

STATE OF MONTANA AIR QUALITY CONTROL IMPLEMENTATION PLAN	Subject: Missoula County Air Quality Control Program
--	--

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

In the matter of the Application )  
of the City of Missoula and the )  
County of Missoula for Approval )  
of Amendments to its Local Air )  
Pollution Control Program )

STIPULATION

This stipulation is made and entered into by and between the Missoula City-County Air Pollution Control Board (MCCAPCB), and the Montana Department of Health and Environmental Sciences (Department). Accordingly, the parties submit this Stipulation to the Board of Health and Environmental Sciences (Board) for both its review and approval, and consideration as part of the application of MCCAPCB for approval of amendments to its local air pollution control program.

1. Section 75-2-301, MCA, provides for the establishment of local air pollution control programs. Pursuant to this section, the Board approved a local air pollution control program for the City of Missoula and County of Missoula on November 2, 1969. This program is currently under the direction and control of MCCAPCB.

2. On April 30, 1991, MCCAPCB filed an application with the Board, seeking approval of substantial amendments to its local air pollution control program. The Department has engaged in a thorough review of the application submittal, and several meetings have been held between the Department and MCCAPCB.

3. In its order of November 2, 1969, the Board determined that the location, character and extent of particular concentrations of population and air contaminant sources, and the geographic, topographic and meteorological considerations involved, and combinations of the foregoing, were such as to make

(STIPULATION)

Volume III, Chapter 32 Replaces Pages: 32.2.2.2 (1-5) January 24, 1992	Dated: June 28, 1991 Page: 2 of 5
--	--------------------------------------

Volume III  
Chapter 32

STATE OF MONTANA  
AIR QUALITY CONTROL  
IMPLEMENTATION PLAN

Subject: Missoula County  
Air Quality Control  
Program

impracticable the maintenance of appropriate levels of air quality without an air pollution program whose territorial boundaries included the entire County of Missoula. The Board also found that a local air pollution control program which included the entire County of Missoula was the only acceptable alternative to direct state administration. The parties to this Stipulation reaffirm the appropriateness of this finding, as it applies to this proceeding.

4. In its order of November 2, 1969, the Board found that the proposed local air pollution control program encompassing the County of Missoula provided for administrative organization, staff, financial and other resources necessary to effectively and efficiently carry out the program. The parties reaffirm the appropriateness of this finding, as it applies to this proceeding.

5. In its Order of November 2, 1969, the Board made its approval of the proposed local air pollution control program encompassing the County of Missoula conditional upon the adoption by the county of the necessary local laws and provisions for enforcement of such local laws. The parties agree that the local air pollution control program administered by MCCAPCB, and as proposed to be amended by the application in this proceeding, has been adopted into local law and includes the necessary provisions for enforcement by administrative and judicial process.

6. The local laws and ordinances which comprise the local air pollution control program administered by MCCAPCB, and as proposed to be amended by the application which is the subject of this proceeding, are compatible with, more stringent, or more extensive than the corresponding requirements under the Montana Clean Air Act, Title 75, Chapter 2, MCA, and regulations adopted by the Board thereunder. However, the parties recognize and agree that as to any source which is regulated under the Montana Clean Air Act, Title 75, Chapter 2, MCA, if the MCCAPCB has not provided by ordinance or local law for requirements compatible with, more stringent than, or more extensive than those imposed by the Board

(STIPULATION)

2

Volume III, Chapter 32  
Replaces Pages: 32.2.2.2 (1-5)  
January 24, 1992

Dated: June 28, 1991  
Page: 3 of 5

Volume III  
Chapter 32

STATE OF MONTANA AIR QUALITY CONTROL IMPLEMENTATION PLAN	Subject: Missoula County Air Quality Control Program
--	--

concerning that source, then regulation of that source should be retained for the Department. The parties agree that any regulatory authority retained for the Department under this Paragraph should not impair in any fashion the emergency powers of MCCAPCB under Section 75-2-402, MCA.

7. There are several sources within the County of Missoula whose complexity and magnitude is beyond the reasonable capability of MCCAPCB, and the control of which may be more efficiently and economically performed at the state level. These sources include the following: the kraft pulp mill at Schilling siding, Mullan Road, currently doing business as Stone Container Corporation; the plywood and lumber mill at Bonner, currently doing business as Champion International Corporation; the particle board plant at 3300 Raser Drive, currently doing business as Louisiana-Pacific Corporation. Further, under Section 75-2-301(4), MCA, there are several types of sources for which the Board may not delegate regulatory authority to MCCAPCB. In addition, MCCAPCB is not seeking any authority to regulate those sources subject to ARM 16.8.1412, 16.8.1413, 16.8.1414, 16.8.1419 and 16.8.1501 et. seq. Accordingly, the Department should assume and retain control of these sources. The parties agree that the retention of authority to the Department in this Paragraph should not impair in any fashion the emergency powers of MCCAPCB under Section 75-2-402, MCA.

8. The parties agree that, except for the sources identified in Paragraphs 6 and 7 of this Stipulation, above, the control of all other existing or new air contaminant sources within Missoula County should be retained by, or delegated to, as appropriate, MCCAPCB.

9. The parties agree that it is appropriate for MCCAPCB to retain and assume, as appropriate, emergency powers as provided for in Section 75-2-402, MCA, over all sources located within the County of Missoula, including but not limited to those sources

(STIPULATION)

3

Volume III, Chapter 32  
Replaces Pages: 32.2.2.2 (1-5)  
January 24, 1992

Dated: June 28, 1991  
Page: 4 of 5

STATE OF MONTANA  
AIR QUALITY CONTROL  
IMPLEMENTATION PLAN

Subject: Missoula County  
Air Quality Control  
Program

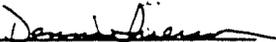
described in Paragraphs 6 and 7 of this Stipulation, above. It is appropriate for the Board to eliminate any restrictions upon those emergency powers existing as a result of the Board's prior Orders concerning the local air pollution control program administered by MCCAPCB, dated November 2, 1969, and November 13, 1981.

MISSOULA CITY-COUNTY  
AIR POLLUTION CONTROL  
BOARD

BY:   
William McDonald  
Chair

DATE 4-29-91

MONTANA DEPARTMENT  
OF HEALTH AND  
ENVIRONMENTAL SCIENCES

BY:   
Dennis Iverson  
Director

DATE 6/12/91

(STIPULATION)

4