

STATE OF MONTANA
AIR QUALITY CONTROL
IMPLEMENTATION PLAN

Subject: Thompson Falls
Air Pollution
Control Plan

**45.2.2 Board of Environmental Review Findings of Fact, Conclusions of Law, and
Order - June 20, 1997 Board Hearing**

Replaces Page:

June 20, 1997

Dated:

Page: 1 of 4

STATE OF MONTANA AIR QUALITY CONTROL IMPLEMENTATION PLAN	Subject: Thompson Falls Air Pollution Control Plan
--	--

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

_____)	
In the Matter of the Application of the)	FINDINGS OF FACT
Department of Environmental Quality)	CONCLUSIONS OF LAW
for Inclusion of a Control Plan for PM-10)	AND ORDER
Emissions in the Thompson Falls Area into)	ADOPTING AGREEMENT OF DEQ
the Montana State Implementation Plan.)	CITY OF THOMPSON FALLS
_____)	AND MDT
)	

The Montana Department of Environmental Quality ("Department") has filed a Petition with the Board of Environmental Review ("Board") for revision of the Montana State Implementation Plan ("SIP"). The Petition requests a Board Order approving and adopting a proposed control plan for attainment and maintenance of the PM-10 National Ambient Air Quality Standards ("NAAQS") in the Thompson Falls Area. The proposed control plan is described in a Maintenance Agreement between the Department, the City of Thompson Falls ("City"), and the Montana Department of Transportation ("MDT"), hereinafter collectively referred to as the "Parties".

On June 20, 1997, pursuant to public notice, the Board conducted a hearing in Helena, Montana on the Petition filed by the Department. At the hearing an opportunity for comment was provided to the Parties and to interested members of the public. Based on the record in this proceeding and the Agreement entered into between the parties, the Board enters the following Findings of Fact, Conclusions of Law and Order in regard to this matter:

FINDINGS OF FACT

1. In 1987 the United States Environmental Protection Agency ("EPA") promulgated NAAQS for particulate matter (measured as PM-10). The annual standard is 50 micrograms per cubic meter (annual arithmetic mean). The 24-hour standard is 150 micrograms per cubic meter (24-hour average concentration). These standards were promulgated by EPA

Replaces Page:	Dated:
June 20, 1997	

STATE OF MONTANA AIR QUALITY CONTROL IMPLEMENTATION PLAN	Subject: Thompson Falls Air Pollution Control Plan
--	--

pursuant to Section 109 of the Federal Clean Air Act, 42 U.S.C. 7401, as amended by the Clean Air Act Amendments of 1990 ("Act").

2. In 1994, EPA designated the Thompson Falls area as a nonattainment area for PM-10. Studies determined that reentrained road dust from Highway 200 and surrounding local roads was the major source of particulates leading to violations of the 24-hour PM-10 standard.

3. In May of 1997, the Parties entered into a PM-10 Maintenance Agreement, which contains requirements for street sweeping and for paving unpaved parking lots, alleys, and roads within the City's central business district. Administration and implementation of the Agreement will be performed by the current staff and resources available to the City and MDT. The Maintenance Agreement is intended to provide for attainment and maintenance of the PM-10 NAAQS in the Thompson Falls area.

4. The Parties have submitted the Maintenance Agreement to the Board for adoption in a Board Order as an enforceable PM-10 control plan. The Maintenance Agreement is attached to this Order and is hereby incorporated by reference.

5. It is the intent of the parties that the Maintenance Agreement, after adoption and incorporation by Board Order, will be submitted to the EPA for review and approval as part of the Montana SIP.

CONCLUSIONS OF LAW

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

1. The public has been provided with appropriate notice and an opportunity to participate in this matter. Title 2, chapters 3 and 4, MCA. The public notice requirements set forth in 40 CFR section 51.102 have been fulfilled.

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

Replaces Page:	Dated:
----------------	--------

June 20, 1997

Page: 3 of 4

