

INTERSTATE TRANSPORT RULE DECLARATION

Pursuant to the requirements of the Federal Clean Air Act (CAA), Montana declares that its State Implementation Plan (SIP) meets the requirements of 42 USC 7410(a)(2)(D)(i).

42 USC 7410(a)(2)(D)(i) provides that each State must submit a control program which "contains adequate provisions— (i) prohibiting . . . any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will

- I. contribute significantly to non-attainment in, or interfere with maintenance by, any other State with respect to such national primary or secondary ambient air quality standard, or
- II. interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility,"

Montana satisfies the requirements of section 110(a)(2)(D)(i) as follows:

I. **'Significant contribution' and 'interfere with maintenance' requirements**

- The Montana SIP (40 CFR 52.1370, Subpart BB) contains adequate provisions prohibiting any source or type of emissions activity within the State from emitting any air pollutant in any amounts that will contribute significantly to non-attainment in or interfere with the maintenance by any other State with respect to the PM2.5 and ozone NAAQS.
- For the NAAQS for 8-hour ozone, the major sources in Montana are currently subject to prevention of significant deterioration (PSD) and non-attainment new source review (NNSR) permitting requirements that implement the 8-hour ozone standard. Montana currently expects to meet the June 15, 2007 deadline for SIP submissions adopting the requirements of the Phase II ozone implementation rule.
- For the NAAQS for PM2.5, major sources in Montana are subject to PSD and NNSR permitting requirements implemented in accord with EPA's interim guidance which requires the use of PM10 as a surrogate for PM2.5 in the PSD and NNSR programs.

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- Montana is not subject to the “Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone,” (CAIR). In the preamble to CAIR, EPA noted: “In analyzing significant contribution to non-attainment, we determined it was reasonable to exclude the Western U.S., including the states of Washington, Idaho, Oregon, California, Nevada, Utah and Arizona from further analysis due to geography, meteorology, and topography. Based on these factors, we concluded that the PM 2.5 and 8-hour ozone non-attainment problems are not likely to be affected significantly by pollution transported across these states' boundaries. Therefore, for the purpose of assessing State's contributions to non-attainment in other states, we have only analyzed the non-attainment counties located in the rest of the U.S.” (See “Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Interstate Air Quality Rule Preamble),” 69 FR at 4581, January 30, 2004, first full paragraph, middle column.)
- Additionally, in the “Corrected Response to Significant Public Comments on the Proposed CAIR,” EPA responded: “Regarding modeling of all States, in the PM2.5 modeling for the NPRM, we modeled 41 States, and found that the westernmost of these States made very small contributions to nonattainment in any other state.¹ For the revised modeling for the final rule, we reduced the set of States modeled [to 37 for PM] for the reasons of efficiency.² The results again showed that the westernmost States modeled did not make contributions above the significance threshold, indicating that had other even more western States been modeled they also would not have done so. Footnote 1: The 9 westernmost states that were NOT modeled for the NPRM are Idaho, Washington, Oregon, Nevada, California, Utah, Arizona, Alaska, and Hawaii. Footnote 2: The additional 4 states NOT modeled for the final rule are Montana, Wyoming, Colorado, and New Mexico. (See Corrected Response to Significant Public Comments on the Proposed Clean Air Interstate Rule, March 2005 – Corrected April 2005, Document ID No. EPA-HQ-2003-0053-2172, pages 200-201.)
- EPA's CAIR analysis identified states contributing significantly to non-attainment of PM2.5 and ozone in adjacent states, and Montana was not identified. The closest ozone nonattainment areas to Montana are the Denver / Fort Collins area in Colorado, and the Chico area in California.

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Fort Collins is over 400 miles from Billings - the closest major city in Eastern Montana, and Chico is over 600 miles from Missoula - the closest major city in Western Montana. The closest nonattainment areas for PM2.5 are Merced, California, which is over 700 miles from Missoula, and Chicago, Illinois, which is over 1,000 miles from Billings, the two major cities in Montana closest to these two PM2.5 nonattainment areas.

- The Chico Ozone Nonattainment Area: The Chico Ozone nonattainment area is the nearest ozone nonattainment area to Western Montana. Chico is over 600 miles from Missoula - the southwesternmost urban area in Montana. The supporting documentation for the Chico nonattainment designation indicates the Chico area is geographically, meteorologically, and topographically separate from areas to the north, including Montana. Montana does not contribute to interstate transport of emissions to this area.
- The Denver / Fort Collins, Colorado Ozone Nonattainment Area: The Denver / Fort Collins, Colorado Ozone nonattainment area is the nearest ozone nonattainment area to Eastern Montana. Fort Collins is over 400 miles from Billings - the easternmost urban area in Montana. The supporting documentation for the Denver / Fort Collins nonattainment designation indicates the Fort Collins area is geographically, meteorologically and topographically separate from areas to the north, including Montana. Montana does not contribute to interstate transport of emissions to this area.

II. 'Prevention of significant deterioration' and 'protect visibility' requirement

- Congress directed States to develop and implement measures to (PSD) of air quality pursuant to 42 USC §7471. Montana adopted permitting requirements for major sources proposing to modify or construct.. These SIP-approved rules are found in Title 17, Chapter 8, subchapters 8 (PSD) and 10 (nonattainment new source review) of the Administrative Rules of Montana. Montana continues to implement and enforce these rules which satisfy the requirements of section 110(a)(2)(D)(i).
- Because States are not required to submit Regional Haze SIPs until December 2007, Montana cannot verify the existence of or assess interference with measures in the applicable visibility (Regional Haze) SIP

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for another State. EPA Region VIII is working with Montana and the Western Regional Air Partnership to prepare a FIP to address EPA's Regional Haze Regulations. See 64 FR 35714 (July 1, 1999). These submissions are due no later than December 17, 2007.

- No Montana source emits pollutants that interfere with measures included in the visibility SIPs under the 1980 regulations.

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