

1 FINDINGS OF FACT

2 1. That on July 1, 1987, the United States Environmen-
3 tal Protection Agency ("EPA") promulgated national ambient
4 air quality standards for particulate matter (measured in the
5 ambient air as PM-10, or particles with an aerodynamic diame-
6 ter less than or equal to a nominal 10 micrometers). The
7 annual standard for particulate matter (PM-10) of 50 micro-
8 grams per cubic meter (annual arithmetic mean), and the 24-
9 hour standard of 150 micrograms per cubic meter (24-hour
10 average concentration) were promulgated by EPA pursuant to
11 Section 109 of the Federal Clean Air Act, 42 U.S.C. 7401, et
12 seq., as amended by the Clean Air Act Amendments of 1990
13 ("Act").

14 2. That on April 29, 1988, the Board adopted state
15 ambient air quality standards for PM-10, including an annual
16 standard of 50 micrograms per cubic meter (annual arithmetic
17 mean) and a 24-hour standard of 150 micrograms per cubic
18 meter (24-hour average concentration). ARM 16.8.821.

19 3. That Section 110 of the Act requires each state to
20 submit an implementation plan for the control of each air
21 pollutant for which a national ambient air quality standard
22 has been promulgated. Since a national standard has been
23 promulgated for particulate matter, the State of Montana is
24 required to submit to EPA an implementation plan for particu-
25 late matter.

26 4. That, pursuant to the 1990 Federal Clean Air Act
27 Amendments, Libby was designated to nonattainment for PM-10

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1 by operation of law. 42 U.S.C. 7407(d)(4)(B), as amended.
2 Further, the Act designated the Libby area as a "moderate"
3 PM-10 nonattainment area. 42 U.S.C. 7513(a), as amended.
4 For areas designated as moderate, the State was required to
5 submit to EPA an implementation plan no later than one year
6 from enactment of the 1990 amendments. 42 U.S.C. 7513a(a)(2).
7 The area encompassed in the moderate nonattainment desig-
8 nation (hereafter "Libby nonattainment area") generally
9 includes the City of Libby and that portion of Lincoln County
10 within the vicinity of the boundaries of the City of Libby.

11 5. That results of air quality sampling and monitoring
12 from 1986 through 1991 have demonstrated violations within
13 the Libby nonattainment area of the 24-hour and annual stan-
14 dards contained in both the PM-10 NAAQS and the PM-10 MAAQS.

15 6. That on November 25, 1991 Governor Stephens submit-
16 ted to EPA an implementation plan for Libby, Montana demon-
17 strating attainment of the PM-10 NAAQS. The implementation
18 plan relied upon receptor modeling known as chemical mass
19 balance (CMB) to identify the major emission sources contrib-
20 uting to noncompliance. The implementation plan consisted of
21 an emission control plan that controlled fugitive dust emis-
22 sions from roadways, emissions from residential woodburning,
23 and industrial emissions from then Champion International
24 (the predecessor to Stimson Lumber Company).

25 7. That on October 7, 1992, EPA conditionally approved
26 the Libby implementation plan pending fulfillment of certain
27 commitments, including a contingency plan, in the event of

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1 continued PM-10 nonattainment. Governor Racicot submitted
2 the contingency plan on May 24, 1993. EPA subsequently
3 notified the Department of deficiencies in the plan on May
4 27, 1994.

5 8. That the Department and Stimson have agreed to
6 additional emission controls, which would be applicable to
7 Stimson in the event that: (a) the Department or EPA deter-
8 mines that Libby has failed to attain or maintain the PM-10
9 standards, and (b) Stimson is found to be a significant
10 contributor to such nonattainment. The additional controls
11 agreed to by the Department and Stimson are described in
12 Exhibit A, which is attached to this Order and incorporated
13 herein by reference.

14 9. That it is the intent of the parties that the addi-
15 tional emission controls described in Exhibit A, after adop-
16 tion and incorporation by Board Order, shall be submitted to
17 the Environmental Protection Agency for review and approval
18 as a part of the State Implementation Plan for the attainment
19 and maintenance of the PM-10 NAAQS.

20 10. That, as provided in the Stipulation of the par-
21 ties, the Board may issue an appropriate Order to adopt the
22 emission control strategy described in Exhibit A as enforce-
23 able measures applicable to Stimson.

24
25 CONCLUSIONS OF LAW

26 Based on the foregoing Findings of Fact, the Board
27 hereby enters the following Conclusions of Law:

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1 herein as part of this Order.

2 2. That Stimson shall implement the emission control
3 strategy as adopted in this Order.

4 3. That this Order shall be enforceable by the Depart-
5 ment.

6 4. That this Order shall become effective immediately
7 upon issuance.

8 5. That modifications of this Order shall only be by
9 initiation of the Board or by petition to the Board and the
10 issuance of a subsequent order revising this Order.

11 6. That a copy of this Order as executed by the Board
12 be provided to a representative of each party to this pro-
13 ceeding.

14
15 DATED this 16 day of Dec, 1994

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18 By: Raymond W. Gustafson
19 RAYMOND W. GUSTAFSON
20 Chairman, Board of Health and
21 Environmental Sciences

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