

STATE OF MONTANA
AIR QUALITY CONTROL
IMPLEMENTATION PLAN

Subject: Butte/Silver Bow
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 compliance)
5 of the CITY AND COUNTY OF)
6 BUTTE-SILVER BOW and the MONTANA) STIPULATION
7 DEPARTMENT OF TRANSPORTATION)
8 with 40 C.F.R. 50.6, National)
9 Ambient Air Quality Standard for)
10 Particulate Matter and ARM)
11 16.8.821, Montana Ambient Air)
12 Quality Standard for PM-10)
13 -----

14 The Department of Health and Environmental Sciences
15 ("Department"), City and County of Butte-Silver Bow ("Butte-
16 Silver Bow"), and Montana Department of Transportation
17 ("MDOT") hereby stipulate and agree to the following in re-
18 gard to the above-captioned matter and present the same for
19 consideration and adoption by the Board of Health and Envi-
20 ronmental Sciences ("Board"):

21 1. On July 1, 1987, the United States Environmental
22 Protection Agency ("EPA") promulgated national ambient air
23 quality standards for particulate matter (measured in the
24 ambient air as PM-10, or particles with an aerodynamic diam-
25 eter less than or equal to a nominal 10 micrometers) ("par-
ticulate matter NAAQS"). The annual standard of 50 micro-
grams per cubic meter (annual arithmetic mean), and the
24-hour standard of 150 micrograms per cubic meter (24-hour
average concentration), were promulgated by EPA pursuant to

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1 Section 109 of the Federal Clean Air Act, 42 U.S.C. 7401,
2 et seq., as amended by the Clean Air Act Amendments of 1990
3 ("Act").

4 2. Section 110 of the Act requires each state to sub-
5 mit an implementation plan for the control of each air pol-
6 lutant for which a national ambient air quality standard has
7 been promulgated. Since a standard has been promulgated for
8 particulate matter, the State of Montana is required to sub-
9 mit an implementation plan for particulate matter to EPA.

10 3. Section 75-2-202, MCA, requires the Board to es-
11 tablish ambient air quality standards for the State.

12 4. On April 29, 1988, the Board adopted state ambient
13 air quality standards for PM-10, including an annual standard
14 of 50 micrograms per cubic meter (annual arithmetic mean),
15 and a 24-hour standard of 150 micrograms per cubic meter
16 (24-hour average concentration). ARM 16.8.821 ("PM-10
17 MAAQS").

18 5. On August 7, 1987, the Butte area was designated as
19 a Group I area by EPA. 52 Fed. Reg. 29383. Pursuant to the
20 Federal Clean Air Act all Group I areas, including Butte, are
21 designated by operation of law to be in non-attainment for
22 the particulate matter NAAQS. 42 U.S.C. 7407(d)(4)(B). Fur-
23 ther, the Act designates the Butte area as a "moderate" PM-10
24 non-attainment area. 42 U.S.C. 7513(a). For areas desig-
25 nated as "moderate", the State is required to submit to EPA

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1 an implementation plan no later than one year from enactment
2 of the 1990 amendments to the Act. 42 U.S.C. 7513a(a)(2).
3 The area encompassed in the moderate non-attainment designa-
4 tion (hereafter "Butte non-attainment area") generally in-
5 cludes the City of Butte and that portion of Silver Bow
6 County within the immediate vicinity of the boundaries of the
7 City of Butte, except for the municipality of Walkerville. A
8 map and legal description of the Butte non-attainment area is
9 attached to this Stipulation as Exhibit A and by this refer-
10 ence is incorporated herein in its entirety as part of this
11 document.

12 6. Results of air quality sampling and monitoring in
13 1988 and 1989 have demonstrated violations within the Butte
14 non-attainment area of the 24-hour standard contained in both
15 the particulate matter NAAQS and the PM-10 MAAQS.

16 7. The parties to this Stipulation agree that source
17 apportionment studies utilizing chemical mass balance have
18 been conducted by the Department and have adequately identi-
19 fied the significant sources of PM-10 in the Butte non-
20 attainment area, as well as the relative contribution of each
21 of the sources to the ambient levels of PM-10 recorded by air
22 quality monitors located in that area.

23 8. The parties to this Stipulation agree that as a
24 result of the studies and analysis by the Department as de-
25 scribed above, PM-10 emissions from reentrained road dust

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1 have been identified as requiring control in order for the
2 Butte non-attainment area to be able to demonstrate attain-
3 ment with the particulate matter NAAQS and the PM-10 MAAQS.

4 9. That on March 6, 1991, and after a public hearing,
5 the Butte-Silver Bow Council of Commissioners adopted Council
6 Resolution No. 1307, establishing sanding and chip seal mate-
7 rial standards and street sweeping and flushing policies to
8 be followed by the City and County of Butte-Silver Bow. A
9 copy of Council Resolution No. 1307 is attached to this Stip-
10 ulation as Exhibit B, and by this reference is incorporated
11 herein in its entirety as part of this document.

12 10. That both the City and County of Butte-Silver Bow
13 and the Montana Department of Transportation have jurisdic-
14 tion over certain streets and roads within the Butte non-
15 attainment area.

16 11. The parties to this stipulation agree that imple-
17 mentation of all of the measures contained in Council Resolu-
18 tion No. 1307 (Exhibit B) for all streets and roads within
19 the Butte non-attainment area (Exhibit A) is required to
20 obtain the level of control of reentrained road dust which is
21 necessary to attain the particulate matter NAAQS and the
22 PM-10 MAAQS.

23 12. The Board is the State agency that is primarily
24 responsible for the development and implementation of the
25 State Implementation Plan under the federal Clean Air Act.

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1 Under Section 75-2-101 et seq., the Board is required to
2 protect public health and welfare by limiting the levels and
3 concentrations of air pollutants within the State and such
4 responsibility includes the adoption of emission standards
5 (Section 75-2-203, MCA) and the issuance of orders (Section
6 75-2-111(3), MCA) to effectuate compliance with national and
7 state ambient air quality standards.

8 13. The parties to this Stipulation agree that upon
9 finding the measures contained in Council Resolution No. 1307
10 to be necessary for the Butte non-attainment area to meet the
11 particulate matter NAAQS and the PM-10 MAAQS, the Board has
12 jurisdiction to require the implementation of such measures
13 by the City and County of Butte-Silver Bow and the Montana
14 Department of Transportation.

15 14. The control measures contained in Council Resolu-
16 tion No. 1307 are consistent with the provisions of the
17 Montana Clean Air Act, Title 75, Chapter 2, MCA.

18 15. Accordingly, the parties to this Stipulation agree
19 that it would be consistent with the terms and intent of this
20 Stipulation for the Board to issue an Order which requires
21 both the City and County of Butte-Silver Bow and the Montana
22 Department of Transportation to implement the measures speci-
23 fied in Council Resolution No. 1307, dated March 6, 1991
24 (attached as Exhibit B), for those streets and roads under
25 their respective jurisdictions and within the boundaries of

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the Butte non-attainment area (defined in Exhibit A).

MONTANA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL
SCIENCES

MONTANA DEPARTMENT OF
TRANSPORTATION

BY: *Dennis Iverson*
DENNIS IVERSON
Director

BY: *John R. ...*
Director

DATE: 9/27/91

DATE: 10/4/91

BUTTE-SILVER BOW
COUNCIL OF COMMISSIONERS

BY: *Thomas Brophy*
THOMAS BROPHY
Chairman

DATE: 12/1/91

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