

17.8.102 INCORPORATION BY REFERENCE--PUBLICATION DATES

(1) In this chapter where the board has:

(a) adopted a federal regulation by reference, the reference is to the July 1, 2009, edition of the Code of Federal Regulations (CFR);

(b) adopted a section of the United States Code (USC) by reference, the reference is to the 2006 edition of the USC and Supplement II (2009);

(c) adopted another rule of the department or of another agency of the state of Montana by reference, the reference is to the December 31, 2009, edition of the Administrative Rules of Montana (ARM).

(2) For purposes of this chapter, the following subparts, or portions thereof, of 40 CFR Part 60, are excluded from incorporation by reference:

(a) 40 CFR 60, Subpart CCCC, Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for which Construction is Commenced After November 30, 1999, or for which Modification or Reconstruction is Commenced on or After June 1, 2001 (40 CFR 60.2000 through 60.2265, and all associated appendices and tables), as vacated June 8, 2007, by the U.S. Circuit Court of Appeals, D.C. Circuit, ruling; and

(b) 40 CFR Part 60, Subpart HHHH, Emission Guidelines and Compliance Times for Coal-fired Electric Steam Generating Units.

(3) For purposes of this chapter, the following subparts, or portions thereof, of 40 CFR Part 63 are excluded from incorporation by reference:

(a) 40 CFR 63, Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing (40 CFR 63.8380 through 63.8515, and all associated appendices and tables), as vacated March 13, 2007, by the U.S. Circuit Court of Appeals, D.C. Circuit;

(b) 40 CFR 63, Subpart KKKKK, National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing (40 CFR 63.8530 through 63.8665, and all associated appendices and tables), as vacated March 13, 2007, by the U.S. Circuit Court of Appeals, D.C. Circuit; and

(c) 40 CFR 63, Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters (40 CFR 63.7480 through 63.7575, and all associated appendices and tables), as vacated June 8, 2007, by the U.S. Circuit Court of Appeals, D.C. Circuit.

(History: 75-2-111, MCA; IMP, Title 75, chapter 2, MCA; NEW, 1996 MAR p. 1844, Eff. 7/4/96; TRANS, from DHES, 1996 MAR p. 2285; AMD, 1997 MAR p. 1581, Eff. 9/9/97; AMD, 1998 MAR p. 1725, Eff. 6/26/98; AMD, 1999 MAR p. 2250, Eff. 10/8/99; AMD, 2000 MAR p. 2696, Eff. 10/6/00; AMD, 2001 MAR p. 1468, Eff. 8/10/01; AMD, 2002 MAR p. 1747, Eff. 6/28/02; AMD, 2003 MAR p. 645, Eff. 4/11/03; AMD, 2004 MAR p. 724, Eff. 4/9/04; AMD, 2005 MAR p. 959, Eff. 6/17/05; AMD, 2006 MAR p. 1956, Eff. 8/11/06; AMD, 2007 MAR p. 1663, Eff. 10/26/07; AMD, 2008 MAR p. 2267, Eff. 10/24/08; AMD, 2009 MAR p. 411, Eff. 4/17/09; AMD, 2009 MAR p. 1784, Eff. 10/16/09; AMD, 2011 MAR p. 143, Eff. 2/11/11.)