

Hazardous Air Pollutants (NESHAPs), which will be handled separately.

DATES: This direct final rule is effective on March 3, 2000 without further notice, unless EPA receives adverse comment by February 2, 2000. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Mail written comments to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P-AR, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202-2405. Documents relevant to this action can be perused during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202-2405. Copies of the incorporation by reference material are available at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460. Copies of the State documents relevant to this action are available at the Montana Department of Environmental Quality, 1520 E. 6th Avenue, Helena, Montana, 59620-0901.

FOR FURTHER INFORMATION CONTACT: Amy Platt, Environmental Protection Agency, Region VIII, (303) 312-6449.

SUPPLEMENTARY INFORMATION: Throughout this document wherever "we" is used it means EPA.

I. Background

The Missoula, Montana area was designated nonattainment for PM₁₀ and classified as moderate under Sections 107(d)(4)(B) and 188(a) of the Clean Air Act, upon enactment of the Clean Air Act Amendments of 1990.¹ See 56 FR 56694 (Nov. 6, 1991); 40 CFR 81.327 (Missoula and vicinity). The air quality planning requirements for moderate PM₁₀ nonattainment areas are set out in Subparts 1 and 4 of Part D, Title I of the Act. The EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under Title I of the Act, including those State submittals containing moderate PM₁₀ nonattainment area SIP requirements (see generally 57 FR 13498 (April 16,

1992) and 57 FR 18070 (April 28, 1992)).

Those States containing initial moderate PM₁₀ nonattainment areas such as Missoula were required to submit, among other things, several provisions by November 15, 1991. These provisions are described in EPA's final rulemaking on the Missoula moderate PM₁₀ nonattainment area SIP (59 FR 2537-2540, January 18, 1994).

EPA has approved subsequent revisions to the Missoula moderate PM₁₀ SIP. On December 13, 1994 (59 FR 64133), EPA approved revisions to the Missoula County Air Pollution Control Program regulations related to, among other things, PM₁₀ and CO contingency measures, inspections, emergency procedures, minor source construction permitting, open burning and wood waste burners. On August 30, 1995 (60 FR 45051), EPA approved revisions to the Missoula County Air Pollution Control Program regulations related to emergency procedures; the paving of roads, driveways, and parking lots; and solid fuel burning devices.

II. Analysis of State Submission

A. Procedural Background

The Act requires States to follow certain procedures in developing implementation plans and plan revisions for submission to EPA. Sections 110(a)(2) and 110(l) of the Act provide that each implementation plan a State submits must be adopted after reasonable notice and public hearing.

We also must determine whether a submittal is complete and therefore warrants further review and action (see section 110(k)(1) of the Act and 57 FR 13565). EPA's completeness criteria for SIP submittals can be found in 40 CFR part 51, appendix V. EPA attempts to determine completeness within 60 days of receiving a submission. However, the law considers a submittal complete if we don't determine completeness within six months after we receive it.

To provide for public comment, the Montana Board of Environmental Review (MBER), after providing adequate notice, held a public hearing on October 31, 1997 to address the amendments to the Missoula County air quality rules. Following the public hearing, the MBER approved the amendments, with a minor clarification to the definition of essential agricultural burning.

The Governor of Montana submitted the revisions to the Missoula County air quality rules to EPA with a letter dated November 14, 1997. The revisions were deemed complete as of May 14, 1998.

B. November 14, 1997 Revisions

As noted above, we will handle separately the revisions in the November 14, 1997 submittal regarding standards of performance for new stationary sources and emission standards for hazardous air pollutants. The revisions to the Missoula County air pollution control rules to be addressed in this document include revisions to general definitions, open burning, and changes to criminal penalties which involve the following sections of the Missoula County Air Quality Control Program: Chapter IX, Regulations, Standards and Permits, Subchapter 7, General Provisions and Subchapter 13 Open Burning; and Chapter XII, Criminal Penalties.

1. Revisions to Chapter IX, Regulations, Standards, and Permits

a. Subchapter 7, General Provisions, Rule 701—General Definitions: Revisions to this rule include the deletion of definitions for "salvage operation," "trade waste," and "wood-waste burners." These definitions were added to the definitions section of the Missoula County open burning regulations (see subchapter 13 discussed below). This change was made to be consistent with the Montana statewide open burning definitions and is approvable.

b. Subchapter 13, Open Burning: The revisions to the open burning regulations were made, for the most part, to make the county rules consistent with state rules. Note that there are several places in the county rules that refer to rule 17.8.610, Major Open Burning Source Restrictions, of the Administrative Rules of Montana (ARM). This numbering is a recodification of the federally approved version of the ARM, in which the Major Open Burning Source Restrictions rule is numbered 16.8.1304. We will act on the ARM recodification at a later date.

In some cases, the Missoula County rules are more stringent than state rules. For example, the County rules require permits year-round for minor open burners. In addition, the allowed special burning period for essential agricultural open burning is shorter than that provided in the State regulations.

These revisions to Missoula County subchapter 13, Open Burning, are approvable.

2. Revisions to Chapter XII, Criminal Penalties

A revision was made to this chapter to increase the fine for a violation of the provisions, regulations, or rules of the Missoula County Air Quality Control

¹ The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Public Law 101-549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended ("the Act"). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. 7401, *et seq.*