

CHAPTER 8 FUGITIVE PARTICULATE

Subchapter 1 General Provisions

Rule 8.101 - Definitions

For purpose of this Chapter, the following definitions apply:

- (1) “Approved deicer” means a magnesium chloride based product or other product with similar dust suppression properties, that is approved for use by the department and the Missoula Valley Water Quality District.
- (2) “Area of Regulated Road Sanding Materials” means the area defined by:
T13N R19W Sections 2,8,11,14,15,16,17,20,21,22,23,27,28,29, 32,33,34;
T12N R19W Sections 4,5,6,7; as shown on the attached map, (see Appendix A).
- (3) “AASHTO” means the American Association of State and Highway Transportation Officials Test Methods.
- (4) “Best available control technology (BACT)” means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to regulation under the 1990 amendments to the Federal Clean Air Act or the Clean Air Act of Montana that would be emitted from any proposed stationary source or modification that the department, on a case by case basis, taking into account energy, environmental and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event may application of BACT result in emission of any pollutant that would exceed the emissions allowed by the applicable standard under 40 CFR Part 60 and 61. If the department determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard or combination thereof, to require the application of BACT. Such standard must, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and must provide for compliance by means which achieve equivalent results.
- (5) “Block pavers” means a block or brick made of hard, durable material designed to handle vehicle traffic. A block paver keeps vehicles off the underlying soils while allowing the growth of vegetation through spaces inside or outside the block or paver.
- (6) “Bound recycled glass” means a solid, self-draining surface composed of elastomerically bound recycled glass created by bonding post-consumer glass with a mixture of resins, pigments and binding agents.
- (7) “Commercial” means:
 - (a) any activity related to the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, or commodity; or
 - (b) other facilities including but not limited to office buildings, offices, maintenance, recreational or amusement enterprises, churches, schools, trailer courts, apartments, and three or more dwelling units on one parcel.
- (8) “Existing source” means a source that was in existence and operating or capable of being operated or had an air quality permit from the department prior to February 16, 1979.

- (9) “Extraordinary circumstance” means when a law officer calls for sanding of a roadway to eliminate an existing unsafe traffic situation when deicer would be inadequate or cannot be applied within a reasonable amount of time, or when the slope of a roadway or thickness of ice prevent the use of deicing materials as an adequate method of providing a safe driving surface within a reasonable amount of time.
- (10) “Fugitive particulate” means any particulate matter discharged into the outdoor atmosphere that is not discharged from the normal exit of a stack or chimney for which a source test can be performed in accordance with Method 5 (determination of particulate emissions from stationary sources), Appendix A, Part 60.275 (Test Method and Procedures), Title 40, Code of Federal Regulations [CFR] (Revised July 1, 1977).
- (11) “Industrial” means activity related to the manufacture, storage, extraction, fabrication, processing, reduction, destruction, conversion, or wholesaling of any article, substance or commodity or any treatment thereof in such a manner as to change the form, character, or appearance thereof.
- (12) “Long-term parking for heavy equipment or semis” means an area where only heavy equipment or semis are parked, and these vehicles are parked there for longer than 48 hour periods. This does not include loading or unloading areas for semis.
- (13) “Major arterial” means any roadway eligible for primary or urban funds from the Montana Department of Transportation.
- (14) “New source” means a source that was constructed, installed or altered on or after February 16, 1979, unless the source had a permit to construct prior to February 16, 1979.
- (15) “Parking lot” or “parking area” means an area where operable vehicles are parked for more than 15 days of a calendar year including but not limited to areas that contain vehicles offered for sale.
- (16) “Paved” means having a minimum of two (2) inches of hot mix asphalt or four (4) inches of portland cement concrete with an appropriate base for the soil type. The requirements are for the purpose of minimizing fugitive particulate emissions and do not represent structural standards.
- (17) “Private driveway” means a privately owned access or egress that serves two or fewer dwelling units.
- (18) “Private road” means a privately owned access or egress that serves three or more dwelling units or that serves one or more non-residential parcels.
- (19) “Public road” means a publicly owned or maintained road, a road dedicated to the public, a petitioned road or a prescriptive use road.
- (20) “Reasonable precautions” means any reasonable measure to control emissions of airborne particulate matter. The department will determine what is reasonable on a case by case basis taking into account energy, environmental, economic, and other costs.
- (21) “Reinforced grids” means a solid material composed of connected patterns designed to handle vehicle traffic. A reinforced grid keeps vehicles off the underlying soils while allowing the growth of vegetation through spaces built into the grid.
- (22) “Required deicing zone” means the area within the City limits, bordered in the north by the northern right-of-way boundary of Interstate 90 and in the south by the southern right-of-way boundary of 39th Street and Southwest Higgins Avenue, but also including those portions of Rattlesnake Drive and Van Buren Street that lie inside the City limits.

- (23) “Road” means an open way for purposes of vehicular travel including highways, streets, and alleys. A private driveway is considered a new road when its use is increased to serve more than two dwelling units or to serve one or more commercial/industrial sites.
- (24) “Utility” means unoccupied equipment sites or facilities, including but not limited to communication antennas and power line right of ways.
- (25) “Vehicle” means every device in, upon, or by which any person or property may be transported or drawn upon a public highway, except bicycles and devices moved by animal power or used exclusively upon stationary rails or tracks.

Rule 8.102 - General Requirements

- (1) A person may not cause or authorize the production, handling, transportation, or storage of any material unless reasonable precautions to control fugitive particulate are taken.
- (2) Fugitive particulate emissions from any source may not exhibit an opacity of twenty (20) percent or greater averaged over six (6) consecutive minutes.
- (3) A person may not cause or permit a building or its appurtenances or a road, or a driveway, or an open area to be constructed, used, repaired or demolished without applying all reasonable precautions to prevent fugitive particulate. The department may require reasonable measures to prevent fugitive particulate emissions, including but not limited to, paving or frequent cleaning of road, driveways, and parking lots; applying dust suppressants; applying water; planting and maintaining vegetative ground cover and using a combination of reinforced grids or block pavers with a healthy vegetative cover.
- (4) Governmental agencies are subject to the same regulations as commercial enterprises in this chapter.

Rule 8.103 - Stationary Source Requirements

Within any area designated non-attainment for either the primary or secondary NAAQS person who owns or operates:

- (1) An existing source of fugitive particulate shall apply reasonably available control technology (RACT);
- (2) A new source of fugitive particulate that has a potential to emit less than 100 tons per year of particulate shall apply best available control technology (BACT);
- (3) A new source of fugitive particulate that has a potential to emit 100 or more tons per year of particulate shall apply lowest achievable emission rate (LAER).

Rule 8.104 - Construction and Mining Sites

- (1) A person in charge of a construction project or mining operation may not cause, suffer or allow dirt, rock, sand and other material from the site to be tracked out onto paved surfaces without taking all reasonable measures to prevent the deposition of the material and/or to promptly clean up the material. Reasonable measures include but are not limited to frequent cleaning of the paved roadway, paving access points, use of dust suppressants, filling and covering trucks so material does not spill in transit and use of a track out control device.
- (2) Temporary roads and parking areas at active construction sites and mining operations do not need to be paved and are not subject to the permitting requirements of subchapter 2 of this Chapter. After the project(s) or mining is complete, temporary roads and parking areas must be permanently removed or closed off to traffic.

Rule 8.105 - Agricultural Exemption

The provisions of this Chapter do not apply to fugitive particulate originating from any activity or equipment associated with the use of agricultural land or the planting, production, harvesting, or storage of agricultural crops. (This exemption does not apply to the processing of agricultural products by a commercial business).