



**Summary and Explanation of Changes to the  
Missoula City-County Air Pollution Control Program  
For**

**Interested Parties, Missoula Air Quality Advisory Council, Missoula City-County Air Pollution Control Board, Missoula City Council and Missoula Board of County Commissioners**

**April 21, 2022**

**Table of Contents Updated**

**List of Acronyms Updated**

**Chapter 1: Program Authority and Administration**

- **Rule 1.105(5)** inserts a missing punctuation mark, a period.

**Chapter 2: Definitions**

- **Rule 2.101(22)** updates definition of Hazardous Waste to be consistent with state rules. Current citation no longer exists in state rules.
- **Rule 2.101(23)** removes the Flathead Reservation from the Impact Zone M definition. The Missoula City-County Air Pollution Control Program has no jurisdiction in the Flathead Reservation. This change removes the incorrect impression that the Air Program rules applied on the Flathead Reservation.
- **Rule 2.101(49)** inserts missing letter.

**Chapter 3: Failure To Attain Standards**

- **Rule 3.101** replaces a potentially mis-leading word in the opening sentence.
- **Rule 3.103** corrects reference errors.

**Chapter 4: Missoula County Air Stagnation and Emergency Episode Avoidance Plan**

- **Rule 4.104(1, 2, 3 and 4)** corrects formatting and spelling errors.
- **Rule 4.108(1)** corrects grammatical errors.
- **Rule 4.108(2)(a)** changes the word shall to the legally correct must.
- **Rule 4.108(2)(d)** is a new rule that requires recreational fires to comply with applicable requirements of chapter 7. This rule change would restrict recreational fires in certain areas during air alerts.
- **Rule 4.109(2)(d)** is a new rule that requires recreational fires to comply with applicable requirements of chapter 7. This rule change would restrict recreational fires in certain areas during air warnings.
- **Rule 4.109(4)** corrects formatting.
- **Rule 4.113** corrects grammar error.

**Chapter 5: General Provisions**

- **Rule 5.108(1)** clarifies how the Missoula City-County Air Pollution Control Board can change fees in

the Air Pollution Control Program.

- **Rule 5.108(2)** removes extraneous comment that is not part of the rules.
- **Rule 5.111(1)** places the state requirements specified in Montana Code Annotated 75-2-301 for local air program rule changing requirements into the Missoula City-County Air Pollution Control Program.
- **Rule 5.111(2)** is changed to make this rule consistent with Rule 5.111(1). This rule now clearly states that the Board of County Commissioners and the City Council may approve or veto the Control Board's changes to the Air Rules after a public hearing.

## **Chapter 6: Standards for Stationary (Industrial) Sources**

- **Rule 6.103(4)** allows the department to grant up to two 12-month extensions to an air quality permit when construction, installation, or alteration was not completed within 36 months of the initial issuance of the air quality permit.
- **Rule 6.107(1)** corrects punctuation errors.
- **Rule 6.505(2)** corrects a superscript error.
- **Rule 6.604** removes reference to a state rule that no longer exist and makes local rules consistent with current state rules.

## **Chapter 7: Outdoor Burning**

- **Rule 7.101(1-13)** renumbered to 7.101(3-15).
- **Rule 7.101(1)** adds a definition for air curtain burners
- **Rule 7.101(2)** adds a definition for air curtain destructors
- **Rule 7.101(4)** removes the reference to the department's outdoor burning hotline while keeping the requirement outdoor burners follow the department's outdoor burning restrictions
- **Rule 7.101(11)** clarifies that recreational fires burning gaseous fuel are not considered outdoor burning
- **Rule 7.101(13)** corrects a punctuation error.
- **Rule 7.102(1)** updates pronoun to current standard.
- **Rule 7.104(1)** removes prescribed wildland burning from the list of activities that can be done year-round and updates letters to be consistent with the removal of point (a).
- **Rule 7.104(4)** specifies and clarifies when prescribed wildland burning can be done.
- **Rule 7.104(5)** updates numbering to accommodate the addition of 7.104(4).
- **Rule 7.105(1)** corrects formatting.
- **Rule 7.105(2)** removes language that is redundant with other parts of chapter 7 and this removal clarifies the rules.
- **Rule 7.105(3)** replaces the outdoor burning hotline as the department's mechanism for announcing burn restrictions with the department's outdoor burning website and the major and minor burners' burn approval systems
- **Rule 7.106(2)(b)** updates language without changing the substance of the rule.
- **Rule 7.107(6)** specifies the process for how major burners may conduct wildland outdoor burning during December, January or February. Process will include written request that states why the burn must be done in the winter months and the health department gives authorization for the burn to occur.
- **Rule 7.107(3)(c)** removes reference to the outdoor burning hotline while still requiring major burners to adhere to the department's burn restrictions.
- **Rule 7.110(1)(d)** allows the outdoor burning of natural vegetation generated off-site to be granted a conditional outdoor burning permit if the burning will occur via the temporary use of an air curtain burner or an air curtain destructor.
- **Rule 7.110(2)(c)** makes an exception to allow conditional outdoor burning permits to be issued for burns inside the Air Stagnation Zone if the burning will take place in an air curtain burner or an air curtain destructor.

- **Rule 7.116** is a new rule that limits recreational fires during air pollution alerts, warnings, emergencies and crises.

### **Chapter 8: Fugitive Particulate**

- **Rule 8.203(3)(b & c)** corrects reference errors.
- **Rule 8.203(3)(e)** removes an extra word.
- **Rule 8.208(1)** allows the health department to approve alternative areas for paving that are the same size and usage as an area required to be paved by other sections of Chapter 8.

### **Chapter 9: Solid Fuel Burning Devices (Wood Stoves)**

- **Rule 9.102(3)** defines the term “Central Heater.”
- **Rule 9.102(6)** changes the definition of “EPA Method” to reference all of subpart AAA instead of just three sections and adds in the new 40 CFR Part 60 Subpart QQQQ. These subparts cover the federal testing methods for woodstoves, pellet stoves, hydronic heaters, and furnaces. Fireplaces are still not covered by a federally required testing method or rules.
- **Rule 9.102(10)** adds in a definition for a Seeley Lake Wood Stove Zone.
- **Rule 9.102(11)** adds the word “disposal” to the definition of what is a solid fuel burning device.
- **Rules 9.102(4, 5, 6, 7, 8, 9, 10, 12, 13 and 14)** are renumbered.
- **Rule 9.201(1)** adds the term Chapter 9 to the rule for clarification.
- **Rule 9.203(1)** edited for clarification and specified what pellet boilers could be installed in the Missoula Air Stagnation Zone. Updated rule to be consistent with the 2020 EPA Method Subpart AAA and Subpart QQQQ.
- **Rule 9.203(2)** corrects a spelling error.
- **Rule 9.204** is a new rule that specifies what solid fuel burning devices may be installed inside the Seeley Lake Wood Stove Zone.
- **Rule 9.205** renumbered rule and updated rule to coordinate and mesh with the 2015 New Source Performance Standards for wood stoves. This rule does not apply for new solid fuel burning device installation in the Missoula Air Stagnation Zone nor the Seeley Lake Wood Stove Zone.
- **Rule 9.205(1)(c)** fixes a grammar error, change .9 to 0.9.
- **Rule 9.205(4)** edited for clarification.
- **Rules 9.206 through 9.212** renumbered.
- **Rule 9.207(3 and 7)** inserted missing word “Impact” for clarification.
- **Rule 9.401(3)** updates list of rules that apply to this rule.
- **Rule 9.501(1)** would require the removal of solid fuel burning devices in the Missoula Air Stagnation Zone when a property is sold, transferred or conveyed. Previous version of the rule required solid fuel burning device removal only when a property was sold. The new requirement for property would now apply to inherited property and other changes of ownership. This change makes Rule 9.501 consistent with the rest of Chapter 9.
- **Rule 9.501(2)** replaces the word “sold” with the phrase “sold, transferred or conveyed” for the list of devices that can remain when a property is sold, transferred or conveyed. The revised rule would also remove the grandfathering in of class I wood stoves that were installed between 1986 and 1994. Upon change of ownership in the Missoula Air Stagnation Zone, all wood stoves would need to be removed from a property when a property changes ownership.
- **Rule 9.501(3 - 8)** is deleted. Completion of the Certificate of Compliance Form would no longer be required when a property is sold, transferred or conveyed in the Missoula Air Stagnation Zone.
- **Rule 9.601** fixes a grammatical error.

### **Chapter 10: Fuels**

- **Rule 10.102(1)** corrects a clerical error.

- **Rule 10.105(1)** corrects a spelling error.
- **Rule 10.109(1)** removes the requirement to annually sample 20% of all regulated gasoline storage tanks and gasoline blending facilities for the oxyfuel program. Blending facility registration fees still required to defray department costs associated with assuring compliance with the oxygenated fuels program.
- **Rule 10.110** added to specify that the oxygenated fuels program, Rules 10.103 through 10.109, ceases when authorization to end the program is received by the county.
- **Rule 10.111** is renumbered.
- **Rule 10.111(2)** is added to update the federally required contingency measures. If the oxygenated fuels program ever ceases, this rule makes possible the re-instatement of the oxygenated fuels program if the carbon monoxide national ambient air quality standard is exceeded because of vehicular traffic.

### **Chapter 13: Variances**

- **Rule 13.104** fixes a spelling error.

### **Chapter 14: Enforcement and Administrative Procedures**

- **Rule 14.107(1)** specifies a time limit of 15 days for a person to request a hearing before the Control Board if they disagree with an administrative review conclusion/decision.
- **Rule 14.107(2)** fixes a spelling error.