

~~STATE OF MONTANA
AIR QUALITY CONTROL
IMPLEMENTATION PLAN~~

~~Subject: Lincoln County
Air Quality Control
Program~~

BEFORE THE BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES
OF THE STATE OF MONTANA

In the Matter of Compliance of
Stimson Lumber Company, Libby,
Montana with 40 CFR 50.6,
National Ambient Air Quality
Standards for Particulate Matter
and ARM 16.8.821, Montana Ambient
Air Quality Standard for PM-10

STIPULATION

The Department of Health and Environmental Sciences ("Department") and Stimson Lumber Company ("Stimson") hereby stipulate and agree to all the following paragraphs and exhibits inclusive in regard to the above-captioned matter and present the same for consideration and adoption by the Board of Health and Environmental Sciences ("Board"):

A. BACKGROUND

1. On July 1, 1987, the United States Environmental Protection Agency ("EPA") promulgated national ambient air quality standards for particulate matter (measured in the ambient air as PM-10, or particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers). The annual standard for particulate matter (PM-10) of 50 micrograms per cubic meter (annual arithmetic mean), and the 24-hour standard of 150 micrograms per cubic meter (24-hour average concentration) were promulgated by EPA pursuant to Section 109 of the Federal Clean Air Act, 42 U.S.C. 7401, et seq., as amended by the Clean Air Act Amendments of 1990 ("Act").

2. Section 110 of the Act requires each state to submit an implementation plan for control of each air pollutant for which a national ambient air quality standard has been promulgated. Since a standard has been promulgated for particulate matter, the State of Montana is required to submit an implementation plan for particulate matter to EPA.

3. Section 75-2-202, MCA, requires the Board to establish ambient air quality standards for the State. Sections 75-2-111(3) and 75-2-401, MCA, empower the Board to issue orders upon a hearing before the Board concerning compliance with national and state ambient air quality standards.

4. On April 29, 1988, the Board adopted state ambient air quality standards for PM-10, including an annual standard of 50 micrograms per cubic meter (annual arithmetic mean) and a 24-hour standard of 150 micrograms per cubic meter (24-hour average concentration). ARM 16.8.821 (PM-10 MAAQS).

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5. Pursuant to the 1990 Federal Clean Air Act Amendments, Libby was designated to nonattainment for PM-10 by operation of law. 42 U.S.C. 7407(d)(4)(B), as amended. Further, the Act designated the Libby area as a "moderate" PM-10 nonattainment area. 42 U.S.C. 7513(a), as amended. For areas designated as moderate, the State was required to submit to EPA an implementation plan no later than one year from enactment of the 1990 amendments. 42 U.S.C. 7513a(a)(2). The area encompassed in the moderate nonattainment designation (hereafter "Libby nonattainment area") generally includes the City of Libby and that portion of Lincoln County within the vicinity of the boundaries of the City of Libby. A map of the Libby nonattainment area is attached to the stipulation as Exhibit A and by this reference is incorporated herein in its entirety as part of this document.

6. Results of air quality sampling and monitoring from 1986 through 1991 have demonstrated violations within the Libby nonattainment area of the 24-hour and annual standards contained in both the PM-10 NAAQS and the PM-10 MAAQS.

7. On November 25, 1991 Governor Stephens submitted to EPA an implementation plan for Libby, Montana demonstrating attainment of the PM-10 NAAQS. The implementation plan relied upon receptor modeling known as chemical mass balance (CMB) to identify the major emission sources contributing to noncompliance. The implementation plan consisted of an emission control plan that controlled fugitive dust emissions from roadways, emissions from residential woodburning, and industrial emissions from then Champion International (the predecessor to Stimson Lumber Company).

8. On October 7, 1992, EPA conditionally approved the Libby implementation plan pending fulfillment of certain commitments, including a contingency plan, in the event of continued PM-10 nonattainment. Governor Racicot submitted the contingency plan on May 24, 1993. EPA subsequently notified the Department of deficiencies in the plan on May 27, 1994.

9. This stipulation is necessary to ensure a contingency plan which will effectively reduce PM-10 emissions in the event of continued PM-10 nonattainment and which will be approvable by EPA. It does so by including additional reductions in emissions from Stimson Lumber Company. The Department and Stimson agree to the additional fugitive dust controls set forth in Exhibit B.

B. BINDING EFFECT

10. The parties to this stipulation agree that additional emission control measures imposed on Stimson must be enforceable by both the Department and EPA. To this end, the controls constituting the Stimson contingency measures have been negotiated between the parties. The specific contingency measures are contained in Exhibit B to this stipulation which is attached hereto and by this reference is incorporated herein in its entirety as part of this document.

11. Both parties understand and agree that if the Department and EPA determine that Libby has failed to attain or to maintain the PM-10 standards, and if

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Stimson is found to be a significant contributor to such nonattainment, this contingency plan shall go into effect automatically within 60 days after notification and without further rulemaking action.

12. The Department is the state agency that is primarily responsible for the development and implementation of the State Implementation Plan under the Federal Clean Air Act. Section 75-2-112(2)(c), MCA. Under Sections 75-2-101, MCA, et seq., the Board is required to protect public health and welfare by limiting the levels and concentrations of air pollutants within the state. Such responsibility includes the adoption of emission standards (Section 75-2-203, MCA) and the issuance of orders (Sections 75-2-111(3), 75-2-401, MCA) to effectuate compliance with national and state ambient air quality standards.

13. The conditions and limitations contained in Exhibit B to this stipulation are consistent with the provisions of the Montana Clean Air Act, Title 75, Chapter 2, MCA, and rules promulgated pursuant to that Act.

14. Any obligations in this stipulation and attached Exhibit B that are more stringent than conditions set forth in an air quality permit issued to Stimson supersede the less stringent permit conditions.

15. Accordingly, the parties to this stipulation agree that it would be consistent with the intent of this stipulation for the Board to issue an Order imposing the contingency plan contained in Exhibit B of this stipulation and adopting the same as enforceable measures applicable to Stimson.

STIMSON LUMBER COMPANY

MONTANA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL
SCIENCES

BY *Scott R. Schreck*
Its: VICE PRESIDENT - ISLAND OPER.

BY *Robert J. Robinson*
Robert J. Robinson
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BY *James M. Madden*
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James Madden
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BY _____

BY _____

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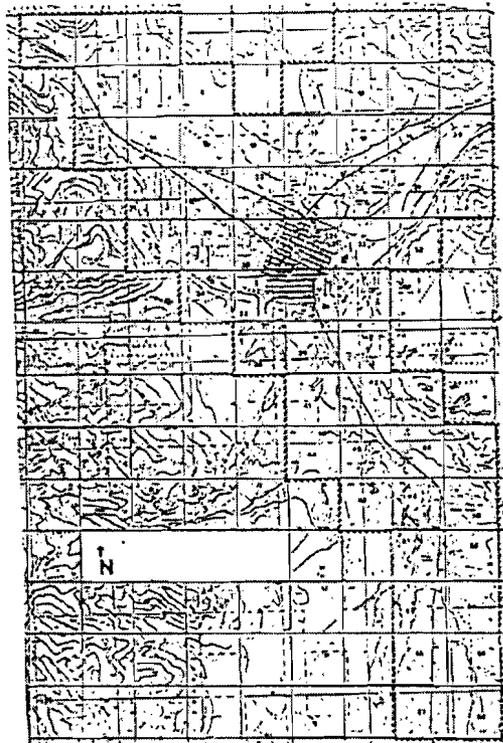
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EXHIBIT A

Libby Nonattainment Area



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EXHIBIT B

Existing Stimson Lumber Company
Fugitive Dust Controls
and
Additional Contingency Measures

Existing Permit Language

1. Chemical dust suppressant shall be applied to the major haul routes throughout the plant to control fugitive dust from haul trucks. The chemical dust suppressant shall be applied as necessary to maintain compliance with the 20% opacity limitation but shall be applied not less than once per calendar year. Opacity determinations shall be made in compliance with the requirements of EPA Method 9 (40 CFR Part 60, Appendix A) and must be determined at one point on the roadway for these sources.
2. Chemical dust suppressant shall be applied to the major roads on the log yard to control fugitive dust from all log handling equipment. The chemical dust suppressant shall be applied as necessary to maintain compliance with the 20% opacity limitation but shall be applied not less than once per calendar year. Water sprays shall be used as necessary to control dust emissions on active areas of the log yard. Opacity determinations shall be made in compliance with the requirements of EPA Method 9 (40 CFR Part 60, Appendix A) and must be determined at one point on the roadway for these sources.

Addition of Fugitive Dust Contingency Measures

1. Upon notification by the Department that Libby has failed to attain or to maintain the NAAQS for PM-10 and that the Stimson Lumber Co. has been found to be a significant contributor to nonattainment, the following measures will become effective within 60 days and without further negotiation between the Montana Department of Health and Environmental Sciences and Stimson.
 - (A) The facility entrance and Plywood Plant access road shall be surfaced with either asphalt, concrete, or chip seal from Highway 2 to the Plywood Plant. Sweeping and flushing shall be conducted, as necessary, to maintain compliance with a 5% opacity limitation but shall be conducted not less than twice annually, with one application during the months of April-June and one application during the months September-

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~~November,^{1,2}~~

- ~~(B) The chip sealed portions of the Plywood Plant access road shall consist of a double layer of oil base and chips. They shall be watered, as necessary, to maintain compliance with a 5% opacity limitation. They shall also be maintained to avoid deterioration by evaluating the chip seal for cracking at a minimum of every 2 years, and by applying a crack sealer (e.g., rubberized asphalt) as needed. A thorough evaluation and assessment of the need to reseal the roadway shall be conducted no less than every 5 years.~~
- ~~(C) Chemical dust suppressant shall be applied to all remaining active, unpaved areas within the facility. The chemical dust suppressant shall be applied as necessary to maintain compliance with the 5% opacity limitation but shall be applied not less than twice annually, with one application during the months of April-June and one application during the months September-November.~~
- ~~(D) The facility shall maintain a written record of all implemented contingency measures which shall be made available to the Department upon request.~~

¹ Opacity shall be determined according to 40 CFR, Part 60, Appendix A, Method 9, Visual Determination of Opacity of Emissions from Stationary Sources.

² Sweeping and flushing shall not be required on chip sealed portions of the Plywood Plant access road since this practice would degrade the road surface.

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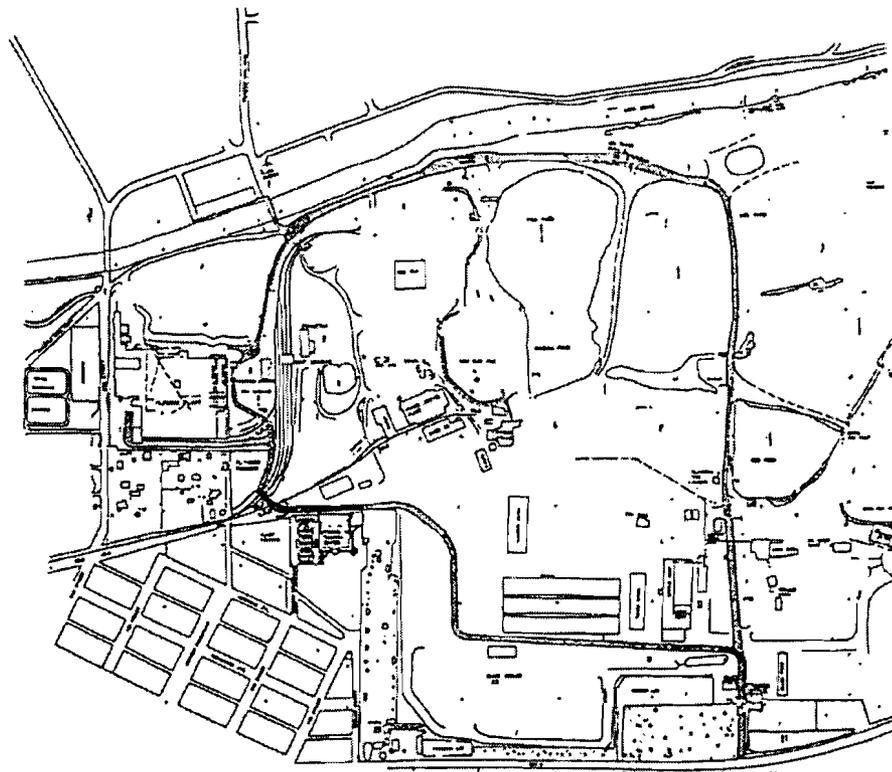
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EXHIBIT C

Stimson Lumber Company
Facility Map



— CHIP SEAL

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