

SECTION 14. DUST ABATEMENT

Any individual who wishes to apply a dust palliative on a County maintained road shall be required to obtain a permit from the County. Property owners abutting public rights-of-way may “piggy back” on the County’s annual bid, provided their Permit Application and Commitment Letter (see Appendix C) are received by the required dates. Permits received after the required date will be processed as an Individual Contractor Application (see Appendix C) and will not be included in the County’s annual bid. Permits are issued by the Public Works Department and are subject to the following conditions.

1. The method of application shall comply with guidelines established jointly by the County Health Department and the Public Works Department. Dust abatement palliatives must be approved by the Health Department prior to issuance of any permit. It is intended that the approval will be for the general application technique, equipment and material being used. The applicator must provide a Material Safety Data Sheet (MSDS) for all palliatives proposed for use to the Health Department. Additionally, the County may require that the applicator provide a chemical analysis of dust palliatives to insure that hazardous and deleterious substances are not applied on County roads.
2. Missoula County shall limit the application of dust control products on County maintained roads to the application of Calcium Chloride or Magnesium Chloride. The application of a biodegradable dust palliative will be considered on request. Used oil may not be used as a dust suppressant on any publicly owned road, street or alley, or within 200 yards of such roadways.
3. All Applicators must obtain a permit from the Department of Public Works. Permits may be issued between May 1 and September 15 of each year. After September 15, all roads will be subject to grading in preparation for winter maintenance. The permit must be applied for at least five (5) working days prior to the intent to apply a treatment to any section of county road. The permit is valid for one application of dust palliative and is valid for five (5) calendar days from the date of issue. No applicator shall apply a palliative to any portion of a county road without a permit.
4. It is the applicator’s responsibility to apply the dust palliative in a manner which minimizes the impact on adjacent property, natural resources and the traveling public. The applicator shall comply with all applicable federal, state and local legislation and regulations which apply. These include, but are not limited to, water quality, waste disposal and hazardous materials disposal requirements.
5. The permittee shall be responsible for any damage to public or private property caused by the application of the dust palliative. To ensure that this financial responsibility is met, the permittee shall provide a surety bond, liability insurance policy or deposit of cash escrow in the amount of \$1,000,000.00 at the Department of Public Works. Financial responsibility in the form of a liability insurance policy may be provided in lieu of a surety bond. The permittee shall furnish the Public Works Director with a certificate of insurance which is valid from the time of permit application through a three (3) month period from the time of palliative application. At the discretion of the Public Works Director, a surety bond may be required depending on the scope of permit work.

6. If the above conditions are not met, the Public Works Director may refuse to issue a permit or suspend a permit already issued. Any person aggrieved by a decision of the Public Works Director whether denying or suspending a permit may appeal such denial or suspension to the Board of County Commissioners who shall promptly hear and decide the matter.
7. Individuals who place a dust treatment on private roads or on non-maintained public rights-of-way are not required to obtain a permit from the County. However, they must comply with the rules and regulations set forth by the state and County Health Department.
8. The County reserves the right to maintain roads at any time road conditions deteriorate in the best interest of the traveling public even if such action will diminish or destroy the effect of a dust treatment.
9. The following guidelines have been developed by the County Department of Public Works and the County Health Department to assist individuals with the application of dust palliatives:
 - (a) Used oil MAY NOT be used as a dust suppressant on any publicly owned road, street or alley, or within two hundred (200) yards of such roadways.
 - (b) All individuals who intend to perform dust abatement on a Missoula County road must obtain a permit from the Missoula County Department of Public Works.
 - (c) In order to promote soil absorption and minimize puddling, the Applicator must apply the palliative specified on the permit within five (5) calendar days of permit receipt.
 - (d) The Applicator shall use equipment and practices which distribute the dust palliative evenly over the road surface.
 - (e) Dust palliatives shall not be applied when measurable precipitation is forecast at greater than thirty percent (30%) chance within the following twenty-four (24) hours by the National Weather Service.
 - (f) Applicators of dust palliatives shall not apply dust control materials in a location where they are likely to contaminate water sources. This includes streams, river, ponds, irrigation ditches and creeks. The possibility of contamination from both over-spray and run-off should be closely monitored.
 - (g) No oils shall be applied as dust palliatives above the intake dam in the Rattlesnake drainage. All material applied above the Rattlesnake intake dam must be approved by the Missoula City-County Health Department.
 - (h) The County reserves the right to restrict or ban the application of any material that the County determines may be deleterious to property, water, animal and plant life or that is a public nuisance.