

CHAPTER 1 PROGRAM AUTHORITY AND ADMINISTRATION

Rule 1.101 - Title

These regulations shall be known and may be cited as the Missoula City-County Air Pollution Control Program.

Rule 1.102 - Declaration of Policy and Purpose

The public policy of the City and County of Missoula (hereafter “City and County”), and the purpose of this Program, is to preserve, protect, improve, achieve and maintain such levels of air quality, as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the inhabitants, and facilitate the enjoyment of the natural attractions of the City and County, and to promote the economic and social development of the City and County. To this end, it is the purpose of this Program to require the use of all available practicable methods to reduce, prevent and control air pollution in the City and County. The regulations contained herein are hereby established and approved by the Missoula City-County Air Pollution Control Board, the Missoula City Council and the Missoula Board of County Commissioners to prevent, abate or control air pollution.

Rule 1.103 - Authorities for Program

- (1) The authority to promulgate this Program and these regulations contained herein is provided in the MCA 75-2-301, 75-2-402, 7-1-2101, 7-5-2101(2) and 7-5-2104.

Rule 1.104 - Area of Jurisdiction

- (1) Unless specific rules state otherwise, the provisions of this Program apply to all air pollution sources within the City and County, except
 - (a) sources that require the preparation of an environmental impact statement pursuant to Title 75, chapter 1, part 2;
 - (b) sources that are subject to regulation under the Montana Major Facility Siting Act, as provided in Title 75, chapter 20; and
 - (c) sources that have the potential to emit 250 tons or more a year of any pollutant, including fugitive emissions, subject to regulation under Title 75, Chapter 2 and were not regulated by the County before January 1, 1991.
 - (d) sources that the Montana Board of Environmental Review has retained exclusive jurisdiction and control under the Clean Air Act of Montana under their findings and determination of 11/21/69, or subsequent order and determination.
- (2) Notwithstanding (1) above, the provisions of Chapter 4 of this Program apply to all air pollution sources within the City and County, including those regulated and permitted by DEQ.

Rule 1.105 - Air Pollution Control Board

- (1) There is created a Missoula City-County Air Pollution Control Board, hereafter referred to as the Control Board, which is responsible for the administration of this Program. The Missoula City-County Board of Health is the Control Board.
- (2) The Control Board must have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under this Program.
- (3) Any potential conflicts of interest by members of the Control Board must be adequately disclosed.

- (4) The Chair of the Board of Health is the Chair of the Control Board.
- (5) The Control Board shall hold at least one meeting per month and keep minutes of its proceedings,
 - (a) provided however, a regular monthly meeting need not be held if the Chair of the Control Board determines there is no business necessary to be brought before the Control Board at that meeting and this determination is concurred in by the Health Officer and two other Control Board members. Such concurrence may be oral, or written. If a meeting is canceled under this provision, the Health Officer shall send a notice to all Control Board members stating the Chair of the Control Board's determination canceling the meeting and identifying the concurring Control Board members; and
 - (b) the Chair of the Control Board may call special meetings on his own motion and shall call them upon the request of two Control Board members.
- (6) The Control Board may:
 - (a) recommend to the Missoula City Council and the Missoula Board of County Commissioners the adoption, the amendment, or the repeal of any regulations necessary to implement the provisions of this Program;
 - (b) hold hearings related to any aspect of the Program, and compel the attendance of witnesses and the production of evidence at such hearings;
 - (c) issue orders necessary to accomplish the purposes of this Program, and enforce them by appropriate judicial or administrative proceedings;
 - (d) instruct the department to measure pollution levels and take samples of air pollution at designated sites;
 - (e) instruct the department to conduct surveys, investigations, and research related to air pollution in Missoula County;
 - (f) instruct the department to collect and disseminate information and conduct educational and training programs related to prevention of air pollution;
 - (g) adopt a schedule of fees required for permits and administrative penalties under this Program;
 - (h) hear and decide appeals of decisions from the department issuing, denying, transferring, suspending, revoking, amending, or modifying any permits required by this Program;
 - (i) establish policy to be followed by the department in implementing this Program;
 - (j) perform any and all acts necessary for the successful implementation of this Program; and
 - (k) grant variances as provided in this Program.

Rule 1.106 - Air Quality Staff

- (1) There is an air quality staff within the Missoula City-County Health Department. This staff consists of such employees as deemed necessary by the Control Board.
- (2) The department shall employ personnel who possess training and qualifications commensurate with the financial budget and the technical and administrative requirements of the Control Board.
- (3) The department's air quality staff shall:
 - (a) issue, deny, modify, transfer, revoke, and suspend permits provided for or required under this

Program;

(b) issue written notices of violation, orders to take corrective action, and by any other appropriate administrative and judicial proceedings, enforce the provisions of this Program;

(c) measure pollution levels and take samples of air pollution at designated sites in Missoula County; conduct investigative surveys, and research related to air pollutants in Missoula County;

(d) collect and disseminate information and conduct educational and training Programs related to the prevention of air pollution;

(e) accept, receive and administer grants or other funds from public or private agencies for the purpose of carrying out any provisions of the Program;

(f) operate a laboratory for the study and control of air pollution; provide necessary scientific, technical, administrative, and operational services to the Control Board;

(g) establish an inventory of sources of air pollution in the County;

(h) perform such other acts and functions designated by the Control Board for the successful implementation of this Program;

(i) investigate complaints; and

(j) administer this Program.

Rule 1.107 - Air Quality Advisory Council

- (1) There is created an Air Quality Advisory Council composed of nine (9) members. The Chair of the Control Board shall appoint them from among the general public residents within the County for terms of three (3) years, with three members appointed each year. The Advisory Council shall elect a chair from among its members.
- (2) The Advisory Council shall hold at least two (2) regular meetings each calendar year and shall keep a summary record of its proceedings, which are open to the public for inspection. The Chair may call special meetings and shall call them upon receipt of a written request signed by two (2) or more members of the Advisory Council. The secretary shall notify each member of the time and place for all meetings. A majority of the members of the Advisory Council constitutes a quorum.
- (3) A member of the air quality staff may serve as the secretary of the Advisory Council. The secretary shall keep records of meetings of, and actions taken by, the Council.
- (4) The Advisory Council may consider any matter related to the purpose of this Program submitted to it by the Control Board. It may make recommendations to the Control Board on its own initiative concerning the administration of this Program.