

Volume IV
Chapter 45

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**

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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.

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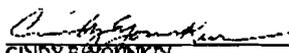
- 1 3. The Board has authority to issue orders necessary to achieve and maintain
- 2 such levels of air quality as will protect human health and welfare. Section 75-2-111(3).
- 3 MCA.
- 4 4. Adoption of the Maintenance Agreement attached to this Order is necessary
- 5 to provide for attainment and maintenance of the PM-10 NAAQS in the Thompson Falls
- 6 area.
- 7 5. The Board has authority to issue an Order adopting the attached Agreement
- 8 as an enforceable control strategy.
- 9 6. All Findings of Fact are hereby incorporated in these Conclusions of Law.

10
11 ORDER

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

- 14 1. The attached Maintenance Agreement is hereby adopted by the Board and is
- 15 incorporated herein as part of this Order.
- 16 2. The Parties shall implement the provisions of the attached Agreement.
- 17 3. This Order shall be enforceable by the Department.
- 18 4. This Order shall become effective immediately upon issuance.
- 19 5. Modifications of this Order shall only be by initiation of the Board or by
- 20 petition to the Board and the issuance of a subsequent order revising this Order.
- 21 6. A copy of this Order as executed by the Board shall be provided to a
- 22 representative of each party to this proceeding.

23 DATED this 20th day of June, 1997

24
25 By: 
26 CINDY E. YOUNKIN
27 Chairperson
Board of Environmental Review

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