

STATE OF MONTANA AIR QUALITY CONTROL IMPLEMENTATION PLAN	Subject: Thompson Falls Air Pollution Control Plan
--	--

45.2.1 Maintenance Agreement Between the City of Thompson Falls, Department of Transportation, and Department of Environmental Quality for Street Sweeping Responsibilities

Replaces Page:	Dated:
----------------	--------

June 20, 1997

Page: 1 of 9

STATE OF MONTANA
AIR QUALITY CONTROL
IMPLEMENTATION PLAN

Subject: Thompson Falls
Air Pollution
Control Plan

**MAINTENANCE AGREEMENT BETWEEN THE CITY OF
THOMPSON FALLS, MONTANA DEPARTMENT OF
TRANSPORTATION, AND MONTANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

This Agreement is made and entered into by and between the city of Thompson Falls ("City"), the Montana Department of Transportation ("MDT"), and the Montana Department of Environmental Quality ("DEQ"), hereinafter collectively referred to as the "Parties".

The U.S. Environmental Protection Agency has designated the City and its nearby area as a nonattainment area for the PM-10 National Ambient Air Quality Standards (NAAQS). In order to achieve and maintain the PM-10 NAAQS, a reduction in suspended particulate matter from re-entrained road dust is required.

The purpose of this Agreement is to outline the type of sanding material to be used on paved roads, determine what unpaved roads, alleys, and parking lots are to be paved, and to regulate street sweeping activities on selected routes within the Thompson Falls PM-10 nonattainment area. Activities performed under this Agreement are intended to reduce suspended particulate matter from re-entrained road dust, which will assist the City in attaining and maintaining the PM-10 NAAQS.

SECTION I: ROADS SUBJECT TO AGREEMENT

The roads covered by this Agreement are Highway 200 under the jurisdiction of MDT within the Thompson Falls PM-10 nonattainment area and the priority routes under the jurisdiction of the City as listed below:

CITY STREET SWEEPING PRIORITY ROUTES:

	Approximate Length
- Golf from City Shop to Haley	(0.20)
- Haley from Golf to Ferry	(0.85)
- Bus Loop at Jr. High	(0.20)
- Ferry from Jr. High to Preston	(0.25)
- Preston from Ferry to East Crossing	(0.15)
- East Crossing from Preston to Main	(w/above)
- Preston from East Crossing to Clay	(0.20)
- Clay from Preston to 5th	(0.40)
- West Crossing from Main to Gallatin	(0.15)
- Washington from Preston to 4th	(0.35)
- Spruce from Preston to 3rd	(0.35)

Replaces Page:

Dated:

June 20, 1997

Page: 2 of 9

STATE OF MONTANA AIR QUALITY CONTROL IMPLEMENTATION PLAN	Subject: Thompson Falls Air Pollution Control Plan
--	--

- Gallatin from Preston to 3rd	(0.25)
- Jefferson from Preston to 3rd	(0.25)
TOTAL ->	<u>3.60 miles (5.80 km)</u>

MDT STREET SWEEPING ROUTE

MDT's street sweeping route will be on Highway 200 beginning at milepost 49.5 at the west end of the bridge, east through town to the Harvest Food store parking lot. This route is approximately three (3) miles (4.83 km) long

CITY COMPENSATION FOR STREET SWEEPING

MDT agrees to compensate the City for street sweeping activities that the City performs on Highway 200 inside the city limits. Compensation must be agreed upon by the City and MDT to be determined on or before September 1 of each year.

SECTION II: STANDARD AGREEMENT

A. For the purpose of this Section, the following definitions will apply:

- (1) "Central business district" means the area defined by Main, Pond, and Pearl streets and the Clark Fork River.
- (2) "Clean" means that a road surface does not create visible emissions upon the passing of a vehicle.
- (3) "New parking lot" means any parking lot on which construction commenced after January 1, 1997.
- (4) "New street or road" means any street, road, drive through, or alley which is greater than 50 feet in length, has a projected average traffic volume greater than 50 vehicles per day, and on which construction commenced or will commence after January 1, 1997.
- (5) "Parking lot" means a parcel of land located off the public right-of-way which is primarily used for the temporary storage of motor vehicles.

Replaces Page:	Dated:
June 20, 1997	Page: 3 of 9

STATE OF MONTANA
AIR QUALITY CONTROL
IMPLEMENTATION PLAN

Subject: Thompson Falls
Air Pollution
Control Plan

- (6) "Prioritized street sweeping" means a schedule of street sweeping which gives attention to streets with the highest traffic volumes first and proceeds in descending order of traffic volume to streets with the lowest traffic volume. In the event that streets become iced or snow-packed and sanding material is re-applied, this process will start over with the highest volume streets receiving priority attention.
- (7) "Summer months" means the months of May, June, July, August, September, and October.
- (8) "Winter months" means the months of November, December, January, February, March, and April.

B. City Requirements:

- (1) Within the Thompson Falls PM-10 nonattainment area, the City may not allow the operation, use, or maintenance of any prioritized routes listed in Section I unless the following RACT procedures are applied:
 - "Reasonably Available Control Technology" or "RACT" means:
 - (a) During summer months, street sweeping shall be performed on an as-needed basis to the priority routes listed in Section I.
 - (b) During winter months, prioritized street sweeping shall commence on the first working day after any priority route listed in Section I becomes either temporarily or permanently ice-free and temperatures are expected to remain above 35 °F for the next 24-hour period. Unless interrupted by additional snowfall or temperatures below 35 °F, all priority routes shall be swept clean within four (4) business days. If interrupted, the City shall begin the prioritized street sweeping process from the beginning.
- (2) Within the Thompson Falls PM-10 nonattainment area, the City shall only apply sanding or chip seal material on paved roads and parking lots that has a durability of greater than or equal to 9 as defined by the Montana Modified L.A. Abrasion test. The sanding or chip seal material shall have a material content smaller than a 200 mesh that does not exceed 4.0 percent oven dry weight as determined by a standard wet sieving method.

Replaces Page:

Dated:

June 20, 1997

Page: 4 of 9

STATE OF MONTANA AIR QUALITY CONTROL IMPLEMENTATION PLAN	Subject: Thompson Falls Air Pollution Control Plan
--	--

- (3) The City shall identify the sanding material percent silt content upon request by the DEQ to ensure against increases that may occur within or between gravel pits.
- (4) Within the central business district, the City may not construct any new street or road as defined in Section II A (4) unless it is paved. The City may not construct any new parking lot with a capacity greater than 15 vehicles or more than 50 vehicles/day turnover unless the parking lot is paved.
- (5) The City shall maintain a record of maintenance activities concerning the exact day and route of completed street sweeping and paving projects within the Thompson Falls PM-10 nonattainment area. This record of maintenance activities will be made available to DEQ upon request.
- (6) The City will provide street sweeping service on Highway 200 within the City limits as described in Section III below.

C. MDT Requirements:

- (1) Within the Thompson Falls PM-10 nonattainment area, MDT may not allow the operation, use, or maintenance of Highway 200 as listed in Section II unless the following RACT procedures are applied:

"Reasonably Available Control Technology" or "RACT" means:

- (a) During summer months, street sweeping shall be performed on an as-needed basis to Highway 200 as described in Section I with priority given to the section of Highway 200 located within the central business district.
- (b) During winter months, street sweeping shall commence on the first working day after Highway 200, as listed in Section I, becomes either temporarily or permanently ice-free and temperatures are expected to remain above 35 °F for a 24-hour period. Unless interrupted by additional snowfall or temperatures below 35 °F, Highway 200 will be swept clean within two (2) business days. If interrupted, MDT will begin the street sweeping process from the beginning.

Replaces Page: June 20, 1997	Dated: Page: 5 of 9
---------------------------------	------------------------

STATE OF MONTANA AIR QUALITY CONTROL IMPLEMENTATION PLAN	Subject: Thompson Falls Air Pollution Control Plan
--	--

- (2) Within the Thompson Falls PM-10 nonattainment area, MDT shall only apply sanding or chip seal material on Highway 200 that has a durability of greater than or equal to 9.0 percent wear loss as defined by the Montana Modified L.A. Abrasion test. The sanding or chip seal material shall have a material content smaller than a 200 mesh that does not exceed 4.0 percent oven dry weight as determined by a standard wet sieving method.
- (3) MDT shall identify the existing material percent silt content upon request by the DEQ to ensure against increases that may occur within or between gravel pits. Paved road silt-loading samples will continue to be collected annually by a DEQ representative and analyzed for silt content percent.
- (4) MDT shall maintain a record of maintenance activities concerning the street sweeping on Highway 200 within the Thompson Falls PM-10 nonattainment area. This record of maintenance activities will be made available to DEQ upon request.
- (5) As described in Section III below, MDT shall authorize the City to sweep Highway 200 within the city limits during conditions which do not allow for the use of the MDT street sweeping equipment.

SECTION III: SEASONAL AGREEMENT

MDT owns and operates a 1994 Elgin Crosswinds vacuum sweeper which is operated in and around the City for purposes of road cleaning activities on Highway 200. The City owns and operates a Vanguard 4000 mechanical brush sweeper. In order to provide for road cleaning activities on Highway 200 during times when the MDT sweeper is not available, the Parties agree as follows:

A. City Requirements:

- 1) Only upon MDT's request, the City shall provide street sweeping service on Highway 200 inside the city limits with their Vanguard 4000. Based upon the equipment, weather conditions, and personnel available to the City, the street sweeping frequency during bare road conditions on Highway 200 within the city limits will be as specified in Section II C (b).

Replaces Page:	Dated:
----------------	--------

June 20, 1997

Page: 6 of 9

B. MDT Requirements:

- 1) MDT grants the City the right to enter Highway 200 within the city limits for the purpose of performing street sweeping services during the days in which the MDT sweeper is not available.
- 2) MDT agrees to compensate the City for street sweeping activities that the City performs on Highway 200 under this Section. Compensation must be agreed upon by the City and MDT.
- 3) MDT and the City will contact each other on or before September 1 of each year to discuss the street sweeping contract and compensation as outlined Section I. If necessary, the City and MDT shall submit proposed revisions to Section I and submit to DEQ by January 1 of each year.

SECTION IV: CONTINGENCY MEASURES

In the event a PM-10 exceedance occurs within the Thompson Falls PM-10 nonattainment area, the Parties have the following responsibilities until such time as the SIP control measures are revised and approved by EPA:

A. City Requirements:

The City shall increase its street sweeping frequency on the priority routes as listed in Section I from four (4) business days to two (2) business days.

B. MDT Requirements:

MDT shall increase its street sweeping frequency as outlined in Section I from two (2) business days to one (1) business day.

SECTION V: ENFORCEMENT

The Parties agree that DEQ shall petition the Board of Environmental Review ("Board") for an Order adopting this Agreement. The Parties further agree that the Board, if it finds that the terms of this Agreement are necessary to achieve and maintain the PM-10 NAAQS, may issue a Board Order adopting the terms of this Agreement. Upon issuance of such Board Order, the terms of this Agreement shall be enforceable by DEQ.

Replaces Page:

June 20, 1997

Dated:

Page: 7 of 9

STATE OF MONTANA AIR QUALITY CONTROL IMPLEMENTATION PLAN	Subject: Thompson Falls Air Pollution Control Plan
--	--

SECTION VI: INDEMNIFICATION

Each Party (hereinafter referred to in this Section as "First Party") shall hold harmless and indemnify the other Parties and their agents, principals, and employees from and against all claims, damages, losses, demands, judgments, and costs of suit, defense expenses, and attorney's fees to the extent arising out of or resulting from the First Party's wrongful acts, errors, omissions, or negligence, or from the First Party's failure to comply with the requirements set forth in this Agreement or with all federal, state, and local laws, regulations, and ordinances applicable to the work to be done under this Agreement.

SECTION VII: EXECUTION

This Agreement consists of eight (8) pages. One copy of the original is to be retained by each Party. A copy of the original has the same force and effect for all purposes as the original.

In witness of their intent to be bound by the terms of this Agreement, the Parties have executed this document on the dates set forth below:

Replaces Page:	Dated:
----------------	--------

June 20, 1997

Page: 8 of 9

Volume IV
Chapter 45

STATE OF MONTANA AIR QUALITY CONTROL IMPLEMENTATION PLAN	Subject: Thompson Falls Air Pollution Control Plan
--	--

CITY OF THOMPSON FALLS

By: *Arny McAl* Date: 5-19-97
Arny McAl, Mayor
City of Thompson Falls

STATE OF MONTANA DEPARTMENT OF TRANSPORTATION

By: *Stephen J. Herzog* Date: 5-1-97
Stephen J. Herzog, P.E., Chief
Field Maintenance Bureau Kalispell

STATE OF MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

By: *Mark Simonich* Date: 7/28/97
Mark Simonich, Director
Department of Environmental Quality

Signed Copies: City of Thompson Falls
Montana Department of Transportation
Montana Department of Environmental Quality
Montana Board of Environmental Review (attached to Board Order)

1. ENCLOSURE WITH THIS INSTRUMENT

- 8 -

Replaces Page:	Dated:
June 20, 1997	Page: 9 of 9