

commit the State of Montana to accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's request of October 28, 2002.

(I) Upon approval of the Regional Administrator of EPA Region VIII, the Director of DEQ may subdelegate his authority to implement and enforce the NSPS to local air pollution control authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.

(J) The State of Montana must require reporting of all excess emissions from any NSPS source in accordance with 40 CFR 60.7(c).

(K) Performance tests shall be scheduled and conducted in accordance with the procedures set forth in 40 CFR part 60 unless alternate methods or procedures are approved by the EPA Administrator. Although the Administrator retains the exclusive right to approve equivalent and alternate test methods as specified in 40 CFR 60.8(b)(2) and (3), the State may approve minor changes in methodology provided these changes are reported to EPA Region VIII. The Administrator also retains the right to change the opacity standard as specified in 40 CFR 60.11(e).

(L) Determinations of applicability such as those specified in 40 CFR 60.5 and 60.6 shall be consistent with those which have already been made by the EPA.

(M) Alternatives to continuous monitoring procedures or reporting requirements, as outlined in 40 CFR 60.13(i), may be approved by the State with the prior concurrence of the Regional Administrator.

(N) If a source proposes to modify its operation or facility which may cause the source to be subject to NSPS requirements, the State shall notify EPA Region VIII and obtain a determination on the applicability of the NSPS regulations.

(O) Information shall be made available to the public in accordance with 40 CFR 60.9. Any records, reports, or information provided to, or otherwise obtained by, the State in accordance with the provisions of these regulations shall be made available to the designated representatives of EPA upon request.

(P) All reports required pursuant to the delegated NSPS should not be submitted to the EPA Region VIII office, but rather to the DEQ.

(Q) As 40 CFR part 60 is updated, Montana should revise its regulations accordingly and in a timely manner and submit to EPA requests for updates to its delegation of authority.

EPA is approving Montana's request for NSPS delegation for all areas within the State except for the following: lands within the exterior boundaries of the Northern Cheyenne, Rocky Boys, Blackfeet, Crow, Flathead, Fort Belknap, and Fort Peck Indian Reservations; and any other areas which are Indian Country within the meaning of 18 U.S.C. 1151.

Since this delegation is effective immediately, there is no need for the State to notify the EPA of its acceptance. Unless

we receive written notice of objections from you within ten days of the date on which you receive this letter, the State of Montana will be deemed to accept all the terms of this delegation. EPA will publish an information notice in the **Federal Register** in the near future to inform the public of this delegation, in which this letter will appear in its entirety.

If you have any questions on this matter, please contact me or have your staff contact Richard Long, Director of our Air and Radiation Program, at (303) 312-6005.

Sincerely yours,

Robert E. Roberts,
Regional Administrator

Enclosures

cc: Jan Sensibaugh, Director, Montana
Department of Environmental Quality,
John Wardell, 8MO

Enclosure to Letter Delegating NSPS in
40 CFR Part 60,

Effective Through July 1, 2001, to the
State of Montana

EXAMPLES OF AUTHORITIES IN 40 CFR PART 60 WHICH CANNOT BE DELE- GATED

40 CFR Subparts	Section(s)
A	60.8(b)(2) and (b)(3), and those sections throughout the standards that reference 60.8(b)(2) and (b)(3); 60.11(b) and (e).
Da	60.45a.
Db	60.44b(f), 60.44b(g) and 60.49b(a)(4).
Dc	60.48c(a)(4).
Ec	60.56c(i), 60.8.
J	60.105(a)(13)(iii) and 60.106(i)(12).
Ka	60.114a.
Kb	60.111b(f)(4), 60.114b, 60.116b(e)(3)(iii), 60.116b(e)(3)(iv), and 60.116b(f)(2)(iii).
O	60.153(e).
S	60.195(b).
DD	60.302(d)(3).
GG	60.332(a)(3) and 60.335(a).
VV	60.482-1(c)(2) and 60.484.
WW	60.493(b)(2)(i)(A) and 60.496(a)(1).
XX	60.502(e)(6).
AAA	60.531, 60.533, 60.534, 60.535, 60.536(i)(2), 60.537, 60.538(e) and 60.539.
BBB	60.543(c)(2)(ii)(B).
DDD	60.562-2(c).
GGG	60.592(c).
III	60.613(e).
JJJ	60.623.
KKK	60.634.
NNN	60.663(f).
QQQ	60.694.
RRR	60.703(e).
SSS	60.711(a)(16), 60.713(b)(1)(i) and (ii), 60.713(b)(5)(i), 60.713(d), 60.715(a) and 60.716.

EXAMPLES OF AUTHORITIES IN 40 CFR PART 60 WHICH CANNOT BE DELE- GATED—Continued

40 CFR Subparts	Section(s)
TTT	60.723(b)(1), 60.723(b)(2)(i)(C), 60.723(b)(2)(iv), 60.724(e) and 60.725(b).
VVV	60.743(a)(3)(v)(A) and (B), 60.743(e), 60.745(a) and 60.746.
WWW	60.754(a)(5).

In the June 24, 2003 letter of delegation to the State of Montana, we mistakenly did not indicate that two of the NSPS subparts in the July 2001 version of the CFR could not be delegated to the State. Subparts BBBB and DDDD contain emission guidelines, which are not delegated to the state, but require state plans that are approved under a separate process pursuant to Section 111(d) of the CAA. On September 8, 2003, we notified the State that we mistakenly did not include Subparts BBBB and DDDD in their letter of delegation as Subparts that could not be delegated. We will be taking action on the State plans under Section 111(d) of the CAA at a later time.

B. Wyoming August 9, 2000, August 7, 2001 and June 30, 2003 Submittals

On August 9, 2000, August 7, 2001 and June 30, 2003, the State of Wyoming submitted revisions to the NSPS in Chapter 5, Section 2 of the Wyoming Air Quality Standards and Regulations. The revisions update the incorporation by reference date of the federal NSPS and request delegation of the authority to implement and enforce the NSPS to the State. EPA is announcing that on August 13, 2003, we issued a letter delegating the responsibility for the implementation and enforcement of the of the NSPS to the State of Wyoming. Also, we are updating the "Delegation Status of New Source Performance Standards [(NSPS) for Region VIII]" table in 60.4(c) by adding entries for newly delegated NSPS subparts. The August 13, 2003 letter of delegation to the State follows:

John V. Corra, Director
Department of Environmental Quality, 122
West 25th Street, Cheyenne, WY 82002

Dear Mr. Corra: On June 30, 2003, the State submitted a revision to the Wyoming Air Quality Standards and Regulations. Specifically, the State revised Chapter 5, Section 2, New Source Performance Standards, to incorporate the July 1, 2001 Code of Federal Regulations. This revision, in effect, updates the citation of the incorporated Federal New Source