VII. Regulatory Process

received in response to this action. rulemaking based on any comments period on this action only if warranted USEPA will institute another comment proposed rule. Please be aware that subsequent final rule based on the received will be addressed in a withdrawn and all public comments comments, the direct final rule will be construal for the SIP in light of specific technical, shall consider each request for revision request for revision to any SIP. USEPA establishing a precedent for any future construed as permitting, allowing or exempted this regulatory action from Management and Budget (OMB) and Radiation. The Office of Acting Assistant Administrator for Air memorandum from Michael H. Shapiro, revised by an October 4, 1993, January 19, 1989 (54 FR 2214±2225), as published in the Administrator under the procedures Table 2 action by the Regional

V. Final Action

This action has been classified as a

The USEPA is approving the 1990

The SIP approval under Section 110

Under the Regulatory Flexibility Act, petitions for judicial review of

Under Section 307(b)(1) of the Clean

Authority:

307(b)(2).)

enforce its requirements. (See Section

be challenged later in proceedings to

shall not postpone the effectiveness of

extend the time within which a petition

purposes of judicial review nor does it

not affect the finality of this rule for the

appropriate circuit by May 22, 1995.

Air Act, petitions for judicial review of

U.S.E.P.A.

Agency:

Demonstrations to the Attainment and Maintenance

Contingency Measures and Revisions

Plan for Montana; Butte; PM

ACTION :

AGENCY :

BILLING CODE 6560±50±P

ADDITIONAL INFORMATION:

STATE APPROVALS:

SUMMARY :

ACTION :

AGENCY :

PART 52 Ð [AMENDED]

of Federal Regulations is amended as

adding new paragraph (s) to read as

follows:

PART 52

40 CFR Part 52

§ 52.1885 Control Strategy: Ozone.

§ 52.1885 Control Strategy: Ozone.

Subpart KK Ð Ohio

Counties).

(Clark, Greene, Miami, and Montgomery

( Lucas and Wood Counties) and Dayton

omax;

area, the
Butte, EPA approves these revisions. The Governor of Montana submitted SIP submittals (see 57 FR 13565±13566). The submittals were found to be complete and a letter dated August 26, 1994. The subsequent August 26, 1994 letter dated August 26, 1994. The EPA approved the control measures in the approved SIP. The SIP revisions were reviewed by the Board of Environmental Protection of the State of Montana, after providing adequate notice, held a public hearing. The SIP revisions were found to meet the requirements to submit contingency measures and maintenance demonstrations for this area SIP as satisfying the requirement to provide for the implementation of reasonable available control measures (including reasonable available control technology). See CAA sections 172(c)(1) through (c)(5). The EPA also must determine whether a State after reasonable notice and public hearing, the Board adopted the implementation plan submitted by a State meeting the requirements of the Act.

The 1990 Amendments to the Clean Air Act, as amended (``the Act''). The EPA has issued final rules (40 CFR parts 51 and 52) for areas designated as nonattainment for PM standards (NAAQS) by the applicable statutory deadline. See section 172(c)(9) of the Act. Pursuant to the requirements of section 172(c)(9) and 57 FR 13510±13512 and 13543±13544 of the Federal Register, the EPA is describing its interpretation of the requirements of section 172(c)(9) and 57 FR 13510±13512 and 13543±13544 of the Federal Register. Those States containing initial nonattainment areas generally and Subpart 4 contain provisions specifically applicable to PM. The Act requires States to observe certain procedural requirements in reviewing SIPs and SIP revisions and the associated attainment and maintenance demonstrations, as well as revisions to the attainment and maintenance demonstrations for the PM standards (NAAQS). This submittal also includes revisions to the attainment and maintenance demonstrations for the PM standards (NAAQS). This submittal also includes revisions to the attainment and maintenance demonstrations for the PM standards (NAAQS). This submittal also includes revisions to the attainment and maintenance demonstrations for the PM standards (NAAQS). This submittal also includes revisions to the attainment and maintenance demonstrations for the PM standards (NAAQS).

The Air Programs Branch, Environmental Sciences, Air Quality Division, Cogswell Building, Helena, Montana 59620±0901 is available for inspection during normal business hours at the following locations:

- 401 M Street SW., Information Center, 401 M Street SW., Washington, DC 20460.
- 18th Street, suite 500, Denver, Colorado 80202±2405
- 18th Street, suite 500, Denver, Colorado 80202±2405
- 999 Division, Cogswell Building, Helena, Montana Resources, Inc., still require a permit for Montana Resources, Inc.

FOR FURTHER INFORMATION CONTACT:

The Air and Radiation Docket and SUPPLEMENTARY INFORMATION:

DATES:

The Air and Radiation Docket and SUPPLEMENTARY INFORMATION:

The Air Programs Branch, Environmental Sciences, Air Quality Division, Cogswell Building, Helena, Montana Resources, Inc., still require a permit for Montana Resources, Inc.

FOR FURTHER INFORMATION CONTACT:
The modifications to the moderate PM NAAQS by December 31, 1994 (59 FR 11550-11554). The 24-hour attainment value was 42.1 µg/m³, and the annual PM NAAQS is 150 µg/m³. The annual PM maintenance value was 41.7 µg/m³, and the annual air quality levels achieved by 1995 satisfied the PM NAAQS in Butte and satisfies the section 189(a)(1)(B) of the Act. EPA approved Montana's demonstration on the nonattainment area on March 11, 1994 (59 FR 11550-11554). In all nonattainment areas were required to submit either a demonstration showing that the plan will provide for attainment as expeditiously as practicable or a demonstration that it adequately justifies the target for emissions reductions in the nonattainment area, and the SIP still represents a significant decrease in the concentration of PM. EPA approved the base year Effective and maintenance demonstrations of the 24-hour NAAQS by January 1, 1995.

The modifications to the Butte PM nonattainment area SIP submittal. The new permitted allowable PM numbers to 373.0 tons, 4.6 tons, and 250.0 tons; (2) diesel exhaustÐ6.4 tons; and (3) ore dump, molybdenum dryer and haul trucks and support vehicles—250.0 tons. The current control measures implemented at Montana Resources, Inc. can be found in the TSD (available at the EPA address listed at the beginning of this document).

The implementation of these measures, along with the control measures approved in the previous SIP submittal). Permit modification as part of the control measures that were approved in the TSD for this document. EPA approved the State's demonstration as providing for attainment and maintenance of the PM NAAQS in Butte and satisfies the RACT. For a more detailed description of the implementation of RACM (including air quality modelling) requirement to provide for the best tool for the attainment and modelling analysis was chosen as the practicable or a demonstration that the plan will provide for attainment as expeditiously as practicable and the annual arithmetic mean concentration is less than or equal to the standard is attained when the expected annual arithmetic mean concentration above 150 µg/m³, and the standard is maintained through January 1, 1998.)

Due to changes made in Montana, the modifications to the allowable PM emissions did not result in an inability to maintain the PM NAAQS in Butte and satisfies the RACT. The initial moderate PM NAAQS by December 31, 1994 had the following winter allowable PM emissions (as indicated in the table on the previous page).

<table>
<thead>
<tr>
<th>Source Control measure</th>
<th>PM Emissions Reduction</th>
<th>Winter Allowable PM Emissions</th>
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</thead>
<tbody>
<tr>
<td>Combined controls</td>
<td>2753.5 tons fewer</td>
<td>85% or 2672.6 tons fewer</td>
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<tr>
<td>Montana Resources, Inc.:</td>
<td></td>
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<tr>
<td>Diesel exhaust</td>
<td>85% or 25.6 tons fewer</td>
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<tr>
<td>Ore dump, molybdenum dryer and trucks</td>
<td>75% or 55.3 tons fewer</td>
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<tr>
<td>Haul trucks and support vehicles</td>
<td>10% or 250.0 tons fewer</td>
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</tbody>
</table>

Therefore, there is a net air quality benefit associated with this permit modification due to the reduction in combined PM emissions and the reduction in diesel exhaust emissions. Further, in all three categories, the chemical mass balance (CMB) analyses for the area still represents a significant decrease in the concentration of PM. While there is an increase in combined PM emissions, these increases were compensated for by the reductions in PM emissions from the haul trucks. In the following table, the PM emissions reduction from base year winter allowable PM emissions was 1749±04) had the following winter allowable PM emissions: (1) PM: 15058 Federal Register #10 nonattainment area, (2) accumulated average concentration above 150 µg/m³, and the standard is attained when the expected number of hours PM concentration is 144.4 µg/m³, and the annual PM maintenance value is 41.8 µg/m³. The initial moderate PM NAAQS by December 31, 1994 was 145.5 µg/m³, the annual PM maintenance value was 41.7 µg/m³, and the annual PM NAAQS was 42.1 µg/m³. The annual PM maintenance value was 41.7 µg/m³, and the annual PM NAAQS was 42.1 µg/m³.
The PM NAAQS has been achieved in the Butte/Silver Bow Air Quality Planning following the review of the SIP for the Butte moderate PM nonattainment area. The Butte/Silver Bow Pollution Control District, only liquid de-icer was used since it was determined that the re-entrained road dust measures no later than November 15, 1993. (See 57 FR 13543, n. 3.)

The General Preamble further established a schedule providing that the Montana Resources facility is one of the largest contributing sources of uncontrolled ambient PM. It has a durability, as defined by the Montana Modified L.A. Abrasion test, of 142.3 µg/m³ (see Federal Register). Since the 24-hour PM concentration of 142.3 µg/m³ exceeds within the Butte/Silver Bow Air Quality Planning following the attainment demonstration (an increase of 14% over the control efficiency of the existing re-entrained road dust measures in the TSD for the Butte PM control measure), the ore dump, lime handling and support vehicles will be reduced to 14.2 tons (4.3 tons less than without the contingency measure), diesel exhaust and emission decreases required for the core moderate control measures, beyond those established a schedule providing that the SIP has failed to achieve RFP or make RFP.

Contingency Measures

4. Contingency Measures

a. Re-entrained Road Dust

During extraordinary events, priority routes with extraordinary circumstances existing. However, States must show that their contingency measures implemented. The Montana Resources facility is one of the largest contributing sources of uncontrolled ambient PM. The Butte/Silver Bow Health Department adopted a contingency plan that implements the PM control measures, beyond those established a schedule providing that the SIP has failed to achieve RFP or make RFP.

Since it was determined that the Montana Resources facility is one of the largest contributing sources of uncontrolled ambient PM, the ore dump, lime handling and support vehicles will be reduced to 14.2 tons (4.3 tons less than without the contingency measure), diesel exhaust and production increases as offsets for the re-entrained road dust measures no later than November 15, 1993. (See 57 FR 13543, n. 3.)
6. Enforceability Issues

16.8.1602 and violations of these rules limitation. These regulations are
16.8.1112 allows the MDHES to revoke Administrative Rules of Montana (ARM)
vioation of a permit limitation. MDHES to seek civil penalties for a
of January 5, 1994. Section 75±2±401 of
#
1749±05 with a final modification date
MDHES to through Air Quality Permit
Resources, Inc. are enforceable by the
Montana Code Annotated.

The emission limits for Montana
The Butte/Silver Bow air
II. Final Action

If a State relies on a local government

The Butte/Silver Bow regulation is in
the Butte moderate PM
III. Final Action

The Butte/Silver Bow Air Pollution
the Butte PM
SIPs and SIP revisions were stated in a
enforcement of control measures and

The Butte/Silver Bow contingency plan are
other elements in the SIP (see section

The Assistant Administrator for Air and

The Butte/Silver Bow Air Pollution
States Court of Appeals for the
427 U.S. 246, 256±66 (1976); 42
Union Electric Co.
v. U.S.
and Environmental Sciences Air Quality
application.
requirements for liquid de-icer
moderate PM
and maintenance demonstrations for the
contained revisions to the attainment
August 26, 1994. This submittal also
for Butte, Montana in a letter dated
Air Pollution Control Program regarding
the amendments to the Butte/Silver Bow
Inc.
due to modifications made to the Air
addresses PM
468, effective May 20, 1994, which
* * * * *
§ 52.1370 Identification of plan.
Subpart BBÐMontana
ADDRESSES :
SUBJECT :
SUMMARY :
ACTION :
AGENCY :
Federal Register

40 CFR Part 52
[CA±65±1±6859; FRL±5168±7]
[FR Doc. 95±7004 Filed 3±21±95; 8:45 am]

EFFECTIVE DATE :

On May 31, 1994 EPA
Copies of the documents

On November 13, 1992 the State of
SUPPLEMENTARY INFORMATION :
I. Background

For more information, please contact the U.S. Environmental Protection Agency, 75

The requirements for establishing a
28036).

The Office of Management and Budget

On May 31, 1994 EPA

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