

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 Environmental
Quality 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 ASARCO

The Department of Environmental Quality (Department) has requested an Order from the Board of Environmental Review (Board) adopting revisions to the lead ("Pb") emission control plan for ASARCO. The revised control plan is intended to attain and maintain the Pb National Ambient Air Quality Standards ("NAAQS") in the East Helena Area.

Pursuant to public notice, at its meeting on August 27-28, 1998, in Helena, Montana, the Board considered the proposed revisions to the control plan. At the hearing an opportunity for comment was provided to the Department, the affected industries, and interested members of the public. Based on the record in this proceeding, the Board enters the following Findings of Fact, Conclusions of Law and Order in regard to this matter:

FINDINGS OF FACT

1. The above-captioned matter was initiated in 1995 by a petition of the Department of Environmental Quality. The petition requested an Order from the Board of Environmental Review ("Board") adopting Pb emission control plans for ASARCO and American Chemet. The Pb control plans were developed in response to an October 1, 1988, letter to the Governor of Montana from the U.S. Environmental Protection Agency (EPA) calling for revisions to Montana's Pb State Implementation Plan (SIP). The Board approved the control plans in August of 1995. This Board approved revisions to the control plan for ASARCO in April and June 1996. On July 2, 1996, Montana submitted

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1 the revised plans to EPA as a SIP revision.

2 2. In March 1998, ASARCO notified the Department of problems associated
3 with required emission controls at the East Helena facility Specifically, ASARCO reported
4 that moisture in the emissions from the facility's Speiss/Matte Granulating Pit was causing
5 problems in the required emission control device - the Dross Plant Baghouse. ASARCO
6 requested that the required control device be change to the Blast Furnace Baghouse in
7 order to solve the moisture-related problems. After discussions with ASARCO, the
8 Department in July of 1998 stipulated to a revision to the emission control plan that
9 changed the required emission control device to the Blast Furnace Baghouse. That
10 revision is currently before this Board.

11 3. The revision to the Pb control plan for ASARCO is contained in the
12 Stipulation that is attached to this Order and is incorporated herein by reference. The
13 Board has examined the Findings of the Stipulation and hereby ratifies and adopts them as
14 the Board's Findings.

15 4. It is the intent of the parties that the attached revision to the emission
16 control plan for ASARCO, after adoption and incorporation by Board Order, shall be
17 submitted to the EPA for review and approval as part of the revised Pb SIP for the East
18 Helena area.

19 5. The Department has issued public notice of the proposed revisions to the Pb
20 control plan. Notice was published, at least 30 days prior to the date of the hearing in this
21 matter, by prominent advertisement in the affected area. A copy of the proposed revisions
22 was made available for public inspection.

23 CONCLUSIONS OF LAW

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

26 1. The public has been provided with appropriate notice and an opportunity to
27 participate in this matter. Title 2, chapters 3 and 4, MCA. The federal requirements for

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- 1 notice and hearing prior to adoption and submittal of SIP revisions have been met. 40 CFR
- 2 §51.102.
- 3 2. The Department is required to prepare and develop a comprehensive plan
- 4 for the prevention, abatement, and control of air pollution in this state. Section 75-2-
- 5 112(2)(e), MCA.
- 6 3. The Board has authority to issue orders necessary to effectuate the purposes
- 7 of Title 75, Chapter 2, MCA. Section 75-2-111(3), MCA.
- 8 4. A Board Order adopting the attached Stipulation is necessary to comply
- 9 with the October 1, 1988 EPA request that the East Helena SIP be revised.
- 10 5. All Findings of Fact are hereby incorporated in these Conclusions of Law.

ORDER

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

- 15 1. The revisions to the Pb control plan for ASARCO set forth in the attached
- 16 Stipulation are adopted by the Board and incorporated herein as part of this Order.
- 17 2. This Order shall be enforceable by the Department.
- 18 3. Modifications of this Order shall only be by initiation of the Board or by
- 19 petition to the Board and the issuance of a subsequent order revising this Order.

DATED this 28th day of August, 1998

By: Cindy E. Younkin
CINDY E. YOUNKIN
Chairperson
Board of Environmental Review

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Dated:

August 28, 1998