

STATE OF MONTANA
AIR QUALITY CONTROL
IMPLEMENTATION PLAN

Subject: Lewis and Clark Co.
Air Pollution
Control Program

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BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the Matter of the Application
of the Department of Health and
Environmental Sciences for
Revision of the Montana State Air
Quality Control Implementation
Plan Relating to Control of
Lead Emissions in the East Helena
Nonattainment Area, Affecting the
Following Industries: Asarco, Inc.,
and American Chemet Corporation.

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER ADOPTING
STIPULATION OF
DEPARTMENT AND
AMERICAN CHEMET

The Department of Environmental Quality ("Department"),
successor to the Department of Health and Environmental Sci-
ences, filed a Petition for Revision of the Montana State Air
Quality Control Implementation Plan, seeking a Board Order
approving and adopting a revised control strategy for achiev-
ing and maintaining the lead National Ambient Air Quality
Standards ("NAAQS") in the East Helena nonattainment area.

Pursuant to public notice, and on August 4, 1995, the
Board of Environmental Review ("Board"), which is the succes-
sor to the Board of Health and Environmental Sciences, con-
ducted a hearing in Helena, Montana on the Petition filed by
the Department. At the hearing, an opportunity for comment
was provided to the Department, the affected industries, and
interested members of the public. Based on the comments,
both oral and written, received by the Board at that hearing
and based on the attached Stipulation, the Board enters the
following Findings of Fact, Conclusions of Law and Order in
regard to this matter:

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FINDINGS OF FACT

- 1
2 1. In an October 1, 1988 letter to the Governor of
3 Montana, the United States Environmental Protection Agency
4 ("EPA") notified the State of Montana that the 1983 Montana
5 State Implementation Plan for lead in the East Helena nonatt-
6 ainment area ("1983 lead SIP") was inadequate to attain and
7 maintain the lead NAAQS. The basis for EPA's finding of
8 inadequacy was that, since the development of the 1983 lead
9 SIP, ambient air quality data demonstrated that the previous-
10 ly approved control measures no longer provided for attain-
11 ment of the lead standard.
- 12 2. On November 6, 1991, EPA designated the East Helena
13 area as a nonattainment area for lead (56 FR 56694). The
14 designation was effective on January 6, 1992. As a result of
15 this designation, Montana was required to submit a revised
16 lead SIP that meets the requirements of the Act by July 6,
17 1993 for the East Helena lead nonattainment area. The SIP
18 must provide for attainment of the lead NAAQS as expeditious-
19 ly as practicable, but not later than January 6, 1997.
- 20 3. Utilizing a dispersion modeling analysis, American
21 Chemet Corporation ("American Chemet") and the Department
22 have developed a revised emission control strategy that,
23 together with a control strategy for Asarco, Inc., is in-
24 tended to assure attainment and maintenance of the lead NAAQS
25 in the East Helena nonattainment area.
- 26 4. The revised emission control strategy for American
27 Chemet is described in the Stipulation and Exhibit A entered

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1 into between American Chemet and the Department, which are
2 attached to this Order and incorporated herein.

3 5. It is the intent of the parties that the stipulated
4 emission control strategy for American Chemet, after adoption
5 and incorporation by Board Order, be submitted to the EPA for
6 review and approval as part of the revised control strategy
7 for achieving and maintaining the lead NAAQS in the East
8 Helena nonattainment area.

9

10 CONCLUSIONS OF LAW

11 Based on the foregoing Findings of Fact, the Board here-
12 by enters the following Conclusions of Law:

13 1. The public has been provided with appropriate no-
14 tice and an opportunity to participate in this matter pursu-
15 ant to Title 2, chapters 3 and 4, MCA.

16 2. The federal requirements for notice and hearing
17 prior to adoption of revisions of State Implementation Plans
18 have been met. 40 CFR Section 51.102.

19 3. The Department is required to prepare and develop a
20 comprehensive plan for the prevention, abatement, and control
21 of air pollution in this state. Section 75-2-112(2)(c), MCA.

22 4. The Board has authority to issue orders necessary
23 to provide for a coordinated statewide program of air pollu-
24 tion prevention, abatement and control or to effectuate the
25 purposes of Title 75, Chapter 2, MCA. Section 75-2-111(3),
26 MCA.

27 5. A Board Order adopting the stipulation and Exhibit

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1 A entered into between American Chemet and the Department is
2 necessary to comply with the federal requirements that the
3 East Helena lead SIP be revised.

4 6. All Findings of Fact are hereby incorporated in
5 these Conclusions of Law.

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ORDER

8 Based on the foregoing Findings of Fact and Conclusions
9 of Law, IT IS HEREBY ORDERED THAT:

- 10 1. The American Chemet Stipulation and Exhibit A ther-
11 eto are adopted by the Board and are incorporated herein as
12 part of this Order.
- 13 2. This Order shall be enforceable by the Department.
- 14 3. Modifications of this Order shall only be by initi-
15 ation of the Board or by petition to the Board and the issu-
16 ance of a subsequent order revising this Order.

17
18 DATED this 4th day of August, 1995

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20 By: Cindy E. Johnson
21 Chair, Board of
22 Environmental Review

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