

ENVIRONMENTAL QUALITY

CHAPTER 8

AIR QUALITY

Subchapter 14

Conformity of General Federal Actions

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Subchapter 14

Conformity of General Federal Actions

17.8.1401 DEFINITIONS (1) For the purposes of this subchapter, terms have the meaning as defined in 40 CFR 93.152.

(2) For the purposes of this subchapter and 40 CFR Part 93, subpart B, as adopted by reference in this subchapter, the following additional definitions apply:

(a) "MPO" means Metropolitan Planning Organization and is that organization designated as being responsible, together with the state, for conducting the continuing, cooperative, and comprehensive planning process under 23 USC 134 and 49 USC 1607. This includes the MPOs in Billings, Great Falls, and Missoula, any successors to these MPOs, and any MPO that is subsequently created for any area.

(b) "State air quality agency" means the Montana Department of Environmental Quality ("department" or "DEQ"), or its successor agency. (History: 75-2-111, MCA; IMP, 75-2-202, MCA; NEW, 1999 MAR p. 1216, Eff. 6/4/99.)

17.8.1402 INCORPORATION BY REFERENCE (1) For the purposes of this subchapter, the board adopts and incorporates by reference the following:

(a) 40 CFR Part 93, subpart B, which requires the conformity of general federal actions, other than those covered by subpart A, to state or federal implementation plans, with the following changes:

(i) the reference to 40 CFR Part 51, subpart T, in 40 CFR 93.153(a), is replaced by ARM 17.8.1301, et seq.

(ii) the references to 40 CFR Part 51, subpart T, and 40 CFR 93, subpart A, in 40 CFR 93.158(a)(5)(ii) are replaced by ARM 17.8.1301, et seq.

(iii) 40 CFR 93.160(f) is replaced by: "written commitments to mitigation measures must be obtained prior to a positive conformity determination and such commitments must be fulfilled."

(iv) 40 CFR 93.160(g) is replaced by: "Any agreements, including mitigation measures, necessary for a conformity determination will be both state and federally enforceable. Enforceability through the State Implementation Plan (SIP) will apply to all persons who agree to mitigate direct and indirect emissions associated with a federal action for a conformity determination."

(2) Copies of materials incorporated by reference in this subchapter may be obtained as referenced in ARM 17.8.102(3) and (4). (History: 75-2-111, MCA; IMP, 75-2-202, MCA; NEW, 1999 MAR p. 1216, Eff. 6/4/99; AMD, 2005 MAR p. 959, Eff. 6/17/05; AMD, 2007 MAR p. 1663, Eff. 10/26/07; AMD, 2018 MAR p. 438, Eff. 2/24/18.)

(2) Copies of federal materials incorporated by reference in this subchapter may be obtained from:

(a) National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; phone: (800) 553-6847 or (703) 605-6000; fax: (703) 605-6900; e-mail: orders@ntis.gov; web: <http://www.ntis.gov>;

(b) National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419; phone: (800) 490-9198 or (513) 489-8190; fax: (513) 489-8695; e-mail: ncepimal@one.net; web: <http://www.epa.gov/ncepimahom>;

(c) U.S. Government Printing Office, Information Dissemination (Superintendent of Documents), P.O. Box 371954, Pittsburgh, PA 15250-7954; phone: (866) 512-1800 or (202) 512-1800; fax: (202) 512-2104; e-mail: orders@gpo.gov; web: <http://www.gpoaccess.gov>; and

(d) the EPA regional office libraries listed at <http://www.epa.gov/natlibra/libraries.htm>.

(3) Copies of the CFR may be obtained from the U.S. Government Printing Office, as described in (2)(c). (History: 75-2-111, MCA; IMP, 75-2-202, MCA; NEW, 1999 MAR p. 1216, Eff. 6/4/99; AMD, 2005 MAR p. 959, Eff. 6/17/05; AMD, 2007 MAR p. 1663, Eff. 10/26/07.)