

STATE OF MONTANA
AIR QUALITY CONTROL
IMPLEMENTATION PLAN

Subject: Missoula County
Air Quality Control
Program

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

3 -----
4 In the Matter of the Application)
5 of the City of Missoula and the)
6 County of Missoula for Approval)
7 of Amendments to its Local Air)
8 Pollution Control Program)
9 -----
10 FINDINGS,
11 CONCLUSIONS,
12 AND ORDER
13 ON REHEARING

8 BACKGROUND

9
10 1. The Missoula City-County Air Pollution Control
11 Board (MCCAPCB) has filed an application with the Board of
12 Health and Environmental Sciences (Board) seeking approval of
13 both a PM-10 control plan and additional minor amendments to
14 its local air pollution control program relating to the cer-
15 tification of pellet stoves as solid fuel burning devices.

16 2. On January 24, 1992, at the Cogswell Building,
17 Helena, Montana, the Board conducted a hearing on the PM-10
18 control plan and additional amendments proposed by MCCAPCB.
19 The Board approved the MCCAPCB application, subject to cer-
20 tain conditions.

21 3. On February 28, 1992, the Department of Health and
22 Environmental Sciences (Department) filed a Petition for
23 Rehearing, asking that the Board reconsider its previous
24 decision and approve the MCCAPCB application without condi-
25 tions. On March 20, 1992, the Board granted the Petition for

(FINDINGS, CONCLUSIONS, AND ORDER ON REHEARING)

-1-

Replaces Pages:
March 20, 1992

Dated:
Page: 2 of 27

STATE OF MONTANA
AIR QUALITY CONTROL
IMPLEMENTATION PLAN

Subject: Missoula County
Air Quality Control
Program

1 Rehearing, as filed.

2 4. Pursuant to public notice, and on March 20, 1992,
3 at the Cogswell Building, Helena, Montana, the Board con-
4 ducted a rehearing on the MCCAPCB application. At the hear-
5 ing testimony and evidence was presented by the Department
6 and Missoula City-County Health Department. An opportunity
7 to be heard was provided to all interested parties at the
8 hearing. Based upon the record in this proceeding, the Board
9 enters the following Findings of Fact, Conclusions of Law and
10 Order:

11
12 FINDINGS OF FACT

13 5. On November 12, 1991, and after a public hearing,
14 the MCCAPCB adopted regulations to implement a PM-10 control
15 plan, as well as additional minor amendments to its local air
16 pollution control program relating to the certification of
17 pellet stoves as solid fuel burning devices. On November 13,
18 1991, and after a public hearing, the Missoula Board of
19 County Commissioners adopted regulations to implement a PM-10
20 control plan, as well as additional minor amendments to the
21 local air pollution control program relating to the certifi-
22 cation of pellet stoves as solid fuel burning devices. On
23 November 18, 1991 the Missoula City Council approved regula-
24 tions to implement a PM-10 control plan, as well as addi-
25 tional minor amendments to the local air pollution control

(FINDINGS, CONCLUSIONS, AND ORDER ON REHEARING)
-2-

Replaces Pages:
March 20, 1992

Dated:
Page: 3 of 27

1 program relating to the certification of pellet stoves as
2 solid fuel burning devices. The regulations adopted by the
3 City and County are identical.

4 6. The PM-10 control plan adopted by the MCCAPCB
5 encompasses the City of Missoula and portions of the County
6 of Missoula and contains requirements for the control of
7 PM-10 emissions from fugitive dust from roads. Adoption of
8 the PM-10 control plan requires several amendments to the
9 local air pollution control program.

10 7. As noted above, MCCAPCB is seeking approval from
11 the Board of its proposed PM-10 control plan. A copy of the
12 entire proposed PM-10 control plan is attached to this Order
13 as Exhibit A and by this reference is incorporated herein in
14 its entirety as part of this document (entitled "Missoula
15 County Air Quality Control Program").

16 8. MCCAPCB is also seeking approval of additional
17 minor amendments to its local air pollution control program.
18 A copy of those amendments (underlined in text) is attached
19 to this Order as Exhibit B and by this reference is incorpo-
20 rated herein in its entirety as part of this document. These
21 amendments relate to the certification of pellet stoves as
22 solid fuel burning devices under the current local air pollu-
23 tion control program.

24 9. The location, character and extent of particular
25 concentrations of population and air contaminant sources, and

(FINDINGS, CONCLUSIONS, AND ORDER ON HEARING)

-3-

Replaces Pages:
March 20, 1992

Dated:
Page: 4 of 27

1 the geographic, topographic and meteorological considerations
2 involved, and combinations of the foregoing, are such as to
3 make impracticable the maintenance of appropriate levels of
4 air quality without a local air pollution control program
5 such as that proposed by the MCCAPCB (as amended in this
6 proceeding).

7 10. The local air pollution control program currently
8 administered by the MCCAPCB provides for sufficient adminis-
9 tration, organization, staff, financial and other resources
10 necessary to effectively and efficiently carry out the local
11 air pollution control program, as proposed to be amended in
12 this proceeding. The current local air pollution control
13 program provides for enforcement of the provisions which are
14 the subject of this proceeding by appropriate administrative
15 and judicial processes.

16 11. Implementation of the local air pollution control
17 program, as proposed to be amended by MCCAPCB in this pro-
18 ceeding, is not intended in any way to interfere with the
19 retention of jurisdiction for the Department over certain
20 sources located within the County of Missoula, as required by
21 the Board's previous Order concerning the local air pollution
22 control program administered by the MCCAPCB, dated June 28,
23 1991. See, In the Matter of the Application of the City of
24 Missoula and the County of Missoula for Approval of Amend-
25 ments to its Local Air Pollution Control Program, Findings.

(FINDINGS, CONCLUSIONS, AND ORDER ON REHEARING)

-4-

Replaces Pages:
March 20, 1992

Dated:
Page: 5 of 27

1 Conclusions and Order, Finding No. 8. Conclusion Nos. 3, 4
2 and 5, Order para. Nos. 2 and 3.

3 12. The local regulations constituting the proposed
4 amendments to the local air pollution control program which
5 are the subject of this proceeding are contained in Exhibits
6 A and B to this Order. The Board finds that these regula-
7 tions are compatible with, more stringent, or more extensive
8 than the corresponding requirements under the Montana Clean
9 Air Act, Title 75, Chapter 2, MCA, and regulations adopted by
10 the Board thereunder.

11
12 CONCLUSIONS OF LAW

13 1. Proper notice and an opportunity to participate in
14 this proceeding has been provided to both the Department and
15 MCCAPCB, and the public. Title 2, Chapters 3 and 4, MCA.

16 2. The amendments to the local air pollution control
17 program as proposed by MCCAPCB meet the requirements set
18 forth by statute for approval by the Board. Section
19 75-2-301, MCA.

20 3. The Findings of Fact contained in this Order are
21 hereby adopted as Conclusions of Law.

22
23 ORDER

24 1. The Board approves the amendments to the local air
25 pollution control program proposed by the Missoula City-

(FINDINGS, CONCLUSIONS, AND ORDER ON REHEARING)

-5-

Replaces Pages:
March 20, 1992

Dated:
Page: 6 of 27

Volume III
Chapter 32

STATE OF MONTANA
AIR QUALITY CONTROL
IMPLEMENTATION PLAN

Subject: Missoula County
Air Quality Control
Program

1 County Air Pollution Control Board, as contained in Exhibits
2 A and B to this Order.

3 2. Approval herein by the Board of the amendments to
4 the local air pollution control program administered by
5 HCCAPCB does not in any way interfere with the retention of
6 jurisdiction for the Department over certain sources located
7 within the County of Missoula, as required by the Board's
8 previous Order concerning the local air pollution control
9 program administered by the HCCAPCB, dated June 28, 1991.

10 DATED this 20 day of March, 1992

11
12
13 By: David W. Simpson
14 David W. Simpson, Chairman
15 Board of Health and
16 Environmental Sciences
17
18
19
20
21
22
23
24
25

(FINDINGS, CONCLUSIONS, AND ORDER ON REHEARING)

-6-

Replaces Pages:
March 20, 1992

Dated:
Page: 7 of 27