

1 direction and control of the MCCAPCB. The program has been
2 substantially amended on several occasions since the initial
3 approval by the Board, most recently on July 31, 1992, to
4 provide for the addition of a carbon monoxide control plan.

5 4. In the application which is the subject of this
6 proceeding, MCCAPCB is seeking approval of amendments to its
7 local air pollution control program. A copy of those amend-
8 ments (underlined or strike-out in text) is attached to this
9 Order as Exhibit A and by this reference is incorporated
10 herein in its entirety as part of this document.

11 5. The majority of the amendments contained in Exhibit
12 A relate to the implementation of contingency measures for
13 both the particulate matter (PM-10) and carbon monoxide (CO)
14 control programs, the incorporation of regulations to ensure
15 that stationary source abatement plans are followed when air
16 pollution episodes greater than the alert stage are declared,
17 and changes to the information required in construction per-
18 mit applications. The amendments to the program are further
19 described as follows:

20 a. Contingency measures required by the
21 Federal Clean Air Act Amendments of 1990 to assure
22 that further reductions of both PM-10 and CO will
23 occur if either the PM-10 or CO National Ambient
24 Air Quality Standards are exceeded after December
25 1994 (Subchapter 3 - Contingency Measure Selection
26 Process). If the PM-10 ambient standard is exceed-
27 ed and it is determined that the major contributing
source is re-entrained road dust, then the regulat-
ed sanding area within the Missoula Air Pollution
Control Boundaries will be expanded (Rule
1401(7)(b)). If the major contributing source is
determined to be residential wood stoves, then
Class I and dealer-demonstrated wood burning devic-
es will not be allowed to operate during an alert
(Rules 1428(5)(d) and 1428(7)(b)). If the carbon

1 monoxide ambient standard is exceeded, then Class I
2 and dealer-demonstrated wood burning devices will
3 not be allowed to operate during an alert (Rule
4 1428(5)(d) and Rule 1428(7)(b)).

5 b. Changes relating to the types of sources
6 that are required to obtain construction and oper-
7 ating permits (Rules 1102(1)(a), (1)(c), and (2)(c)
8 through (n)).

9 c. Changes to the requirements for an appli-
10 cation for a construction permit, Rule 1105(b)(ii).

11 d. Changes to the conditions for issuance of
12 a construction permit (Rule 1109(9)).

13 e. Changes to the conditions required for
14 wood waste burners (Rule 1407).

15 f. Changes to sources requiring inspections
16 (Chapter VII. Inspections).

17 g. Changes to ensure that stationary source
18 abatement plans are followed when air pollution
19 episodes greater than alert stages are declared
20 (Rule 401(8) through (10)).

21 6. On September 16, 1993, and upon proper public no-
22 tice, the MCCAPCB conducted a public hearing and adopted the
23 proposed regulations and ordinances which amend the local air
24 pollution control program, and which are the subject of this
25 application before the Board.

26 7. In previous Orders concerning the MCCAPCB local air
27 pollution control program, the Board has found that the loca-
tion, 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 impracti-
cable the maintenance of appropriate levels of air quality
without a local air pollution control program such as that
administered by the MCCAPCB. The Board reaffirms the appro-

1 priateness of these findings, as they relate to the MCCAPCB
2 local program, as amended by the current application.

3 8. In previous Orders concerning the MCCAPCB local air
4 pollution control program, the Board has found that the local
5 air pollution control program provided for administrative
6 organization, staff, financial and other resources necessary
7 to effectively and efficiently carry out the program. The
8 Board reaffirms the appropriateness of these findings as they
9 relate to the MCCAPCB local program, as amended by the cur-
10 rent application.

11 9. In previous Orders concerning the MCCAPCB local air
12 pollution control program, the Board has found that the local
13 air pollution control program administered by MCCAPCB had
14 been adopted into local law and included the necessary provi-
15 sions for enforcement by administrative and judicial process.
16 The Board reaffirms the appropriateness of these findings as
17 they relate to the MCCAPCB local program, as amended by the
18 current application.

19 10. Exhibit A to this Order contains the local regula-
20 tions that constitute the proposed amendments to the MCCAPCB
21 local air pollution control program that are the subject of
22 this proceeding. The Board finds that these regulations are
23 compatible with, more stringent, or more extensive than the
24 corresponding requirements under the Montana Clean Air Act,
25 Title 75, Chapter 2, MCA, and regulations adopted by the
26 Board thereunder.

27 11. Implementation of the local air pollution control

1 tered by MCCAPCB, and as amended by the application in this
2 proceeding, meets the requirements set forth by statute for
3 approval by the Board. Section 75-2-301, MCA.

4 3. The Department should assume and retain control
5 over any source regulated by the Montana Clean Air Act, Title
6 75, Chapter 2, MCA, for which MCCAPCB has not provided by
7 ordinance or local law for requirements which are at least
8 compatible with those imposed by the Montana Clean Air Act or
9 regulations adopted thereunder.

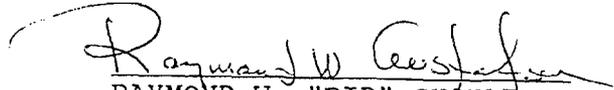
10 4. Pursuant to statute, and except for the emergency
11 powers provided for in Section 75-2-402, MCA, the Board may
12 not delegate to MCCAPCB the authority to control the follow-
13 ing sources of air contaminants: those that require the prep-
14 aration of an environmental impact statement pursuant to
15 Title 75, Chapter 1, Part 2, MCA; those that are subject to
16 regulation under the Montana Major Facility Siting Act, Title
17 75, Chapter 20, MCA, and; those that have the potential to
18 emit 250 tons per year or more of any pollutant subject to
19 regulation under the Montana Clean Air Act, Title 75, Chapter
20 2, MCA, including fugitive emissions, unless the authority to
21 control the source was delegated to MCCAPCB prior to January
22 1, 1991. Section 75-2-301(4), MCA.

23 5. The Board may not delegate to MCCAPCB the authority
24 to control those sources whose complexity and magnitude is
25 beyond the reasonable capability of MCCAPCB, or the control
26 of which may be more efficiently and economically performed
27 at the state level. Section 75-2-301(9), MCA.

1 ment of Health and Environmental Sciences pursuant to this or
2 previous Orders shall not impair in any fashion the emergency
3 powers of the MCCAPCB under Section 75-2-402, MCA.
4

5 DATED this 19 day of November, 1993.

6 BOARD OF HEALTH AND
7 ENVIRONMENTAL SCIENCES

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9 RAYMOND W. "RIB" GUSTAFSON
10 Chairman

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