945–963, effective 12/10/93; Sections 16.8.1001–1003, effective 9/13/85; Section 16.8.1004, effective 12/25/92; Sections 16.8.1005–1006, effective 9/13/85; Section 16.8.1007, effective 4/29/88; Section 16.8.1008, effective 9/13/85; Section 16.8.1101, effective 6/16/89; Section 16.8.1102, effective 2/14/87; Section 16.8.1103, effective 6/16/89; Section 16.8.1104, effective 3/16/79; Section 16.8.1105, effective 12/27/91; Sections 16.8.1107 and 16.8.1109, effective 12/10/93; Sections 16.8.1110–1112, effective 3/16/79; Section 16.8.1113, effective 2/14/87; Section 16.8.1114, effective 12/10/93; Sections 16.8.1115, 16.8.1117, and 16.8.1118, effective 3/16/79; Sections 16.8.1119–1120, effective 12/10/93; Sections 16.8.1204–1206, effective 6/13/86; Sections 16.8.1301 and 16.8.1303, effective 4/16/82; Section 16.8.1304, effective 9/11/92; Section 16.8.1305, effective 4/16/82; Section 16.8.1306, effective 4/1/82; Section 16.8.1308, effective 10/16/92; Section 16.8.1401, effective 10/29/93; Section 16.8.1402, effective 3/11/88; Section 16.8.1403, effective 9/5/75; Section 16.8.1404, effective 6/13/86; Section 16.8.1406, effective 12/29/78; Section 16.8.1407, effective 10/29/93; Section 16.8.1411, effective 12/31/72; Section 16.8.1412, effective 3/13/81; Section 16.8.1413, effective 12/31/72; Section 16.8.1419, effective 12/31/72; Sections 16.8.1423, 16.8.1424, and 16.8.1425 (except 16.8.1425(1)(c) and (2)(d)), effective 10/29/93; Section 16.8.1426, effective 12/31/72; Sections 16.8.1428–1430, effective 10/29/93; Section 16.8.1501, effective 2/10/89; Section 16.8.1502, effective 2/26/82; Section 16.8.1503, effective 2/10/89; Sections 16.8.1504–1505, effective 2/26/82; Sections 16.8.1701–1705, effective 12/10/93; and Sections 16.8.1801–1806, effective 12/10/93.

(40) The Governor of Montana submitted a PM<sub>10</sub> plan for Kalispell, Montana in a letter dated November 25, 1991. The Governor of Montana later

submitted additional materials in letters dated January 11, 1994, August 26, 1994, and July 18, 1995. The August 26, 1994, and July 18, 1995 submittals also contain the Kalispell Contingency Measure Plan. The August 26, 1994, submittal also contains the Columbia Falls PM<sub>10</sub> contingency measures and minor revisions to the attainment and maintenance demonstrations for the moderate PM<sub>10</sub> nonattainment area SIP for Columbia Falls. Finally, the August 26, 1994, submittal contains revisions to the Flathead County Air Pollution Control Program regulations.

(i) Incorporation by reference.

(A) Stipulations signed September 15, 1993 between the Montana Department of Health and Environmental Sciences and the following industries: A-1 Paving; Equity Supply Company; Flathead Road Dept. (two stipulations issued); Klingler Lumber Co.; McElroy and Wilkins; and Montana Mokko.

(B) Stipulations signed September 17, 1993 between the Montana Department of Health and Environmental Sciences and the following industries: Pack and Company, Inc.; Pack Concrete; and Plum Creek Inc. (Evergreen).

(C) Board Order issued on September 17, 1993, by the Montana Board of Health and Environmental Sciences enforcing emissions limitations specified by stipulations signed by both the Montana Department of Health and Environmental Services and participating facilities. The participating facilities included: A-1 Paving; Equity Supply Company; Flathead Road Dept. (two stipulations issued); Klingler Lumber Co.; McElroy and Wilkins; Montana Mokko; Pack and Company, Inc.; Pack Concrete; and Plum Creek Inc. (Evergreen).

(D) Flathead County Board of Commissioners Resolution No. 867B, dated April 4, 1994, adopting the Flathead County Air Pollution Control Program.

(E) Board Order issued May 20, 1994, by the Montana Board of Health and Environmental Sciences approving the Flathead County Air Pollution Control Program.

(F) Flathead County Air Pollution Control Program, including all regulations found in Chapter VIII, Sub-Chapters 1–6, effective May 20, 1994.



(ii) Additional material.

(A) Montana Smoke Management Plan, effective April 28, 1988, which addresses prescribed burning requirements.

(B) Federal tailpipe standards, which provide an ongoing benefit due to fleet turnover.

(41) The Governor of Montana submitted revisions to the Missoula City-County Air Pollution Control Program in a letter dated March 3, 1995. In addition, the March 3, 1995 submittal satisfies the one remaining commitment made by the State in its original PM<sub>10</sub> moderate nonattainment area SIP.

(i) Incorporation by reference.

(A) Board order issued on September 16, 1994 by the Montana Board of Health and Environmental Sciences approving the amendments to Missoula City-County Air Pollution Control Program Chapters IX and XVI regarding, among other things, emergency procedures, paving of private roads, driveways, and parking lots, National standards of performance for new stationary sources, National Emission Standards for Hazardous Air Pollutants, and solid fuel burning devices.

(B) Missoula City-County Rule 401, Missoula County Air Stagnation Plan, effective September 16, 1994.

(C) Missoula City-County Rule 1401, Prevent Particulate Matter from Being Airborne, effective September 16, 1994.

(D) Missoula City-County Rule 1423, Standard of Performance for New Stationary Sources, effective September 16, 1994.

(E) Missoula City-County Rule 1424, Emission Standards for Hazardous Air Pollutants, effective September 16, 1994.

(F) Missoula City-County Rule 1428, Solid Fuel Burning Devices, effective September 16, 1994.

(G) Missoula City-County Air Pollution Control Program Chapter XVI, Amendments and Revisions, effective September 16, 1994.

(42) On May 22, 1995, the Governor of Montana submitted revisions to the prevention of significant deterioration regulations in the Administrative Rules of Montana to incorporate changes in the Federal PSD permitting regulations for PM-10 increments.

(i) Incorporation by reference

(A) Revisions to the Administrative Rules of Montana (ARM), rules 16.8.945(3)(c), 16.8.945(21)(d), 16.8.945(24)(d), 16.8.947(1), 16.8.953(7)(a), and 16.8.960(4), effective 10/28/94.

(43) On May 22, 1995, the Governor of Montana submitted revisions to the plan, which included revisions to the State's open burning regulation and other minor administrative revisions.

(i) Incorporation by reference.

(A) Revisions to the Administrative Rules of Montana (ARM), 16.8.1301-1310, effective September 9, 1994; and

(B) Revisions to the ARM, 16.8.708, 16.8.946, 16.8.1120, 16.8.1429, 16.8.1702, 16.8.1802, and 16.8.2003, effective October 28, 1994.

(44) The Governor of Montana submitted PM<sub>10</sub> contingency measures and a recodification of the local regulations for Libby, Montana in a letter dated March 15, 1995. In addition, the Governor of Montana submitted revisions to the local open burning regulations and other minor administrative amendments on May 13, 1996.

(i) Incorporation by reference.

(A) Board order issued on December 16, 1994 by the Montana Board of Health and Environmental Sciences adopting stipulation of the Montana Department of Health and Environmental Sciences and Stimson Lumber Company.

(B) Board order issued December 16, 1994 by the Montana Board of Health and Environmental Sciences adopting the PM<sub>10</sub> contingency measures as part of the Libby air pollution control program.

(C) Board order issued on February 1, 1996 by the Montana Board of Environmental Review approving amendments to the Libby Air Pollution Control Program.

(D) Lincoln Board of Commissioners Resolution No. 377, signed September 27, 1995, and Libby City Council Ordinance No. 1507, signed November 20, 1995, adopting revisions to the Lincoln County Air Pollution Control Program, Sections 75.1.103 through 75.1.719.

(E) Lincoln County Air Pollution Control Program, Sections 75.1.101 through 75.1.719, effective December 21, 1995.

(45) [Reserved]

(46) The Governor of Montana submitted sulfur dioxide SIP revisions for Billings/Laurel on September 6, 1995, August 27, 1996, April 2, 1997 and July 29, 1998. On March 24, 1999, the Governor submitted a commitment to revise the SIP.

(i) Incorporation by Reference.

(A) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Cenex Harvest Cooperatives, including the stipulation and exhibit A and attachments to exhibit A, except for the following:

(1) Paragraph 20 of the stipulation;

(2) Section 3(A)(1)(d) of exhibit A;

(3) The following phrase from section 3(B)(2) of exhibit A: “except that those sour water stripper overheads may be burned in the main crude heater (and exhausted through the main crude heater stack) or in the flare during periods when the FCC CO boiler is unable to burn the sour water stripper overheads from the “old” SWS, provided that such periods do not exceed 55 days per calendar year and 65 days for any two consecutive calendar years.”;

(4) Section 4(B) of exhibit A;

(5) Section 4(D) of exhibit A; and

(6) Method #6A of attachment #2 of exhibit A.

(B) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Conoco, Inc., including the stipulation and exhibit A and attachments to exhibit A, except for paragraph 20 of the stipulation.

(C) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Exxon Company, USA, including the stipulation and exhibit A and attachments to exhibit A, except for the following:

(1) Paragraphs 1 and 22 of the stipulation;

(2) Section 2(A)(11)(d) of exhibit A;

(3) Sections 3(A)(1) and (2) of exhibit A;

(4) Sections 3(B)(1), (2) and (3) of exhibit A;

(5) The following phrase from section 3(E)(4) of exhibit A: “except that the sour water stripper overheads may be burned in the F-1 Crude Furnace (and exhausted through the F-2 Crude/Vacuum Heater stack) or in the flare during periods when the FCC CO Boiler is unable to burn the sour water stripper overheads, provided that: (a) such periods do not exceed 55 days per calendar year and 65 days for any two consecutive calendar years, and (b) during such periods the sour water stripper system is operating in a two tower configuration.”;

(6) Sections 4(B), (C), and (E) of exhibit A;

(7) Section 6(B)(3) of exhibit A; and

(8) method #6A of attachment #2 of exhibit A.

(D) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Montana Power Company, including the stipulation and exhibit A and attachments to exhibit A, except for paragraph 20 of the stipulation.

(E) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Montana Sulphur & Chemical Company, including the stipulation and exhibit A and attachments to the exhibit A, except for paragraphs 1, 2 and 22 of the stipulation, and sections 3(A)(1)(a) and (b), 3(A)(3), 3(A)(4) and 6(B)(3) of exhibit A. (EPA is approving section 3(A)(2) of exhibit A for the limited purpose of strengthening the SIP. In 40 CFR 52.1384(d)(2), we are also disapproving section 3(A)(2) of exhibit A because section 3(A)(2) does not fully meet requirements of the Clean Air Act.)

(F) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Western Sugar Company, including the stipulation and exhibit A and attachments to exhibit A, except for paragraph 20 of the stipulation.

(G) Board Order issued on June 12, 1998, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Yellowstone Energy Limited Partnership, including the stipulation and exhibit A and attachments to exhibit A, except for paragraph 20 of the stipulation and section 3(A)(1) through (3) of exhibit A.

(ii) Additional material.

(A) All portions of the September 6, 1995 Billings/Laurel SO<sub>2</sub> SIP submittal other than the board orders, stipulations, exhibit A's and attachments to exhibit A's.

(B) All portions of the August 27, 1996 Billings/Laurel SO<sub>2</sub> SIP submittal other than the board orders, stipulations, exhibit A's and attachments to exhibit A's.

(C) All portions of the April 2, 1997 Billings/Laurel SO<sub>2</sub> SIP submittal other than the board orders, stipulations, exhibit A's and attachments to exhibit A's.

(D) All portions of the July 29, 1998 Billings/Laurel SO<sub>2</sub> SIP submittal, other than the following: The board orders, stipulations, exhibit A's and attachments to exhibit A's, and any other documents or provisions mentioned in paragraph (c)(46)(i) of this section.

(E) April 28, 1997 letter from Mark Simonich, Director, Montana Department of Environmental Quality, to Richard R. Long, Director, Air Program, EPA Region VIII.

(F) January 30, 1998 letter from Mark Simonich, Director, Montana Department of Environmental Quality, to Richard R. Long, Director, Air Program, EPA Region VIII.

(G) August 11, 1998 letter from Mark Simonich, Director, Montana Department of Environmental Quality, to Kerrigan G. Clough, Assistant Regional Administrator, EPA Region VIII.

(H) September 3, 1998 letter from Mark Simonich, Director, Montana Department of Environmental Quality, to Richard R. Long, Director, Air Program, EPA Region VIII.

(I) March 24, 1999 commitment letter from Marc Racicot, Governor of Montana, to William Yellowtail, EPA Regional Administrator.

(J) May 20, 1999 letter from Mark Simonich, Director, Montana Department of Environmental Quality, to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII.

(47) On August 26, 1999, the Governor of Montana submitted Administrative Rules of Montana Sub-Chapter 13, "Conformity" that incorporates conformity consultation requirements implementing 40 CFR Part 93, Subpart A into State regulation.

(i) Incorporation by reference.

(A) Administrative Rules of Montana 17.8.1301, 17.8.1305, 17.8.1306, 17.8.1310 through 17.8.1313, effective June 4, 1999; and 17.8.1304 effective August 23, 1996.

(48) The Governor of Montana submitted revisions to the Missoula County Air Quality Control Program with a letter dated November 14, 1997. The revisions address general definitions, open burning, and criminal penalties.

(i) Incorporation by reference.

(A) Board order issued on October 31, 1997 by the Montana Board of Environmental Review approving the amendments to Missoula County Air Quality Control Program Chapters IX and XII regarding general definitions, open burning, and criminal penalties.

(B) Missoula County Air Quality Control Program, Chapter IX, Rule 701, General Definitions, effective October 31, 1997.

(C) Missoula County Air Quality Control Program, Chapter IX, Rules 1301–1311, regarding open burning, effective October 31, 1997.

(D) Missoula County Air Quality Control Program, Chapter XII, Criminal Penalties, effective October 31, 1997.

(49) On September 19, 1997, December 10, 1997, April 14, 1999, December 6, 1999 and March 3, 2000, the Governor submitted a recodification and revisions to the Administrative Rules of Montana. EPA is replacing in the SIP all of the previously approved Montana air quality regulations except that the Kraft Pulp Mill Rule, ARM 16.8.1413, effective December 31, 1972, and Stack Heights and Dispersion Techniques Rule, ARM 16.8.1204–1206, effective June 13, 1986, with those regulations listed in paragraph (c)(49)(i)(A) of this section. The Kraft Pulp Mill Rule, ARM 16.8.1413, effective December 31, 1972, and Stack Heights and Dispersion

Techniques Rule, ARM 16.8.1204–1206, effective June 13, 1986 remain a part of the SIP. In addition, the Governor submitted Yellowstone County's Local Regulation No. 002—Open Burning.

(i) Incorporation by reference.

(A) Administrative Rule of Montana (ARM) Table of Contents; section 17.8.101, effective 6/26/98; sections 17.8.102–103, effective 10/8/99; section 17.8.105, effective 8/23/96; section 17.8.106, effective 10/8/99, sections 17.8.110–111, effective 8/23/96; sections 17.8.130–131, effective 8/23/96; sections 17.8.140–142, effective 8/23/96; section 17.8.301, effective 8/23/96; section 17.8.302, effective 10/8/99; section 17.8.304 (excluding 17.8.304(4)(f)), effective 8/23/96; section 17.8.308, effective 8/23/96; section 17.8.309 (excluding 17.8.309(5)(b)), effective 8/23/96; section 17.8.310 (excluding 17.8.310(3)(e)), effective 8/23/96; section 17.8.316, effective 8/23/96; section 17.8.320, effective 8/23/96; sections 17.8.322–323, effective 8/23/96; section 17.8.324 (excluding 17.8.324(1)(c) and (2)(d)), effective 8/23/96; sections 17.8.325–326, effective 8/23/96; sections 17.8.330–334, effective 8/23/96; section 17.8.601, effective 7/23/99; section 17.8.602, effective 9/9/97; sections 17.8.604–605, effective 8/23/96; section 17.8.606, effective 7/23/99; sections 17.8.610–613, effective 7/23/99; section 17.8.614–615, effective 8/23/96; section 17.8.701 (excluding 17.8.701(10)), effective 8/23/96; section 17.8.702 (excluding 17.8.702(1)(f)), effective 9/9/97; section 17.8.704, effective 8/23/96; section 17.8.705 (excluding 17.8.705(1)(q)) effective 8/23/96; sections 17.8.706–707, effective 8/23/96; section 17.8.710, effective 8/23/96; sections 17.8.715–717, effective 8/23/96; section 17.8.720, effective 8/23/96; sections 17.8.730–732, effective 8/23/96; section 17.8.733 (excluding 17.8.733(1)(c)), effective 8/23/96; section 17.8.734, effective 8/23/96; section 17.8.801, effective 6/26/98; section 17.8.802, effective 9/9/97; sections 17.8.804–809, effective 8/23/96; sections 17.8.818–828, effective 8/23/96; section 17.8.901, effective 6/26/98; section 17.8.902, effective 9/9/97; sections 17.8.904–906, effective 8/23/96; section 17.8.1001, effective 8/23/96; section 17.8.1002, effective 9/9/97; sections 17.8.1004–1007, effective 8/23/96; section 17.8.1101, effective 8/23/96; section 17.8.1102, effective 9/9/97; section

17.8.1103, effective 8/23/96; and sections 17.8.1106–1111, effective 8/23/96.

(B) April 27, 2000 letter from Debra Wolfe, Montana Department of Environmental Quality, to Dawn Tesorero, U.S. Environmental Protection Agency, Region 8.

(C) Board Order issued on September 24, 1999, by the Montana Board of Environmental Review approving the Yellowstone County Air Pollution Control Program.

(D) Yellowstone County Air Pollution Control Program, Regulation No. 002 Open Burning, effective September 24, 1999.

(E) March 6, 2001 letter from Robert Habeck, Montana Department of Environmental Quality, to Laurie Ostrand, EPA Region 8, explaining the effective date of the Yellowstone County Air Pollution Control Program Regulation No. 002 Open Burning.

(F) Previously approved in paragraph (c)(49)(i)(A) under Subchapter 7: *Permit, Construction, and Operation of Air Contaminant Sources*. These sections are now deleted without replacement: ARM 17.8.701, *Definitions*; ARM 17.8.702, *Incorporation by Reference* (excluding 17.8.702(1)(f)); ARM 17.8.704, *General Procedures for Air Quality Preconstruction Permitting*; 17.8.705, *When Permit Required-Exclusions*; 17.8.706, *New or Altered Sources and Stacks-Permit Application Requirements*; 17.8.707 *Waivers*; 17.8.710, *Conditions for Issuance of Permit*; 17.8.715, *Emission Control Requirements*; 17.8.716, *Inspection of Permit*; 17.8.717, *Compliance with Other Statutes and Rules*; 17.8.720, *Public Review of Permit Applications*; 17.8.730, *Denial of Permit*; 17.8.731, *Duration of Permit*; 17.8.732, *Revocation of Permit*; 17.8.733, *Modification of Permit*; 17.8.734, *Transfer of Permit*, as adopted by Montana on 12/9/1996 and effective 12/27/2002.

(ii) Additional Material.

(A) April 5, 2000 letter from Debra Wolfe, Montana Department of Environmental Quality, to Dawn Tesorero, U.S. Environmental Protection Agency, Region 8.

(B) February 14, 2001 letter from Don Vidrine, Montana Department of Environmental Quality, to Dick Long, U.S. Environmental Protection Agency, Region 8.

(50) On February 9, 2001, the Governor of Montana submitted revisions to Montana's Emergency Episode Avoidance Plan and Cascade County Air Pollution Control Program Regulation Chapter 7, Open Burning.

(i) Incorporation by reference.

(A) Board Order issued on October 16, 2000, by the Montana Board of Environmental Review approving the Cascade County Air Pollution Control Program.

(B) Cascade County Air Pollution Control Program, Regulation Chapter 7, Open Burning, effective October 16, 2000.

(C) March 16, 2001 letter from Debra Wolfe, Montana Department of Environmental Quality, to Laurie Ostrand, EPA Region 8, explaining the effective date of the Cascade County Air Pollution Control Program Regulation Chapter 7, Open Burning.

(51) The Governor of Montana submitted the East Helena Lead SIP revisions with letters dated August 16, 1995, July 2, 1996, and October 20, 1998. The revisions address regulating lead emission from Asarco, American Chemet and re-entrained road dust from the streets of East Helena. The revisions supersede the Lead Plan submitted to EPA on September 29, 1983 (see paragraph (c)(15) of this section).

(i) Incorporation by Reference.

(A) Board order issued on August 28, 1998, by the Montana Board of Environmental Review adopting and incorporating the August 13, 1998 stipulation of the Montana Department of Environmental Quality and Asarco.

(B) Board order issued on June 26, 1996, by the Montana Board of Environmental Review adopting and incorporating the June 11, 1996 stipulation of the Montana Department of Environmental Quality and Asarco including exhibit A and attachments to the stipulation, excluding paragraphs 15 and 16 of the stipulation, and excluding the following:

(1) The words, "or an equivalent procedure" in the second and third sentences in section 2(A)(22) of exhibit A;

(2) The words, "or an equivalent procedure" in the second and third sentences in section 2(A)(28) of exhibit A;

(3) The words, "or an equivalent procedure" in the second sentence in section 5(G) of exhibit A;

(4) The sentence, "Any revised documents are subject to review and approval by the Department as described in section 12," from section 6(E) of exhibit A;

(5) The words, "or a method approved by the Department in accordance with the Montana Source Testing Protocol and Procedures Manual shall be used to measure the volumetric flow rate at each location identified," in section 7(A)(2) of exhibit A;

(6) The sentence, "Such a revised document shall be subject to review and approval by the Department as described in section 12," in section 11(C) of exhibit A;

(7) The sentences, "This revised Attachment shall be subject to the review and approval procedures outlined in section 12(B). The Baghouse Maintenance Plan shall be effective only upon full approval of the plan, as revised. This approval shall be obtained from the Department by January 6, 1997. This deadline shall be extended to the extent that the Department has exceeded the time allowed in section 12(B) for its review and approval of the revised document," in section 12(A)(7) of exhibit A;

(8) Section 12(B) of exhibit A.

(C) Board order issued on August 4, 1995, by the Montana Board of Environmental Review adopting and incorporating the June 30, 1995 stipulation of the Montana Department of Environmental Quality and American Chemet including exhibit A to the stipulation, excluding paragraph 20 of the stipulation.

(ii) Additional material.

(A) All portions of the August 16, 1995 East Helena Pb SIP submitted other than the orders, stipulations and exhibit A's and attachments to the stipulations.

(B) All portions of the July 2, 1996 East Helena Pb SIP submitted other than the orders, stipulations and exhibit A's and attachments to the stipulations.

(C) All portions of the October 20, 1998 East Helena Pb SIP submitted other than the orders, stipulations and exhibit A's and attachments to the stipulations.

(D) November 16, 1999 letter from Art Compton, Division Administrator,

Planning, Prevention and Assistance Division, Montana Department of Environmental Quality, to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII.

(E) September 9, 1998 letter from Richard A. Southwick, Point Source SIP Coordinator, Montana Department of Environmental Quality, to Richard R. Long, Director, Air and Radiation Program, EPA Region VIII.

(52) The Governor of Montana submitted sulfur dioxide (SO<sub>2</sub>) SIP revisions for Billings/Laurel on July 29, 1998 and May 4, 2000. EPA is approving some of the provisions of the July 29, 1998 submittal that it did not approve before. The May 4, 2000 submittal revises some previously approved provisions of the Billings/Laurel SO<sub>2</sub> SIP and adds new provisions.

(i) Incorporation by reference.

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

(B) Board Order issued March 17, 2000 by the Montana Board of Environmental Review adopting and incorporating the February 14, 2000 stipulation between the Montana Department of Environmental Quality and Cenex Harvest States Cooperatives. This stipulation revises attachment #2 to Cenex Harvest States Cooperatives’ exhibit A to require the use of method #6A-1.

(C) Sections 3(E)(4) and 4(E) (excluding “or in the flare” and “or the flare” in both sections), 3(A)(2), 3(B)(2), 3(B)(3), 4(B) and 6(B)(3) of Exxon’s exhibit A to the stipulation between the Montana Department of Environmental Quality and Exxon, adopted June 12, 1998 by Board Order issued by the Montana Board of Environmental Review.

(D) Board Order issued March 17, 2000, by the Montana Board of Environmental Review adopting and incorporating the February 14, 2000 stipulation between the Montana Department of Environmental Quality and Exxon Mobil Corporation. The stipulation

adds the following to Exxon Mobil Corporation’s exhibit A: method #6A-1 of attachment #2 and sections 2(A)(11)(d), 4(C), 7(B)(1)(j) and 7(C)(1)(l). The stipulation revises the following sections of Exxon Mobil Corporation’s exhibit A: 3 (introductory text only), 3(A) (introductory text only), 3(A)(1), 3(B) (introductory text only), 3(B)(1), 3(E)(3), 6(B)(7), 7(B)(1)(d), 7(C)(1)(b), 7(C)(1)(d), and 7(C)(1)(f).

(E) Board Order issued on March 17, 2000, by the Montana Board of Environmental Review adopting and incorporating the February 14, 2000 stipulation between the Montana Department of Environmental Quality and Yellowstone Energy Limited Partnership (YELP). The stipulation revises the following sections of YELP’s exhibit A: sections 3(A)(1) through (3) and 7(C)(1)(b).

(53) The Governor of Montana submitted minor revisions to Asarco’s control strategy in the East Helena Lead SIP on November 27, 2000.

(i) Incorporation by reference.

(A) Board order issued on September 15, 2000, by the Montana Board of Environmental Review adopting and incorporating the stipulation of the Montana Department of Environmental Quality and Asarco dated July 18, 2000. The July 18, 2000 stipulation revises the following sections in the previously adopted exhibit A to the stipulation: 1(B)(4), 1(B)(5), 3(A)(3), 3(A)(4), 3(A)(12)(a), 3(A)(12)(i), 3(A)(12)(m), 3(A)(12)(o), 3(A)(12)(p), 3(A)(12)(q), 3(A)(12)(r), 3(A)(16)(a), 5(D)(1), 5(D)(2), 5(G)(4), 8(A)(2), 8(A)(3), 9(B)(2), and 9(B)(3). These revisions, which became effective on September 15, 2000, replace the same-numbered sections in previously approved SIP revisions.

(54) The Governor of Montana submitted revisions to the Missoula City-County Air Pollution Control Program with a letter dated April 30, 2001. The revisions completely replace the previous version of the program regulations in the SIP.

(i) Incorporation by reference.

(A) November 17, 2000 Montana Board of Environmental Review order approving revisions to the Missoula City-County Air Pollution Control Program regulations.

(B) Missoula City-County Air Pollution Control Program regulations as follows: Chapter 1, Program Authority and Administration; Chapter 2, Definitions; Chapter 3, Failure To Attain Standards; Chapter 4, Missoula County Air Stagnation and Emergency Episode Avoidance Plan; Chapter 5, General Provisions, Rules 5.101–5.103, 5.105–5.106, and 5.112; Chapter 6, Standards for Stationary Sources, Subchapter 1, Air Quality Permits for Air Pollutant Sources, Rules 6.101–6.103 and 6.105–6.109, Subchapter 5, Emission Standards, Rules 6.501–6.504, Subchapter 6, Incinerators, Rules 6.601–6.604, and Subchapter 7, Wood Waste Burners, Rules 6.701–6.703; Chapter 7, Outdoor Burning; Chapter 8, Fugitive Particulate; Chapter 9, Solid Fuel Burning Devices; Chapter 10, Fuels; Chapter 11, Motor Vehicles; Chapter 14, Enforcement and Administrative Procedures; Chapter 15, Penalties; Appendix A, Maps; Appendix B, Missoula's Emergency Episode Avoidance Plan Operations and Procedures; and Appendix D, Oxygenated Fuels Program Sampling Requirements for Blending Facilities, effective November 17, 2000.

(55) On April 30, 2001, May 21, 2001 and December 20, 2001, the Governor of Montana submitted revisions to the Administrative Rules of Montana. The State revised its Incorporation by Reference Rules and repealed a Sulfur Oxide Emissions—Primary Copper Smelter rule (ARM 17.8.323). ARM 17.8.323, last incorporated by reference at 40 CFR 52.1370(c)(49)(i)(A), is removed from the SIP.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections 17.8.102(1)(a), (b), (c) and (d), effective 8/10/01; 17.8.103(1)(m), (n), (o), and (p), effective 8/10/01; 17.8.302(1)(d), (e) and (f), effective 8/10/01; 17.8.602(1) and (2), effective 8/10/01; 17.8.702(1)(g), effective 8/10/01; 17.8.902(1)(e), effective 8/10/01; and 17.8.1002(1)(e), effective 8/10/01.

(B) Previously approved in paragraph (c)(55)(i)(A) under *Subchapter 7: Permit Construction and Operation of Air Contaminant Sources*. This section is now deleted without replacement: ARM 17.8.702(1)(g), *Incorporation by Reference*, as adopted by Montana on 7/20/2001 and effective 12/27/2002.

(56) On August 26, 1999, the Governor of Montana submitted Administrative Rules of Montana Sub-Chapter 14, “Conformity of General Federal Actions” that incorporates conformity of general federal actions to state or federal implementation plans, implementing 40 CFR part 93, subpart B into State regulation.

(i) Incorporation by reference.

(A) Administrative Rules of Montana 17.8.1401, and 17.8.1402 effective June 4, 1999.

(57) [Reserved]

(58) On April 30, 2001, the Governor of Montana submitted a request to add a credible evidence rule to the Administrative Rules of Montana (ARM). ARM 17.8.132—“Credible Evidence” has been approved into the SIP.

(i) Incorporation by reference.

(A) ARM 17.8.132 effective December 8, 2000.

(59) On October 28, 2002, the Governor of Montana submitted revisions to the Administrative Rules of Montana (ARM). The State revised its Incorporation by Reference rules (ARM 17.8.102, 17.8.302) and revised the definition of volatile organic compounds to incorporate by reference the federal regulation (ARM 17.8.101, 17.8.801, 17.8.901). Additional minor changes were made to ARM 17.8.401, 17.8.1005 and the Yellowstone County Air Pollution Control Program Regulation No. 002.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections 17.8.101(41), 17.8.102(a) and (d), 17.8.302(1)(f), 17.8.401(1)(b)(v), 17.8.801(29), 17.8.901(20) and 17.8.1005(6), effective 6/28/02.

(B) Yellowstone County Air Pollution Control Program, Regulation No. 002, (H)(4)(b)(i), effective June 7, 2002.

(60) On June 26, 1997, the Governor of Montana submitted the Thompson Falls Air Pollution Control Plan and on June 13, 2000, the Governor submitted revisions to the June 26, 1997, submittal. On February 28, 1999, the Governor of Montana withdrew all chapters of the Thompson Falls Air Pollution Control Plan submitted on June 26, 1997, except chapters 45.2, 45.10.10, and 45.10.12. EPA is approving sections 45.2, 45.10.10 and 45.10.12 of the

Thompson Falls Air Pollution Control Plan.

(i) Incorporation by reference.

(A) Board Order issued June 20, 1997, by the Montana Board of Environmental Review, as reprinted in section 45.2.2 of the Thompson Falls Air Pollution Control Plan. The Board Order adopts and incorporates the May 1997 Maintenance Agreement Between the City of Thompson Falls, Montana Department of Transportation, and Montana Department of Environmental Quality which contains the control plan for the attainment and maintenance of the PM-10 National Ambient Air Quality Standards in the Thompson Falls area.

(B) May 1997 Maintenance Agreement between the City of Thompson Falls, Montana Department of Transportation, and Montana Department of Environmental Quality, as reprinted in section 45.2.1 of the Thompson Falls Air Pollution Control Plan.

(ii) Additional Material.

(A) Sections 45.2, 45.10.10 and 45.10.12 of the Thompson Falls Air Pollution Control Plan.

(61) Revisions to State Implementation Plan were submitted by the State of Montana on August 20, 2003. The revisions modify definitions and references to federal regulations and other materials in the Administrative Rules of Montana (ARM). The revisions also delete the definition at ARM 17.8.101(43).

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections: ARM 17.8.101(2), (8), (9), (12), (19), (20), (22), (23), (30), and (36); 17.8.102; 17.8.103(1); 17.8.110(2); 17.8.302(1); 17.8.801(1), (3), (4), (6), (20), (21), (22), (24), (27) and (28); 17.8.802(1); 17.8.818(2), (3) and (6); 17.8.819(3); 17.8.821; 17.8.901(1), (11), (12) and (14); 17.8.902(1); 17.8.905(1)(c); and 17.8.1002(1) effective April 11, 2003.

(62) Revisions to State Implementation Plan were submitted by the State of Montana on August 25, 2004. The revisions correct internal references to state documents; correct references to, or update citations of, Federal documents; and make minor editorial changes.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections: ARM 17.8.130; 17.8.320(9); 17.8.801(22); 17.8.819; and 17.8.822, effective April 9, 2004.

(63) Revisions to State Implementation Plan were submitted by the State of Montana on April 18, 2003. The revisions modify the open burning rules and references to federal regulations in the Administrative Rules of Montana.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections: ARM 17.8.302(1)(f); 17.8.601(1), (7) and (10); 17.8.604(1) (except paragraph 604(1)(a)); 17.8.605(1); 17.8.606(3) and (4); 17.8.610(4); 17.8.612(4) and (5); and 17.8.614(1), effective December 27, 2002.

(64) Revisions to State Implementation Plan were submitted by the State of Montana on October 25, 2005. The revisions are to the Administrative Rules of Montana and: update the citations and references to federal documents and addresses where copies of documents can be obtained; and delete the definition of “public nuisance” from Sub-Chapter 1 and the definitions of “animal matter” and “reduction” from Sub-Chapter 3.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections: ARM 17.8.102(1), 17.8.103(3) and (4); 17.8.302(2), (3) and (4); 17.8.602(2), (3) and (4); 17.8.802(2), (3), (4) and (5); 17.8.902(2), (3), (4) and (5); 17.8.1002(2), (3), (4) and (5); and 17.8.1102(2), (3) and (4), effective June 17, 2005.

(65) On June 28, 2000, the Governor of Montana submitted to EPA revisions to the Montana State Implementation Plan. The revisions add definitions for PM and PM<sub>2.5</sub>, ARM 17.8.101(31) and (32) respectively, and revise ARM 17.8.308(4) and ARM 17.8.320(6) through editorial amendments making the rule more concise and consistent with the language in all applicable rules.

(i) Incorporation by reference. Administrative Rules of Montana (ARM) sections: ARM 17.8.101(31) and (32); 17.8.308(4) introductory text, and 17.8.308(4)(b) and (c); and 17.8.320(6). March 31, 2000 is the effective date of these revised rules effective March 31, 2000.



(ii) Additional Material. April 16, 2007 letter by the Governor of Montana rescinding its statement of certification regarding the 1997 NAAQS as submitted in June 28, 2000.

(66) On June 26, 1997, the Governor of Montana submitted the Whitefish OM<sub>10</sub> Control Plan and on June 13, 2000, the Governor submitted revisions to the June 26, 1997 submittal. On February 28, 1999, the Governor of Montana withdrew all sections of the Whitefish PM<sub>10</sub> Control Plan submitted on June 26, 1997, except sections 15.2.7, 15.12.8, and 15.12.10. EPA is approving sections 15.2.7, 15.12.8, and 15.12.10 of the Whitefish PM<sub>10</sub> Control Plan.

(i) Incorporation by reference.

(A) Sections 15.2.7, 15.12.8, and 15.12.10 of the Whitefish PM<sub>10</sub> Control Plan.

(ii) Additional Material.

(A) Flathead County Air Pollution Control Program as of June 20, 1997.

(67) On December 8, 1997, May 28, 2003, and August 25, 2004, the Governor of Montana submitted revisions to the Montana State Implementation Plan. The December 8, 1997 submittal adds subsection (6) to Administrative Rules of Montana (ARM) section 17.8.316 (Incinerators); the August 25, 2004 submittal makes a minor revision to ARM 17.8.316(5); and, the May 28, 2003 submittal makes minor editorial revisions to ARM 17.8.316(6).

(i) Incorporation by reference. Administrative Rules of Montana (ARM) section 17.8.316, Incinerators, effective April 9, 2004.

(ii) Additional Material.

(A) October 2, 2007 Letter from MT DEQ to EPA regarding NSPS/MACT compliance.

(68) Revisions to the State Implementation plan which were submitted by the State of Montana on November 1, 2006 and November 20, 2007. The revisions are to the Administrative Rules of Montana; they make minor editorial and grammatical changes, update the citations and references to federal and state laws and regulations, make other minor changes to conform to federal regulations, and update links to sources of information.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) section 17.8.101, *Definitions*; effective August 11, 2006.

(B) Administrative Rules of Montana (ARM) sections: 17.8.102, *Incorporation by Reference—Publication Dates*; 17.8.103, *Incorporation by Reference and Availability of Referenced Documents*; 17.8.302(1)(d), *Incorporation by Reference*; 17.8.602, *Incorporation by Reference*; 17.8.801, *Definitions*; 17.8.818, *Review of Major Stationary Sources and Major Modifications—Source Applicability and Exemptions*; 17.8.901, *Definitions*; 17.8.1007, *Baseline for Determining Credit for Emissions and Air Quality Offsets*; and, 17.8.1102, *Incorporation by Reference*; all effective October 26, 2007.

(69) Revisions to the State Implementation Plan which were submitted by the State of Montana on January 16, 2009 and May 4, 2009. The revisions are to the Administrative Rules of Montana; they make minor editorial and grammatical changes, update the citations and references to Federal laws and regulations, and make other minor changes to conform to federal regulations.

(i) Incorporation by reference.

(A) Administrative Rules of Montana (ARM) sections 17.8.102 *Incorporation by Reference—Publication Dates*, 17.8.301 *Definitions*, 17.8.901 *Definitions*, and 17.8.1007 *Baseline for Determining Credit for Emissions and Air Quality Offsets*, effective October 24, 2008.

(B) Administrative Rules of Montana (ARM) section 17.8.308 *Particulate Matter, Airborne*, effective February 13, 2009.

(70) On May 28, 2003, March 9, 2004, October 25, 2005 and October 16, 2006, the State of Montana submitted revisions to its State Implementation Plan (SIP) that contained new, revised, amended and repealed rules pertaining to the issuance of Montana air quality permits in addition to minor administrative changes to other subchapters of the Administrative Rules of Montana (ARM).

(i) Incorporation by reference.

(A) Letter from David L. Klemp, Montana State Air Director, to Deborah Lebow Aal, Acting Air Program Director, dated April 29, 2011. For certain sections, the following incorporates by reference official State of Montana publications of the Administrative Rules of Montana that are dated after

the effective date shown in the incorporation by reference for each section. In these instances, the official publication provides a history for the section showing the last effective date of a change. For each of these sections, the last effective date of a change matches the effective date of the section, showing that the official publication reflects the text of the section as of the effective date shown in the following incorporation by reference. The sections, their effective dates, and the date of the publication are as follows: ARM 17.8.825, effective 12/27/2002, publication 9/30/2006; ARM 17.8.826, effective 12/27/2002, publication 9/30/2006; ARM 17.8.906, effective 12/27/2002, publication 6/30/2003; ARM 17.8.740, effective 12/27/2002, publication 9/30/2006; ARM 17.8.744, effective 12/27/2002, publication 12/31/2005; ARM 17.8.752, effective 12/27/2002, publication 6/30/2006; ARM 17.8.755, effective 12/27/2002, publication 6/30/2006; ARM 17.8.756, effective 12/27/2002, publication 6/30/2006; ARM 17.8.767, effective 12/27/2002, publication 3/31/2004; ARM 17.8.749, effective 10/17/2003, publication 6/30/2006; ARM 17.8.759, effective 10/17/2003, publication 12/31/2003; ARM 17.8.763, effective 10/17/2003, publication 6/30/2006; ARM 17.8.764, effective 10/17/2003, publication 6/30/2006; ARM 17.8.602, effective 6/17/2005, publication 3/31/2007; ARM 17.8.767, effective 6/17/2005, publication 6/30/2006; ARM 17.8.802, effective 6/17/2005, publication 12/31/2005; ARM 17.8.1102, effective 6/17/2005, publication 3/31/2007; ARM 17.8.759, effective 12/23/2005, publication 9/30/2006.

(B) ARM submission dated May 28, 2003.

(I) The following provisions of the ARM are amended effective 12/27/2002: 17.8.101, *Definitions*, (4) “*Air quality preconstruction permit*,”; 17.8.110, *Malfunctions*, (7), (8), and (9); 17.8.818, *Review of Major Stationary Sources and Major Modifications—Source Applicability and Exemptions*, (1); 17.8.825, *Sources Impacting Federal Class I Areas—Additional Requirements*, (3); 17.8.826, *Public Participation*; 17.8.904, *When Montana Air Quality Permit Required*; 17.8.905, *Additional Conditions of Montana Air Quality Permit*, (1) and (4); 17.8.906, *Baseline for Determining Credit for Emissions and Air Quality Offsets*; 17.8.1004, *When Montana Air Quality Permit Required*; 17.8.1005, *Additional Condi-*

*tions of Montana Air Quality Permit*, (1), (2) and (5); 17.8.1106, *Visibility Impact Analysis*; 17.8.1109, *Adverse Impact and Federal Land Manager*.

(2) The following new provisions of the ARM are effective 12/27/2002: 17.8.740, *Definitions*, (except for the phrase in 17.8.740(2) “includes a reasonable period of time for startup and shakedown and”; the phrase in 17.8.740(8)(a) “, except when a permit is not required under ARM 17.8.745”; the phrase in 17.8.740(8)(c) “, except as provided in ARM 17.8.745”; 17.8.740(10) “Negligible risk to the public health, safety, and welfare and to the environment”; and 17.8.740(14) “Routine Maintenance, repair, or replacement”; 17.8.743, *Montana Air Quality Permits—When Required*, (except the phrase in 17.8.743(1) “and 17.8.745,” the phrase in 17.8.743(1)(b) “asphalt concrete plants, mineral crushers, and”, and 17.8.743(1)(c)); 17.8.744, *Montana Air Quality Permits—General Exclusions*; 17.8.748, *New or Modified Emitting Units—Permit Application Requirements*; 17.8.749, *Conditions For Issuance or Denial of Permit*, (1), (3), (4), (5), (6), and (8); 17.8.752, *Emission Control Requirements*; 17.8.755, *Inspection of Permit*; 17.8.756, *Compliance with Other Requirements*; 17.8.759, *Review of Permit Applications*, (1) through (3); 17.8.760, *Additional Review of Permit Applications*; 17.8.762, *Duration of Permit*; 17.8.763, *Revocation of Permit*, (1) and (4); 17.8.764, *Administrative Amendment to Permit*, (1) (except for the phrase in 17.8.764(1)(b) “unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or”), (2) and (3); 17.8.765, *Transfer of Permit*; 17.8.767, *Incorporation by Reference*, (1)(a) through (c).

(C) ARM submission dated March 09, 2004.

(I) The following provisions of the ARM are amended effective 10/17/2003: 17.8.749, *Conditions For Issuance or Denial of Permit*, (7); 17.8.759, *Review of Permit Applications*; 17.8.763, *Revocation of Permit*, (2) and (3); 17.8.764, *Administrative Amendment to Permit*, (2) and (3).

(D) ARM submission dated October 25, 2005.

(I) The following provisions of the ARM are amended effective 6/17/2005: 17.8.102, *Incorporation by Reference—*

*Publication Dates*; 17.8.103, *Incorporation by Reference and Availability of Referenced Documents*; 17.8.302, *Incorporation by Reference*; 17.8.602, *Incorporation by Reference*; 17.8.767, *Incorporation by Reference*, (1)(d) through (g), (2), (3), and (4); 17.8.802, *Incorporation by Reference*; 17.8.902, *Incorporation by Reference*; 17.8.1002, *Incorporation by Reference*; 17.8.1102, *Incorporation by Reference*.

(E) ARM submission dated October 16, 2006.

(I) The following provisions of the ARM are amended effective 12/23/2005: 17.8.759, *Review of Permit Applications*, (4) through (6).

(71) The Governor of Montana submitted revisions, reordering and renumbering to the Libby County Air Pollution Control Program in a letter dated June 26, 2006. The revised Lincoln County regulations focus on woodstove emissions, road dust, and outdoor burning emissions.

(i) Incorporation by reference.

(A) Before the Board of Environmental Review of the State of Montana order issued on March 23, 2006, by the Montana Board of Environmental Review approving amendments to the Libby Air Pollution Control Program.

(B) Libby City Council Resolution No. 1660 signed February 27, 2006 and Lincoln County Board of Commissioners Resolution No. 725 signed February 27, 2006, adopting revisions, reordering and renumbering to the Lincoln County Air Pollution Control Program, Health and Environment Regulations, Chapter 1—Control on Air Pollution, Subchapter 1—General Provisions; Subchapter 2—Solid Fuel Burning Device Regulations; Subchapter 3—Dust Control Regulations; Subchapter 4—Outdoor Burning Regulations; as revised on February 27, 2006.

(ii) Additional Material.

(A) Stipulation signed October 7, 1991, between the Montana Department of Health and Environmental Sciences (MDHES), the County of Lincoln and the City of Libby, which delineates responsibilities and authorities between the MDHES, Lincoln County and Libby.

(72) On May 28, 2003 the State of Montana submitted revisions to the Administrative Rules of Montana (ARM), 17.8.740, *Definitions*; 17.8.743, *Montana*

*Air Quality Permits—When Required*; and 17.8.764, *Administrative Amendment to Permit*. On June 25, 2010, the State of Montana submitted revisions to the ARM, 17.8.745, *Montana Air Quality Permits—Exclusion for De Minimis Changes*.

(i) Incorporation by reference.

(A) Administrative Rules of Montana, 17.8.740, *Definitions*, ARM 17.8.740(8)(a) only, the phrase “, except when a permit is not required under ARM 17.8.745” and ARM 17.8.740(8)(c) only, the phrase “, except as provided in ARM 17.8.745”; 17.8.743, *Montana Air Quality Permits—When Required*, (except the phrase in 17.8.743(1)(b), “asphalt concrete plants, mineral crushers, and”, and 17.8.743(1)(c) in its entirety); and 17.8.764, *Administrative Amendment to Permit*; effective 12/27/2002.

(B) Administrative Rules of Montana, 17.8.745, *Montana Air Quality Permits—Exclusion for De Minimis Changes*, effective 5/28/2010.

(73) On September 23, 2011, the State of Montana submitted new rules to the Administrative Rules of Montana (ARM). The submittal included new rules to ARM Chapter 17. The incorporation by reference in paragraphs (i)(A) and (i)(B) reflect the new rules.

(i) Incorporation by reference.

(A) Administrative Rules of Montana: 17.8.1601, *Definitions*; 17.8.1602, *Applicability and Coordination with Montana Air Quality Permit Rules*; 17.8.1603, *Emission Control Requirements*; 17.8.1604, *Inspection and Repair Requirements*; 17.8.1605, *Recordkeeping Requirements*; 17.8.1606, *Delayed Effective Date*; effective January 1, 2006.

(B) Administrative Rules of Montana: 17.8.1701, *Definitions*; 17.8.1702, *Applicability*; 17.8.1703, *Registration Process and Information*; 17.8.1704, *Registration Fee*; 17.8.1705, *Operating Requirements: Facility-wide*; 17.8.1710, *Oil or Gas Well Facilities General Requirements*; 17.8.1711, *Oil or Gas Well Facilities Emission Control Requirements*; 17.8.1712, *Oil or Gas Well Facilities Inspection and Repair Requirements*; 17.8.1713, *Oil or Gas Well Facilities Recordkeeping and Reporting Requirements*; effective April 7, 2006.

(74) On June 4, 2013 the State of Montana submitted revisions to the Administrative Rules of Montana (ARM), *Air Quality*, Subchapter 8, *Prevention of Significant Deterioration of Air Quality*,

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17.8.801, *Definitions*, and 17.8.818, *Review of Major Stationary Sources and Major Modifications—Source Applicability and Exemptions*.

(i) Incorporation by reference

(A) Administrative Rules of Montana, *Air Quality*, Subchapter 8, *Prevention of Significant Deterioration of Air Quality*, 17.8.801, *Definitions*, (20) introductory text, (20)(a); (22) introductory text, (22)(b); (25); (28) introductory text, (28)(a), except for the phrase “nitrogen oxides (NOx)”; and, 17.8.818, *Review of Major Stationary Sources and Major Modifications—Source Applicability and Exemptions*, (7) introductory text, (7)(a) introductory text, (7)(a)(vi), effective 10/12/2012.

[37 FR 10877, May 31, 1972. Redesignated at 80 FR 22911, April 24, 2015]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1397, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).

## § 52.1398 Control strategy: Sulfur dioxide.

(a) *Redesignation to attainment*. The EPA has determined that the Billings 2010 sulfur dioxide (SO<sub>2</sub>) nonattainment area has met the criteria under CAA section 107(d)(3)(E) for redesignation from nonattainment to attainment for the 2010 1-hour SO<sub>2</sub> NAAQS. The EPA is therefore redesignating the Billings 2010 SO<sub>2</sub> nonattainment area to attainment.

(b) The EPA is approving the maintenance plan for the Billings nonattainment area for the 2010 SO<sub>2</sub> NAAQS submitted by the State of Montana on December 14, 2015.

[81 FR 28720, May 10, 2016]

(c) *EPA-approved regulations*.

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### Subpart CC—Nebraska

#### § 52.1420 Identification of plan.

(a) *Purpose and scope*. This section sets forth the applicable SIP for Nebraska under section 110 of the CAA, 42 U.S.C. 7401 *et seq.*, and 40 CFR Part 51 to meet NAAQS.

(b) *Incorporation by reference*. (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to December 31, 2014, was approved for incorporation by reference by the Director of the FEDERAL REGISTER in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c) and (d) of this section with EPA approval dates after December 31, 2014, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 7 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of December 31, 2014.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 7, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; at the EPA, Air and Radiation Docket and Information Center, and the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional Office, please call (913) 551-7089. For information on the availability of this material at NARA, call (202) 741-6030, or go to: [www.archives.gov/federal-register/cfr/ibr-locations.html](http://www.archives.gov/federal-register/cfr/ibr-locations.html).