

STATE OF MONTANA
AIR QUALITY CONTROL
IMPLEMENTATION PLAN

Subject:
Butte/Silver Bow
Air Quality Control
Program

COUNCIL BILL NO. 468

ORDINANCE NO. 468

1 AN ORDINANCE CONDITIONALLY ADOPTING REGULATIONS AND STANDARDS FOR
2 THE USE OF CHEMICAL DE-ICERS IN LIEU OF CONVENTIONAL SANDING
3 MATERIALS BY THE CITY AND COUNTY OF BUTTE-SILVER BOW OR ANY OTHER
4 GOVERNMENTAL ENTITY, PERSON OR PRIVATE ENTITY IN AN EFFORT TO MEET
5 NATIONAL AMBIENT AIR QUALITY STANDARDS (PM-10) AS ESTABLISHED BY
6 THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA); PROVIDING
7 THAT THESE REGULATIONS WILL BECOME EFFECTIVE IF COMPLIANCE LEVELS
8 WITH THE PM-10 STANDARD ARE NOT DEMONSTRATED BY DECEMBER 31, 1994
9 OR NOT MAINTAINED AFTER THAT DATE AND PROVIDING FOR AN EFFECTIVE
10 DATE HEREIN.

11 WHEREAS, on August 7, 1987, the United States Environmental
12 Protection Agency (EPA) designated the City and County
13 of Butte-Silver Bow (Butte-Silver Bow) as a Group 1 area
14 relative to PM-10 standards; and

15 WHEREAS, the EPA has concluded that fine particulate (PM-10)
16 presents the largest danger to human health because fine
17 particulates can penetrate deeply into oxygen exchanging
18 areas of the lungs and are more difficult for the human
19 body to expel; and

20 WHEREAS, the Butte-Silver Bow Health Department has presented to
21 the Council of Commissioners a proposed set of
22 regulations establishing chemical de-icer use and
23 setting forth policies to be pursued by Butte-Silver Bow
24 or any other governmental entity, person, or private
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1 entity in an effort to meet PM-10 standards; and
2 WHEREAS, on September 8, 1993, the Council of Commissioners
3 adopted those regulations and standards by the passage
4 of Council Resolution No. 1579; and
5 WHEREAS, the EPA has now requested that the Council of
6 Commissioners, as the governing body, adopt these
7 regulations and standards in Ordinance form, and make
8 them applicable to any person, government or private
9 entity, and have these regulations codified in the
10 Butte-Silver Bow Municipal Code (B-SB MC).

11 BE IT ORDAINED BY THE COUNCIL OF COMMISSIONERS OF THE CITY AND
12 COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA:

13 SECTION 1: Conditional Adoption of Regulations and Standards.

14 The regulations and standards set forth in Section
15 3 herein are adopted upon the condition that if
16 compliance levels with the PM-10 standard are not
17 demonstrated by December 31, 1994 or not
18 maintained after that date, and upon notification
19 by the EPA that the Butte-Silver Bow PM-10 non-
20 attainment area has failed to attain or meet the
21 PM-10 standards within sixty days of notification
22 from the EPA, then the regulations and standards
23 shall be in full force and effect.

24 SECTION 2: Definitions. As used in this Ordinance, the
25 following terms shall have the following meaning:

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- 1 A. "Butte-Silver Bow" means the City and
2 County of Butte-Silver Bow, Montana, and includes
3 both its local government and jurisdictional area.
4 B. "Chemical de-icer" means a liquid salt,
5 such as magnesium chloride, used as a corrosion
6 inhibitor for melting snow and ice.
7 C. "EPA" means the United States
8 Environmental Protection Agency.
9 D. "Non-attainment area" means an EPA
10 designated area which has exceeded National
11 Ambient Air Quality Standards in the past and has
12 a 95 percent probability of exceeding those
13 standards again.
14 E. "PM-10 standard" means the new ambient
15 air quality standard for particulate matter with
16 an aerodynamic diameter of 10 microns or less.
17 The annual average is 50 mg/m³; the 24 hour average
18 is 150 mg/m³.
19 F. "Prioritized street de-icing" means a
20 schedule of use of a chemical de-icer on streets
21 with the highest traffic volumes first and
22 proceeds in descending order of traffic volume to
23 paved streets with the lowest traffic volume.
24 G. "Reasonable Available Control
25 Technology" means that during the winter a

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1 chemical de-icer will be used on all paved roads
2 with priority given to those paved roads with the
3 highest traffic volume.
4 H. "Winter" means the months of October,
5 November, December, January, February and March.
6 SECTION 3: Standards for Chemical De-Icer used on Public
7 Streets and Public or Private Parking Lots. A.
8 Any governmental entity, person, or private
9 entity, including Butte-Silver Bow, shall use
10 exclusively, on all public streets and public or
11 private parking lots, an approved chemical de-icer
12 plus a corrosion inhibitor for use on snowpacked
13 or icy streets during winter in lieu of sanding
14 and chip seal materials. Use of sanding and chip
15 seal materials will be prohibited except in
16 emergency situations or as set forth in subsection
17 B.
18 B. Conventional sanding and chip seal
19 materials may be used when the ambient temperature
20 falls below 10°F.
21 SECTION 4: EFFECTIVE DATE. This Ordinance shall be in full
22 force and effect from and after thirty (30) days
23 after passage and approval.
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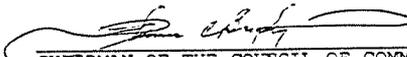
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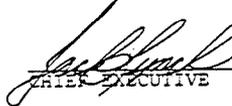
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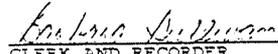
PASSED this 26th day of April, 1994.


CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

APPROVED this 26th day of April, 1994.

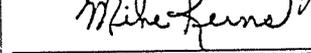

CHIEF EXECUTIVE

ATTEST:


CLERK AND RECORDER

APPROVED AS TO FORM:


COUNTY ATTORNEY


CHAIRMAN, JUDICIARY COMMITTEE