

# Montana Mitigation Plan Appendices

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# Appendix A - Wildfire Smoke Report Example

## Wildfire Smoke Update for Tuesday, August 2, 2016 9:50 AM [Satellite Photos](#) | [Locations and Smoke Conditions](#)

Today's Report and Forecast	Today's Summary
<p>Air quality degraded significantly in Hamilton during the overnight period, reaching <a href="#">HAZARDOUS</a> levels briefly before recovering this morning. Cumulative 24 hour air quality is currently <a href="#">VERY UNHEALTHY</a> while the NowCast concentration is <a href="#">UNHEALTHY FOR SENSITIVE GROUPS</a> due to improved conditions the past two hours. Elsewhere, air quality is <a href="#">UNHEALTHY FOR SENSITIVE GROUPS</a> in West Yellowstone and ranging between <a href="#">GOOD</a> and <a href="#">MODERATE</a> in Libby and Dillon.</p> <p>Fire activity continues to increase in and around the state today. Here is a rundown of the current fires impacting the state:</p> <ul style="list-style-type: none"><li>- The Roaring Lion Fire in Hamilton is currently 3,655 acres and 0% contained with active fire behavior.</li><li>- The Copper King fire east of Thompson Falls is still being reported at 700 acres with 0% contained and active fire behavior</li><li>- The North Tullock fire near Custer is currently 1,500 acres and 0% contained with active fire behavior.</li><li>- The Cedar fire on the Idaho side of the Bitterroot Mountains is currently 1,371 acres and 0% contained with moderate fire behavior.</li><li>- The Pioneer fire near Boise is currently 38,072 acres with 28% contained and extreme fire behavior</li><li>- The Range 12 fire in Washington is currently 175,000 acres and 10% contained with active fire behavior.</li><li>- The Rail fire in eastern Oregon is currently 900 acres with 0% contained and moderate fire behavior.</li></ul> <p>Volatile fire behavior is expected today as a cold front and associated low pressure center swing through the state later this afternoon. A tight pressure gradient will create high winds over the area and unfortunately, little to no precipitation is expected. This has prompted the National Weather Service to issue red flag warnings in western and southern Montana, as well as parts of Washington, Oregon, Idaho, and Wyoming.</p> <p>Air quality in Hamilton will likely vary wildly throughout the day, depending on fire behavior. As we have seen the past two days, during the most active times of the fire, the smoke is lifting up and over the valley, with air quality reaching <a href="#">GOOD</a> to <a href="#">MODERATE</a> levels in Hamilton. When the sun goes down, the temperatures cool, and the most extreme fire behavior calms down, smoke settles into the valley, and can reach <a href="#">HAZARDOUS</a> levels like it did last night.</p> <p>Transport wind will be from the southwest, with large plumes expected off existing fires. Most of this smoke will likely stay above the ground level, with air quality remaining <a href="#">GOOD</a> to <a href="#">MODERATE</a> in most areas. Air quality may deteriorate this evening as transported smoke settles down to the ground level.</p> <p>After this system passes through, fire activity may decrease due to calmer winds and cooler temperatures on Wednesday. Unfortunately, a ridge of high pressure is expected for the end of the week, bringing a return to hot and dry weather. Smoke impacts will likely become more widely dispersed across the state under this ridge.</p>	<p>An Air Quality Alert has been issued for Ravalli County until further notice due to the Roaring Lion Fire in Hamilton, MT. The high winds expected over the fire may cause air quality to vary greatly over short distances and time and may reach hazardous levels. This alert will be updated again at 900AM on 8/3/2016.</p> <p>An Air Quality Alert means that particulates have been trending upwards and that an exceedance of the 24 hour National Ambient Air Quality Standard (NAAQS) has occurred or may occur in the near future.</p> <p>Particulate levels in Hamilton are Very Unhealthy</p> <p>When air quality is Hazardous... State and local health officials recommend that everyone should avoid any outdoor exertion; people with respiratory or heart disease, the elderly, and children should remain indoors.</p> <p>When air quality is Very Unhealthy... State and local health officials recommend that people with respiratory or heart disease, the elderly, and children should avoid any outdoor activity; everyone else should avoid prolonged exertion.</p> <p>When air quality is Unhealthy... State and local health officials recommend that people with respiratory or heart disease, the elderly, and children should avoid prolonged exertion; everyone else should limit prolonged exertion.</p>

Smoke has been clearing from Hamilton this morning but has yet to lift out of the valley.



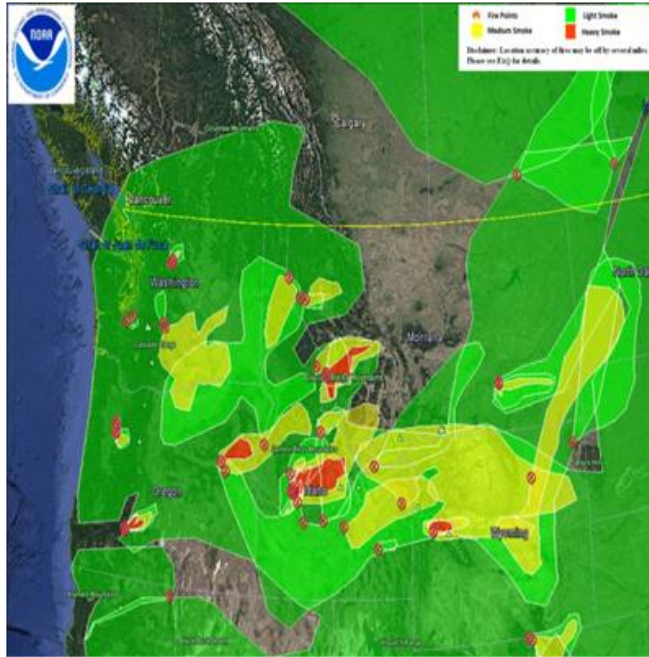
Source: [KPAX](#)

Fire activity continues to increase across the region today.



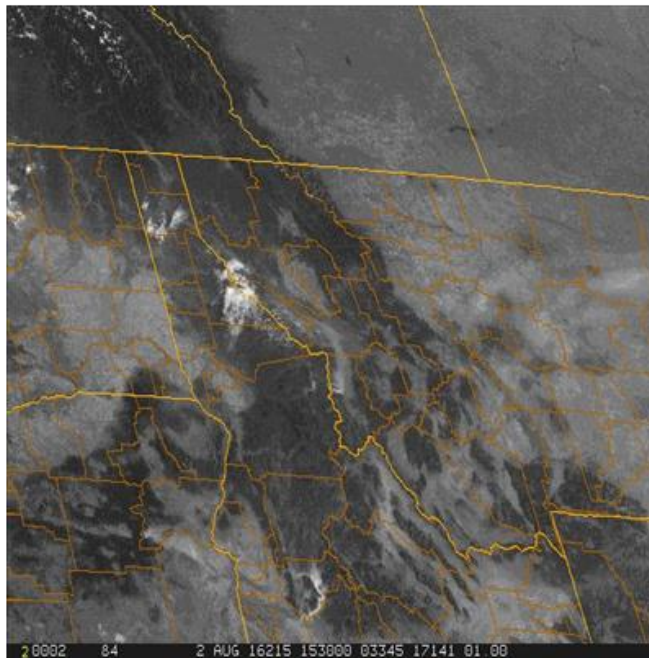
Source: [USFS](#)

Smoke is impacting the state from many angles this morning.



Source: [NOAA](#)

Smoke can be seen in the Bitterroot as well as Oregon and Idaho this morning on satellite imagery.



Source: [NOAA](#)

## Appendix B - Air Quality Alert Example

The Montana Department of Environmental Quality has issued an air quality alert for Ravalli County in effect until further notice due to the Roaring Lion Fire in Hamilton, MT. The high winds expected over the fire may cause air quality to vary greatly over short distances and time and may reach hazardous levels. This alert will be updated again at 900AM on 8/3/2016.

An Air Quality Alert means that particulates have been trending upwards and that an exceedance of the 24-hour National Ambient Air Quality Standard (NAAQS) has occurred or may occur in the near future.

As of 9AM, Particulate levels in Hamilton are Very Unhealthy

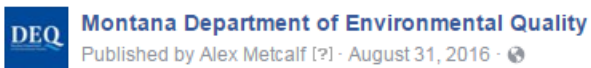
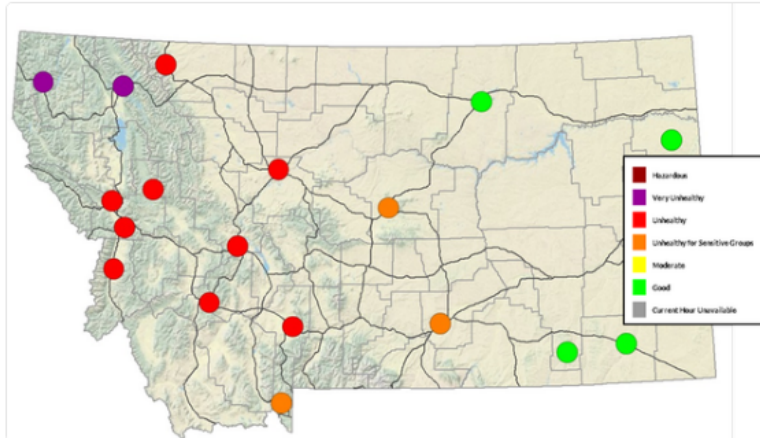
When air quality is Very Unhealthy... State and local health officials recommend that people with respiratory or heart disease, the elderly, and children should avoid any outdoor activity; everyone else should avoid prolonged exertion.

For more information visit the Montana Department of Environmental Quality at [www.todaysair.mt.gov](http://www.todaysair.mt.gov)

## Appendix C - Social Media Examples



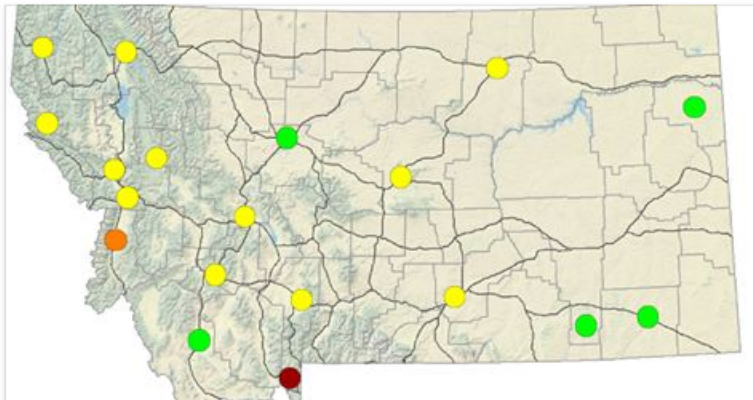
Unhealthy to Very Unhealthy air across Western/Central MT. Air Quality Alert in effect #MTwx 1.usa.gov/1Jqinab



Published by Alex Metcalf [?] · August 31, 2016 ·

Hazardous air quality has been measured in West Yellowstone the past two hours. Use extreme caution when planning outdoor activities. Elsewhere air quality is moderate to unhealthy for sensitive groups.

<http://1.usa.gov/1UEWjNE>



### Montana DEQ - Wildfire Smoke Report

Real time particulate information is currently available in most of the larger urban areas from MTDEQ's Today's Air website.

[SVC.MT.GOV](http://SVC.MT.GOV)



## Montana Open Burning Periods

Before Igniting ANY Burn - Contact local fire control and/or law enforcement authorities.

Open Burning Allowed Case by Case			Open Burning Allowed						Ventilation Hotline/Website		
Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
<p><b>All burners MUST:</b></p> <ul style="list-style-type: none"> <li>• Obtain a permit from your local fire control authority.</li> </ul> <p><b>All burners in Western Zone MUST:</b></p> <ul style="list-style-type: none"> <li>• Obtain a <a href="#">permit</a> from DEQ and receive a Burn Identification Number (BIN)</li> <li>• Find BIN on <a href="#">burn closures website</a> one day prior to burn.</li> <li>• If your burn is listed under "Possible Opportunity" call 406-444-3490 the morning of to obtain final approval.</li> </ul> <p><b>In Eastern Zone all burners MUST:</b></p> <ul style="list-style-type: none"> <li>• Notify DEQ prior to ignition</li> </ul>			<p><b>All burners MUST:</b></p> <ul style="list-style-type: none"> <li>• Obtain a permit from your local fire control authority.</li> <li>• Check for good ventilation conditions prior to your burn.</li> <li>• Be aware that permits can be restricted based on fire danger potential by your local fire authority.</li> </ul> <p style="text-align: center;">See back side for burning zones</p>						<p><b>All burners MUST:</b></p> <ul style="list-style-type: none"> <li>• Obtain a permit from your local fire control authority</li> <li>• Check <a href="#">burn closures website</a> the morning of the burn or call the Ventilation Hotline at 800-225-6779</li> <li>• If open burning is closed in your county all burning is prohibited*.</li> <li>• If open burning is not restricted, be aware of local conditions and burn smart.</li> </ul>		

### Items Banned from Open Burning

<p><b>Asbestos or asbestos-containing materials</b></p> <p><b>Styrofoam and other plastics</b></p> <p><b>Wastes generating noxious odors</b></p> <p><b>Automobile or aircraft bodies and interiors</b></p> <p><b>Any materials resulting from a salvage operation</b></p> <p><b>Animal droppings</b></p> <p><b>Dead animals or dead animal parts</b></p> <p><b>Oil or petroleum products</b></p> <p><b>Any waste which is moved from the premises where it was generated</b></p> <p><b>Wood and wood byproducts that have been coated, painted, stained, treated, or contaminated</b></p> <p><b>Standing or demolished structures containing prohibited material</b></p>	<p><b>Rubber materials</b></p> <p><b>Asphalt shingles</b></p> <p><b>Tar paper</b></p> <p><b>Insulated wire</b></p> <p><b>Tires</b></p> <p><b>Food wastes</b></p> <p><b>Pathogenic wastes</b></p> <p><b>Treated lumber and timbers</b></p>	<p><b>Trade wastes</b></p> <p><b>Hazardous wastes</b></p> <p><b>Poultry litter</b></p> <p><b>Chemicals</b></p> <p><b>Christmas tree waste</b></p> <p><b>Paint</b></p>
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### \*County Exceptions

<p>County officials in the following counties must be contacted before igniting ANY burn:</p> <ul style="list-style-type: none"> <li>• Missoula: 406-258-4755                             <ul style="list-style-type: none"> <li>• Hotline: 406-258-4900</li> <li>• Northern Missoula Co. Hotline: 406-677-2899</li> </ul> </li> <li>• Cascade: 406-454-6950</li> <li>• Yellowstone: 406-256-6841</li> <li>• Lincoln: 406-283-2444</li> <li>• Flathead: 406-751-8144</li> </ul>
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# ENVIRONMENTAL QUALITY

## CHAPTER 8

### AIR QUALITY

#### Subchapter 6

#### Open Burning

Rule	17.8.601	Definitions
	17.8.602	Incorporation by Reference
		Rule 17.8.603 reserved
	17.8.604	Materials Prohibited from Open Burning
	17.8.605	Special Burning Periods
	17.8.606	Minor Open Burning Source Requirements
		Rules 17.8.607 through 17.8.609 reserved
	17.8.610	Major Open Burning Source Restrictions
	17.8.611	Emergency Open Burning Permits
	17.8.612	Conditional Air Quality Open Burning Permits
	17.8.613	Christmas Tree Waste Open Burning Permits
	17.8.614	Commercial Film Production Open Burning Permits
	17.8.615	Firefighter Training



## Subchapter 6

## Open Burning

17.8.601 DEFINITIONS (1) "Best available control technology" (BACT) means those techniques and methods of controlling emission of pollutants from an existing or proposed open burning source which limit those emissions to the maximum degree which the department determines, on a case-by-case basis, is achievable for that source, taking into account impacts on energy use, the environment, and the economy, and any other costs, including cost to the source.

(a) Such techniques and methods may include the following:

(i) scheduling of burning during periods and seasons of good ventilation;

(ii) applying dispersion forecasts;

(iii) utilizing predictive modeling results performed by and available from the department to minimize smoke impacts;

(iv) limiting the amount of burning to be performed during any one time;

(v) using ignition and burning techniques which minimize smoke production;

(vi) electing fuel preparation methods that will minimize dirt and moisture content;

(vii) promoting fuel configurations which create an adequate air to fuel ratio;

(viii) prioritizing burns as to air quality impact and assigning control techniques accordingly;

(ix) promoting alternative treatments and uses of materials to be burned; and

(x) selecting sites that will minimize smoke impacts.

(b) For essential agricultural open burning, prescribed wildland open burning, conditional air quality open burning, commercial film production open burning, Christmas tree waste open burning, or any other minor open burning during September, October, or November, BACT includes burning only during the time periods specified by the department, which may be determined by calling the department at (800) 225-6779.

(c) For essential agricultural open burning, prescribed wildland open burning, conditional air quality open burning, commercial film production open burning, Christmas tree waste open burning, or any other minor open burning during December, January, or February, BACT includes burning only during the time periods specified by the department, which may be determined by calling the department at (800) 225-6779.

(2) "Christmas tree waste" means wood waste from commercially grown Christmas trees left in the field where the trees were grown, after harvesting and on-site processing.

(3) "Eastern Montana open burning zone" means the following counties or portions of counties: Big Horn, Blaine, Carbon, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Fallon, Fergus, Garfield, Glacier, Golden Valley, Hill, Judith Basin, Liberty, McCone, Meagher, Musselshell, Park (that portion north of Interstate 90), Petroleum, Phillips, Pondera, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux and Yellowstone.

(4) "Essential agricultural open burning" means any open burning conducted on a farm or ranch to:

(a) eliminate excess vegetative matter from an irrigation ditch when no reasonable alternative method of disposal is available;

(b) eliminate excess vegetative matter from cultivated fields after harvest has been completed when no reasonable alternative method of disposal is available;

(c) improve range conditions when no reasonable alternative method is available; or

(d) improve wildlife habitat when no reasonable alternative method is available.

(5) "Major open burning source" means any person, agency, institution, business, or industry conducting any open burning that, on a statewide basis, will emit more than 500 tons per calendar year of carbon monoxide or 50 tons per calendar year of any other pollutant regulated under this chapter, except hydrocarbons.

(6) "Minor open burning source" means any person, agency, institution, business, or industry conducting any open burning that is not a major open burning source.

(7) "Open burning" means combustion of any material directly in the open air without a receptacle, or in a receptacle other than a furnace, multiple chambered incinerator, or wood waste burner, with the exception of detonation of unexploded ordnance, small recreational fires, construction site heating devices used to warm workers, or safety flares used to combust or dispose of hazardous or toxic gases at industrial facilities, such as refineries, gas sweetening plants, oil and gas wells, sulfur recovery plants, or elemental phosphorus plants.

(8) "Prescribed wildland open burning" means any planned open burning, either deliberately or naturally ignited, that is conducted on forest land or relatively undeveloped rangeland to:

(a) improve wildlife habitat;

(b) improve range conditions;

(c) promote forest regeneration;

(d) reduce fire hazards resulting from forestry practices, including reduction of log deck debris when the log deck is close to a timber harvest site;

(e) control forest pests and diseases; or

(f) promote any other accepted silvicultural practices.

(9) "Salvage operation" means any operation conducted in whole or in part to salvage or reclaim any product or material, except the silvicultural practice commonly referred to as a salvage cut.

(10) "Trade wastes" means solid, liquid, or gaseous material resulting from construction or operation of any business, trade, industry, or demolition project. Wood product industry wastes such as sawdust, bark, peelings, chips, shavings, and cull wood are considered trade wastes. Trade wastes do not include wastes generally disposed of by essential agricultural open burning, prescribed wildland open burning, or Christmas tree waste, as defined in this rule.

(11) "Wood waste burner" means a device commonly called a tepee burner, silo, truncated cone, wigwam burner, or other similar burner commonly used by the wood products industry to dispose of wood. (History: 75-2-111, 75-2-203, MCA; IMP, 75-2-203, MCA; NEW, 1982 MAR p. 688, Eff. 4/16/82; AMD, 1994 MAR p. 2528, Eff. 9/9/94; AMD, 1995 MAR p. 2412, Eff. 11/10/95; TRANS, from DHES, 1996 MAR p. 2285; AMD, 1999 MAR p. 1660, Eff. 7/23/99; AMD, 2002 MAR p. 3586, Eff. 12/27/02.)

17.8.602 INCORPORATION BY REFERENCE (1) For the purposes of this subchapter, the board adopts and incorporates by reference ARM Title 17, chapter 53, subchapter 5, identifying and defining hazardous wastes.

(2) A copy of ARM Title 17, chapter 53, subchapter 5, is available for public inspection and copying at the Department of Environmental Quality, 1520 E. 6th Ave., P.O. Box 200901, Helena, MT 59620-0901.

(3) Copies of federal materials also may be obtained from:

(a) National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161; phone: (800) 553-6847 or (703) 605-6000; fax: (703) 605-6900; e-mail: [orders@ntis.gov](mailto:orders@ntis.gov); web: <http://www.ntis.gov>;

(b) National Service Center for Environmental Publications (NSCEP), P.O. Box 42419, Cincinnati, OH 45242-0419; phone: (800) 490-9198 or (513) 489-8190; fax: (513) 489-8695; e-mail: [ncepimal@one.net](mailto:ncepimal@one.net); web: <http://www.epa.gov/ncepihom>;

(c) U.S. Government Printing Office, Information Dissemination (Superintendent of Documents), P.O. Box 371954, Pittsburgh, PA 15250-7954; phone: (866) 512-1800 or (202) 512-1800; fax: (202) 512-2104; e-mail: [orders@gpo.gov](mailto:orders@gpo.gov); web: <http://www.gpoaccess.gov>; and

(d) the EPA regional office libraries listed at <http://www.epa.gov/natlibra/libraries.htm>.

(4) Copies of the CFR may be obtained from the U.S. Government Printing Office, as described in (3)(c). (History: 75-2-111, 75-2-203, MCA; IMP, 75-2-203, MCA; NEW, 1996 MAR p. 1844, Eff. 7/4/96; TRANS, from DHES, 1996 MAR p. 2285; AMD, 1997 MAR p. 1581, Eff. 9/9/97; AMD, 2001 MAR p. 1468, Eff. 8/10/01; AMD, 2005 MAR p. 959, Eff. 6/17/05; AMD, 2007 MAR p. 1663, Eff. 10/26/07.)

Rule 17.8.603 reserved

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- 17.8.604 MATERIALS PROHIBITED FROM OPEN BURNING (1) The following material may not be disposed of by open burning:
- (a) any waste which is moved from the premises where it was generated, except as provided in ARM 17.8.604(2), 17.8.611, or 17.8.612(4)(a) or (4)(b);
  - (b) food wastes;
  - (c) Styrofoam and other plastics;
  - (d) wastes generating noxious odors;
  - (e) wood and wood byproducts that have been coated, painted, stained, treated, or contaminated by a foreign material, unless open burning is allowed under ARM 17.8.614 or 17.8.615;
  - (f) poultry litter;
  - (g) animal droppings;
  - (h) dead animals or dead animal parts;
  - (i) tires, except as provided in ARM 17.8.615;
  - (j) rubber materials;
  - (k) asphalt shingles, except as provided in ARM 17.8.614 or 17.8.615;
  - (l) tar paper, except as provided in ARM 17.8.614 or 17.8.615;
  - (m) automobile or aircraft bodies and interiors, except as provided in ARM 17.8.614 or 17.8.615;
  - (n) insulated wire, except as provided in ARM 17.8.614 or 17.8.615;
  - (o) oil or petroleum products, except as provided in ARM 17.8.614 or 17.8.615;
  - (p) treated lumber and timbers;
  - (q) pathogenic wastes;
  - (r) hazardous wastes, as defined by 40 CFR Part 261, incorporated by reference in ARM 17.8.602;
  - (s) trade wastes, except as provided in ARM 17.8.611 or 17.8.612;
  - (t) any materials resulting from a salvage operation;
  - (u) chemicals, except as provided in ARM 17.8.614 or 17.8.615;
  - (v) Christmas tree waste as defined in ARM 17.8.601, except as provided in ARM 17.8.613;
  - (w) asbestos or asbestos-containing materials;
  - (x) standing or demolished structures containing prohibited material, except as provided in ARM 17.8.612, 17.8.614, or 17.8.615; and
  - (y) paint, except as provided in ARM 17.8.614 or 17.8.615.
- (2) A person may not conduct open burning of any wood waste that is moved from the premises where it was generated, except as provided in ARM 17.8.611 or 17.8.612(4)(a) or (4)(b), or unless the department determines:
- (a) the material is wood or wood byproducts that have not been coated, painted, stained, treated, or contaminated by a foreign material; and
  - (b) alternative methods of disposal are unavailable or infeasible.
- (3) A person conducting open burning of wood waste which is moved from the premises where it was generated shall comply with BACT.
- (4) A person intending to conduct open burning of wood waste which is moved from the premises where it was generated shall contact the department by calling the number listed in ARM 17.8.601(1) prior to conducting open burning.

(5) Except as provided in ARM 17.8.606, a person may not open burn any nonprohibited material without first obtaining an air quality open burning permit from the department. (History: 75-2-111, 75-2-203, MCA; IMP, 75-2-203, 75-2-211, MCA; NEW, 1982 MAR p. 689, Eff. 4/16/82; AMD, 1991 MAR p. 126, Eff. 2/1/91; AMD, 1994 MAR p. 2528, Eff. 9/9/94; AMD, 1995 MAR p. 535, Eff. 4/14/95; AMD, 1996 MAR p. 1844, Eff. 7/4/96; TRANS, from DHES, 1996 MAR p. 2285; AMD, 2002 MAR p. 3586, Eff. 12/27/02; AMD, 2011 MAR p. 569, Eff. 4/15/11.)

17.8.605 SPECIAL BURNING PERIODS (1) The following categories of open burning may be conducted during the entire year:

- (a) prescribed wildland open burning;
- (b) open burning to train firefighters under ARM 17.8.615;
- (c) open burning authorized under the emergency open burning permit provisions in ARM 17.8.611;
- (d) essential agricultural open burning;
- (e) conditional air quality open burning;
- (f) commercial film production open burning;
- (g) Christmas tree waste open burning; and
- (h) any minor open burning that is not prohibited by ARM 17.8.604 or that is allowed by ARM 17.8.606.

(2) Open burning other than those categories listed in (1) may be conducted only during the months of March through November. (History: 75-2-111, 75-2-203, MCA; IMP, 75-2-203, MCA; NEW, 1982 MAR p. 691, Eff. 4/16/82; AMD, 1994 MAR p. 2528, Eff. 9/9/94; TRANS, from DHES, 1996 MAR p. 2285; AMD, 2002 MAR p. 3586, Eff. 12/27/02.)

#### 17.8.606 MINOR OPEN BURNING SOURCE REQUIREMENTS

(1) Unless required to obtain an open burning permit under another provision of this subchapter, a minor open burning source need not obtain an air quality open burning permit.

(2) A minor open burning source must:

- (a) conform with BACT;
- (b) comply with all rules in this subchapter, except ARM 17.8.610; and
- (c) comply with any requirements or regulations relating to open burning established by any agency of local government, including local air pollution agencies established under 75-2-301, MCA, of the Montana Clean Air Act, or any other municipal or county agency responsible for protecting public health and welfare.

(3) During September, October, or November, to conduct any minor open burning not prohibited by ARM 17.8.604, a minor open burning source must adhere to the burning restrictions established by the department that are available by calling the department at (800) 225-6779.



(4) During December, January, or February, to conduct any minor open burning that is not prohibited by ARM 17.8.604, a minor open burning source must comply with the following conditions:

(a) Outside the eastern Montana open burning zone, a minor open burning source must:

(i) submit a written request to the department, demonstrating that the essential agricultural open burning or prescribed wildland open burning, or any minor open burning that is not prohibited by ARM 17.8.604 must be conducted prior to reopening of open burning in March;

(ii) receive permission for each specific burn from the department; and

(iii) here to the time periods set for burning by the department that are available by calling the department at (800) 225-6779.

(b) Inside the eastern Montana open burning zone, a minor open burning source need only notify the department by telephone of any essential agricultural open burning, prescribed wildland open burning, or any other minor open burning that is not prohibited by ARM 17.8.604 prior to ignition. Burning is allowed when ventilation conditions are good or excellent. Ventilation conditions are determined by the department using a ventilation index, which is defined as the product of the mixing depth in feet at the time of the daily maximum temperature, times the average transport wind in knots through the mixed layer divided by 100. Good or excellent ventilation conditions exist when the ventilation index is 400 or higher. Forecasts of ventilation conditions may be obtained by calling the department at (800) 225-6779.

(5) During March through August, subject to (2), a minor open burning source may conduct open burning not prohibited under ARM 17.8.604.

(6) The requirements of this rule are in addition to any other applicable state, federal or local open burning requirements. (History: 75-2-111, 75-2-203, MCA; IMP, 75-2-203, MCA; NEW, 1982 MAR p. 690, Eff. 4/16/82; AMD, 1994 MAR p. 2528, Eff. 9/9/94; AMD, 1995 MAR p. 2412, Eff. 11/10/95; TRANS, from DHES, 1996 MAR p. 2285; AMD, 1999 MAR p. 1660, Eff. 7/23/99; AMD, 2002 MAR p. 3586, Eff. 12/27/02.)

Rules 17.8.607 through 17.8.609 reserved

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17.8.610 MAJOR OPEN BURNING SOURCE RESTRICTIONS (1) Prior to open burning, a major open burning source must submit an application to the department for an air quality major open burning permit. The application must be accompanied by the appropriate air quality permit application fee required under ARM 17.8.514 and must contain the following information:

(a) a legal description of each planned site of open burning or a detailed map showing the location of each planned site of open burning;  
(b) the elevation of each planned site of open burning;  
(c) the method of burning to be used at each planned site of open burning;  
and

(d) the average fuel loading or total fuel loading at each site to be burned.

(2) Proof of publication of public notice, consistent with this rule, must be submitted to the department before an application will be considered complete. An applicant for an air quality major open burning permit shall notify the public of the application for permit by legal publication, at least once, in a newspaper of general circulation in each airshed (as defined by the department) affected by the application. The notice must be published no sooner than ten days prior to submittal of an application and no later than ten days after submittal of an application. The form of the notice must be provided by the department and must include a statement that public comments concerning the application may be submitted to the department within 20 days after publication of notice or filing of the application, whichever is later. A single public notice may be published for multiple applicants.

(3) When the department approves or denies the application for a permit under this rule, a person who is directly and adversely affected by the department's decision may request a hearing before the board in the manner provided in 75-2-211, MCA.

(4) A major open burning source must:

(a) conform with BACT; and  
(b) comply with the conditions in any air quality open burning permit issued to it by the department, which will be in effect for one year from its date of issuance or another time frame as specified in the permit by the department.

(5) To open burn in a manner other than that described in the application for an air quality open burning permit, the source must submit to the department, in writing or by telephone, a request for a change in the permit, including the information required by (1), and must receive approval from the department.

(History: 75-2-111, 75-2-203, MCA; IMP, 75-2-203, 75-2-211, MCA; NEW, 1982 MAR p. 690, Eff. 4/16/82; AMD, 1992 MAR p. 2061, Eff. 9/11/92; AMD, 1994 MAR p. 2528, Eff. 9/9/94; TRANS, from DHES, 1996 MAR p. 2285; AMD, 1999 MAR p. 1660, Eff. 7/23/99; AMD, 2002 MAR p. 3586, Eff. 12/27/02; AMD, 2011 MAR p. 569, Eff. 4/15/11; AMD, 2016 MAR p. 1164, Eff. 7/9/16.)

17.8.611 EMERGENCY OPEN BURNING PERMITS (1) The department may issue an emergency air quality open burning permit to allow burning of a substance not otherwise approved for burning under this subchapter if the applicant demonstrates that the substance to be burned poses an immediate threat to public health and safety, or plant or animal life, and that no alternative method of disposal is reasonably available.

(2) Oral authorization to conduct emergency open burning may be granted by the department upon receiving the following information:

(a) facts establishing that alternative methods of disposing of the substance are not reasonably available;

(b) facts establishing that the substance to be burned poses an immediate threat to human health and safety or plant or animal life;

(c) the legal description or address of the site where the burn will occur;

(d) the amount of material to be burned;

(e) the date and time of the proposed burn;

(f) the date and time that the spill or incident giving rise to the emergency was first noticed; and

(g) a commitment to pay the appropriate air quality permit application fee required under ARM 17.8.515 within ten working days of permit issuance.

(3) Within ten days of receiving oral authorization to conduct emergency open burning under (2), the applicant must submit to the department a written application for an emergency open burning permit containing the information required above under (2)(a) through (f). The applicant shall also submit the appropriate air quality permit application fee required under ARM 17.8.515. (History: 75-2-111, 75-2-203, MCA; IMP, 75-2-203, 75-2-211, MCA; NEW, 1982 MAR p. 692, Eff. 4/16/82; AMD, 1992 MAR p. 2285, Eff. 10/16/92; AMD, 1994 MAR p. 2528, Eff. 9/9/94; TRANS, from DHES, 1996 MAR p. 2285; AMD, 1999 MAR p. 1660, Eff. 7/23/99.)

17.8.612 CONDITIONAL AIR QUALITY OPEN BURNING PERMITS

- (1) The department may issue a conditional air quality open burning permit if the department determines that:
- (a) alternative methods of disposal would result in extreme economic hardship to the applicant; and
  - (b) emissions from open burning will not endanger public health or welfare or cause or contribute to a violation of any Montana or federal ambient air quality standard.
- (2) The department must be reasonable when determining whether alternative methods of disposal would result in extreme economic hardship to the applicant.
- (3) Conditional open burning must conform with BACT.
- (4) The department may issue a conditional air quality open burning permit to dispose of:
- (a) solid wood and wood byproduct trade wastes by any business, trade, industry, or demolition project; or
  - (b) untreated wood waste at a licensed landfill site, if the department determines that:
    - (i) the proposed open burning will occur at an approved burn site, as designated in the solid waste management system license issued by the department pursuant to ARM Title 17, chapter 50, subchapter 5;
    - (ii) the material to be burned complies with ARM Title 17, chapter 50, subchapter 5; and
    - (iii) prior to each burn, the burn pile was inspected by the department or its designated representative and no prohibited materials listed in ARM 17.8.604 were present.
- (5) A permit issued under this rule is valid for the following periods:
- (a) solid wood and wood byproduct trade wastes--one year; and
  - (b) untreated wood waste at licensed landfill sites--one year.
- (6) The department may place any reasonable requirements in a conditional air quality open burning permit that the department determines will reduce emissions of air pollutants or minimize the impact of emissions, and the recipient of a permit must adhere to those conditions. For a permit granted under (4)(a), BACT for the year covered by the permit will be specified in the permit; however, the source may be required, prior to each burn, to receive approval from the department of the date of the proposed burn to ensure that good ventilation exists and to assign burn priorities if other sources in the area request permission to burn on the same day. Approval may be requested by calling the department at (800) 225-6779.
- (7) An application for a conditional air quality open burning permit must be made on a form provided by the department, and must be accompanied by the appropriate air quality permit application fee required under ARM 17.8.515. The applicant shall provide adequate information to enable the department to determine whether the application satisfies the requirements for a conditional air quality open burning permit contained in this rule. Proof of publication of public notice, as required in (8), must be submitted to the department before an application will be considered complete.

(8) An applicant for a conditional air quality open burning permit shall notify the public of the application by legal publication, at least once, in a newspaper of general circulation in the area affected by the application. The notice must be published no sooner than ten days prior to submittal of an application and no later than ten days after submittal of an application. Form of the notice must be provided by the department and must include a statement that public comments may be submitted to the department concerning the application within 20 days after publication of notice or filing of the application, whichever is later. A single public notice may be published for multiple applicants.

(9) A conditional air quality open burning permit granted under (4)(a) of this rule is a temporary measure to allow time for the entity generating the trade wastes to develop alternative means of disposal.

(10) When the department approves or denies the application for a permit under this rule, a person who is directly and adversely affected by the department's decision may request a hearing before the board in the manner provided in 75-2-211, MCA. (History: 75-2-111, 75-2-203, MCA; IMP, 75-2-203, 75-2-211, MCA; NEW, 1982 MAR p. 691, Eff. 4/16/82; AMD, 1991 MAR p. 126, Eff. 2/1/91; AMD, 1992 MAR p. 2285, Eff. 10/16/92; AMD, 1994 MAR p. 2528, Eff. 9/9/94; AMD, 1995 MAR p. 535, Eff. 4/14/95; TRANS, from DHES, 1996 MAR p. 2285; AMD, 1999 MAR p. 1660, Eff. 7/23/99; AMD, 2002 MAR p. 3586, Eff. 12/27/02; AMD, 2011 MAR p. 569, Eff. 4/15/11; AMD, 2016 MAR p. 1164, Eff. 7/9/16.)

#### 17.8.613 CHRISTMAS TREE WASTE OPEN BURNING PERMITS

(1) The department may issue an air quality open burning permit for disposal of Christmas tree waste, as defined in ARM 17.8.601(2).

(2) The department may issue an air quality Christmas tree waste open burning permit if the department determines that emissions from open burning will not endanger public health or welfare or cause or contribute to a violation of any Montana or federal ambient air quality standard.

(3) Christmas tree waste open burning must conform with BACT.

(4) A permit issued under this rule is valid for one year, and applicants may reapply for a permit annually.

(5) The department may place any reasonable requirements in an air quality Christmas tree waste open burning permit that the department determines will reduce emissions of air pollutants or minimize the impact of emissions, and the recipient of a permit must adhere to those conditions. The following conditions, at a minimum, must be included in any air quality Christmas tree waste open burning permit:

(a) BACT for the year covered by the permit; and

(b) a provision that the source may be required, prior to each burn, to receive approval from the department of the date and time of the proposed burn to ensure that good ventilation exists and to assign burn priorities, if necessary. Approval may be requested by calling the department at (800) 225-6779.



(6) An application for an air quality Christmas tree waste open burning permit must be made on a form provided by the department. The applicant shall provide adequate information to enable the department to determine whether the application satisfies the requirements of this rule for a permit.

(7) An applicant for an air quality Christmas tree waste open burning permit shall notify the public of its application either by publishing a notice in a newspaper of general circulation or by posting at least two public notices, one on the property as described in (a)(i), and one in a conspicuous location at the county courthouse as described in (a)(ii).

(a) Posted public notices must comply with the following conditions:

(i) at least one public notice must be posted on the property where the open burning is to occur, near the closest public right-of-way to the property, in a location clearly visible from the right-of-way;

(ii) at least one public notice must be posted in a conspicuous location at the county courthouse in the county where the burning is to take place;

(iii) the two public notices must be posted no sooner than ten days prior to submittal of the application and no later than ten days after submittal of the application and must remain posted in a visible condition for a minimum of 15 days; and

(iv) the two public notices must state the information in the application, the procedure for providing public comment to the department on the application, the date by which public comments must be submitted to the department, and the procedure for requesting a copy of the department's decision.

(b) Publication of public notices in a newspaper must:

(i) be by legal publication, at least once, in a newspaper of general circulation in the area affected by the application;

(ii) be published no sooner than ten days prior to submittal of the application and no later than ten days after submittal of the application; and

(iii) follow a form provided by the department, including a statement that public comments may be submitted to the department concerning the application within 20 days after publication of notice or filing of the application, whichever is later. A single public notice may be published for multiple applicants.

(8) When the department approves or denies the application for a permit under this rule, a person who is directly and adversely affected by the department's decision may request a hearing before the board in the manner provided in 75-2-211, MCA. (History: 75-2-111, 75-2-203, MCA; IMP, 75-2-203, 75-2-211, MCA; NEW, 1994 MAR p. 2528, Eff. 9/9/94; TRANS, from DHES, 1996 MAR p. 2285; AMD, 1999 MAR p. 1660, Eff. 7/23/99; AMD, 2011 MAR p. 569, Eff. 4/15/11; AMD, 2016 MAR p. 1164, Eff. 7/9/16.)

17.8.614 COMMERCIAL FILM PRODUCTION OPEN BURNING PERMITS

(1) The department may issue an air quality commercial film production open burning permit for open burning of otherwise prohibited material as part of a commercial, educational film, or video production for motion pictures or television. Use of pyrotechnic special effects materials, including bulk powder compositions and devices, smoke powder compositions and devices, matches and fuses, squibs and detonators, and fireworks specifically created for use by special effects pyrotechnicians for use in motion picture or video productions is not considered open burning.

(2) The department may issue an air quality commercial film production open burning permit under this rule if the department determines that emissions from open burning will not endanger public health or welfare or cause or contribute to a violation of any Montana or federal ambient air quality standard.

(3) A permit issued under this rule is valid for a single production.

(4) Open burning under this rule must conform with BACT.

(5) The department may place any reasonable requirements in an air quality commercial film production open burning permit issued under this rule that the department determines will reduce emissions of air pollutants or minimize the impact of emissions, and the recipient of a permit must adhere to those conditions.

(6) An application for an air quality commercial film production open burning permit must be made on a form provided by the department. The applicant shall provide adequate information to enable the department to determine whether the application satisfies the requirements of this rule for a permit. Proof of publication of public notice, as required by (7), must be submitted to the department before an application will be considered complete.

(7) An applicant for an air quality commercial film production open burning permit shall notify the public of its application by legal publication, at least once, in a newspaper of general circulation in the area affected by the application. The notice must be published no sooner than ten days prior to submittal of the application and no later than ten days after submittal of the application. Form of the notice must be provided by the department and must include a statement that public comments may be submitted to the department concerning the application within 20 days after publication of notice or filing of the application, whichever is later. A single public notice may be published for multiple applicants.

(8) When the department approves or denies the application for a permit under this rule, a person who is directly and adversely affected by the department's decision may request a hearing before the board in the manner provided in 75-2-211, MCA. (History: 75-2-111, 75-2-203, MCA; IMP, 75-2-203, 75-2-211, MCA; NEW, 1994 MAR p. 2528, Eff. 9/9/94; TRANS, from DHES, 1996 MAR p. 2285; AMD, 2002 MAR p. 3586, Eff. 12/27/02; AMD, 2011 MAR p. 569, Eff. 4/15/11; AMD, 2016 MAR p. 1164, Eff. 7/9/16.)

17.8.615 FIREFIGHTER TRAINING (1) The department may issue an air quality open burning permit for open burning of asphalt shingles, tar paper, or insulated wire which is part of a building or standing structure, oil or petroleum products, and automobile or aircraft bodies and interiors, for training firefighters, if:

- (a) the fire will be restricted to a building or structure, a permanent training facility, or other appropriate training site, in a site other than a solid waste disposal site;
- (b) the material to be burned will not be allowed to smolder after the training session has terminated, and no public nuisance will be created;
- (c) all asbestos-containing material has been removed;
- (d) asphalt shingles, flooring material, siding, and insulation which might contain asbestos have been removed, unless samples have been analyzed by a certified laboratory and shown to be asbestos-free;
- (e) all prohibited material that can be removed safely and reasonably has been removed;
- (f) the open burning accomplishes a legitimate training need;
- (g) clear educational objectives have been identified for the training;
- (h) burning is limited to that necessary to accomplish the educational objectives;
- (i) the training operations and procedures are consistent with nationally accepted standards of good practice; and
- (j) emissions from open burning will not endanger public health or welfare or cause or contribute to a violation of any Montana or federal ambient air quality standard.

(2) The department may place any reasonable requirements in an air quality firefighter training open burning permit that the department determines will reduce emissions of air pollutants or will minimize the impact of emissions, and the recipient of a permit must adhere to those conditions.

(3) The applicant may be required, prior to each burn, to notify the department of the anticipated date and location of the proposed training exercise and the type and amount of material to be burned. The department may be notified by phone, fax, or in writing.

(4) An application for an air quality firefighter training open burning permit must be made on a form provided by the department. The applicant must provide adequate information to enable the department to determine whether the application satisfies the requirements of this rule for a permit.

(5) Proof of publication of public notice, consistent with this rule, must be submitted to the department before an application will be considered complete. An applicant for an air quality firefighter training open burning permit shall notify the public of the application for a permit by legal publication, at least once, in a newspaper of general circulation in the area affected by the application. The notice must be published no sooner than ten days prior to submittal of an application and no later than ten days after submittal of an application. The form of the notice must be provided by the department and must include a statement that public comments may be submitted to the department concerning the application within 20 days after publication of notice or filing of the application, whichever is later. A single public notice may be published for multiple applicants.

(6) When the department approves or denies the application for a permit under this rule, a person who is directly and adversely affected by the department's decision may request a hearing before the board in the manner provided in 75-2-211, MCA. (History: 75-2-111, 75-2-203, MCA; IMP, 75-2-203, 75-2-211, MCA; NEW, 1982 MAR p. 691, Eff. 4/1/82; AMD, 1994 MAR p. 2528, Eff. 9/9/94; TRANS, from DHES, 1996 MAR p. 2285; AMD, 2011 MAR p. 569, Eff. 4/15/11; AMD, 2016 MAR p. 1164, Eff. 7/9/16.)

## Appendix F – Missoula County Program

Missoula County has a Board of Environmental Review approved air quality program to protect National Ambient Air Quality Standards. This county program has an extensive wildfire smoke education and open burning approval process to both inform the public of significant air quality impacts from wildfire smoke and to reduce PM<sub>2.5</sub> impacts caused by prescribed and residential burning within the county. Because this program is board-approved, the state of Montana defers to Missoula County to regulate open burning within Missoula County.

During wildfire season, Missoula County conducts twice daily email and web updates on air quality impacts within the county from wildfires. These updates list current air quality, as well as actions citizens can take to mitigate impacts to wildfire smoke. An example update is show below. These updates can be found here: <https://www.missoulacounty.us/government/health-department/home-environment/air-quality/current-air-quality-3777>

### Wildfire Season Public Information Example

**UPDATE: September 7, 6:30 p.m.**

We had a rough day today, and there's still a lot of smoke blanketing the county. However, it could have been worse. It might not feel like it, but I assure you it could have been worse. We haven't seen too much of the overhead smoke mixing down, and a lot of areas have seen some levels of improvement throughout the afternoon. Granted, the air is still bad everywhere, but most areas have improved from Very Unhealthy or Hazardous to Unhealthy and Very Unhealthy. Progress!

Our mixing heights stayed pretty low today, and that allowed some of that far overhead smoke to remain far overhead. It still blotted out the sun and made for dreary scenery, but it didn't all land on top of us. Temperatures warmed up to the low 90s in some areas, and this has allowed a little bit of convective lift to bring smoke off the valley floor. We've seen the most improvement in areas that had pooled smoke this morning. Conditions in the Potomac Valley, Arlee, and Lolo have all improved from Hazardous to Very Unhealthy. Seeley Lake, Clearwater Junction and the Holland Lake area improved from Hazardous to Unhealthy. Condon is our current outlier. The smoke has not left the valley floor, and conditions are still Hazardous in Condon. (Any improvement is pretty much undermined by the sheer amount of smoke that would have to leave the area for us to find breathable air.)

Missoula deteriorated to Very Unhealthy this morning, but finally improved to Unhealthy in the last hour. Frenchtown and Rock Creek stayed Unhealthy all day.

When air quality is Unhealthy, people with heart or lung disease, smokers, children and the elderly should limit heavy or prolonged exertion and limit time spent outdoors. People with asthma should follow their asthma management plan. People experiencing symptoms of heart or lung disease associated with smoke exposure should contact their health care provider.

When air quality is Very Unhealthy, people with heart or lung disease, smokers, children and the elderly should avoid heavy or prolonged exertion and stay indoors when possible. People with asthma should follow their asthma management plan. Everyone else should limit prolonged exertion and limit time spent outdoors.

When air quality is Hazardous, all people should limit or avoid outdoor exertion and leave the area or stay indoors with filtered air when possible. Anyone experiencing symptoms of heart or lung disease associated with smoke exposure should contact their health care provider. The Health Department has recommended

Seeley Lake residents get out of the smoke if they are able to. You can find the official recommendation and some helpful resources online at <https://www.missoulacounty.us/government/health/health-department/home-environment/air-quality/seeley-lake-wildfire-recommendation>.

The relentless smoke cover, its wear and tear on the body, and the inability to get outside or exercise can contribute to feelings of anxiety or depression. Check with your primary care provider if you are experiencing mental distress due to the smoke, or call the Western Montana Mental Health Center at 532-9700.

We will continue to see smoke tonight, and there's a good chance some of the areas that saw improvement this afternoon will see a return to super smoky conditions by morning. The fires were pretty darn active today, which means there will be fresh local smoke added to the stagnant smoke we've been living in for the last couple days. The Liberty Fire is incredibly unimpressed with any suggestion that it should slow down, and had activity on almost all sides today. The Rice Ridge Fire primarily grew along its eastern edge, but there are some hot spots on the northwestern side of the fire. The Black Fire also appears to have picked up some acreage. The Liberty and Black Fires will send smoke to Arlee and Greenough tonight. The Liberty Fire may also send smoke to the Potomac Valley. The Lolo Peak Fire continues to head south, which means more smoky conditions for the Bitterroot Valley.

Tomorrow morning we will see widespread smoke impacts with significant smoke pooling near active fires. Conditions are likely to be Very Unhealthy or Hazardous in Florence, Lolo, Seeley Lake, the Swan Valley, the Potomac Valley and Clearwater Junction. Conditions are likely to be Unhealthy everywhere else.

We have seen more plume formation today than yesterday, which has prevented some of the smoke buildup we saw yesterday. Don't get your hopes up, though. There's still plenty of smoke, and the plumes, such as they are, are spending far too much time in western Montana to give us any comfort. It's looking like some of our local smoke will become part of the great swirling smoke spiral in the sky and possibly go pester Idaho before the spiral starts to break up. Also, the smoke spiral is about to break up! The high pressure ridge is moving east, and as it does so, we're going to start to see smoke breaking off and heading to Canada, eastern Montana and Wyoming. The upper winds over western Montana will shift to become southwesterly and they will start to deliver Idaho smoke to our area. (They will also deliver whatever pooled remnants of the smoke spiral are left over Idaho, so it will still be a smoke smorgasbord when it arrives.)

The shift to a southwesterly flow would generally be associated with increased chances of thunderstorms, but it's very possible the massive amount of smoke in the area will prevent much thunderstorm formation. (This is good, because I don't think any of us want to see lightning or gusty outflow winds. It's less good because sometimes thunderstorms comes with sweet, sweet rain and strong valley winds, which would be so lovely right about now.) Surface and transport breezes will be pretty weak tomorrow, so locally produced smoke probably won't go very far, and there won't be any valley scouring winds. On the kind of bright side, mixing heights will also stay pretty low, which may limit the amount of overhead smoke that ends up in our breathing space. Unfortunately, low mixing heights also prevent our smoke from really going anywhere. Still, with the high pressure ridge moving off there's an increased chance of some convective lift helping reduce ground-level smoke in the afternoon.

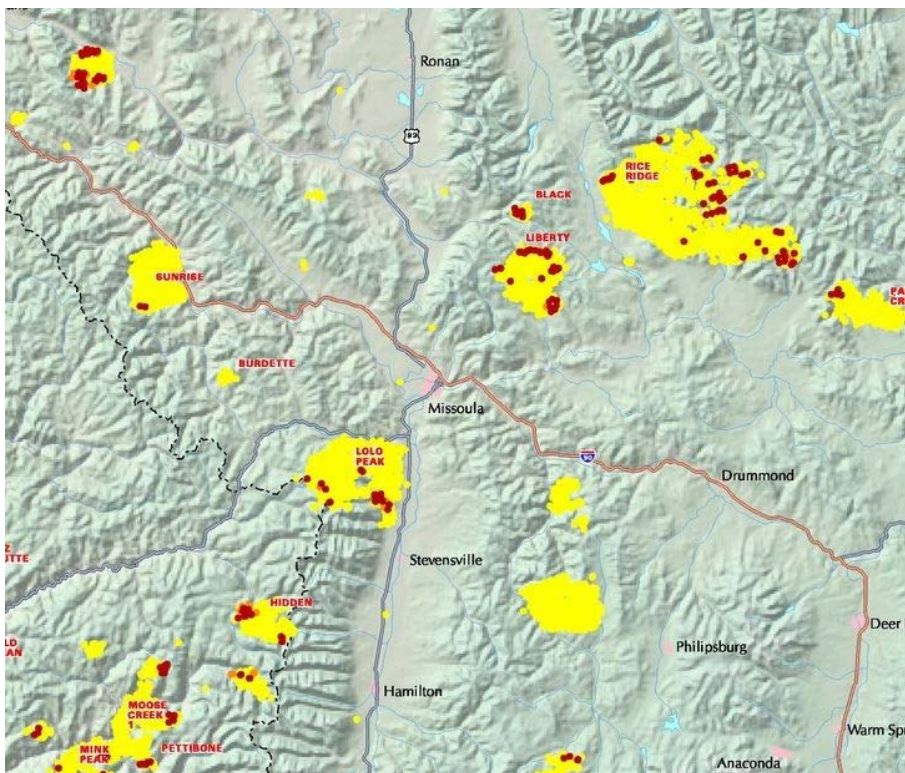
So, tonight will be smoky, tomorrow morning will be incredibly smoky, and tomorrow afternoon will be smoky, but maybe not as smoky as this afternoon. The real interesting forecast starts on the Saturday, when we enter a period of increased instability. By then we may be out from under the worst of the out-of-state smoke, and there is a chance we may see some air quality improvement. (We will still be seeing Idaho smoke, though, and the fires in Idaho have been mighty frisky lately.)

My fire-specific Inciweb links have been causing some systems to view these emails as spam, so here's a nice, clean link to Montana incidents: <https://inciweb.nwcg.gov/state/27/>

**The fires were fairly active today, and we are likely to see continued fire activity over the next several days. This means more locally produced smoke, more folks being subject to finding**

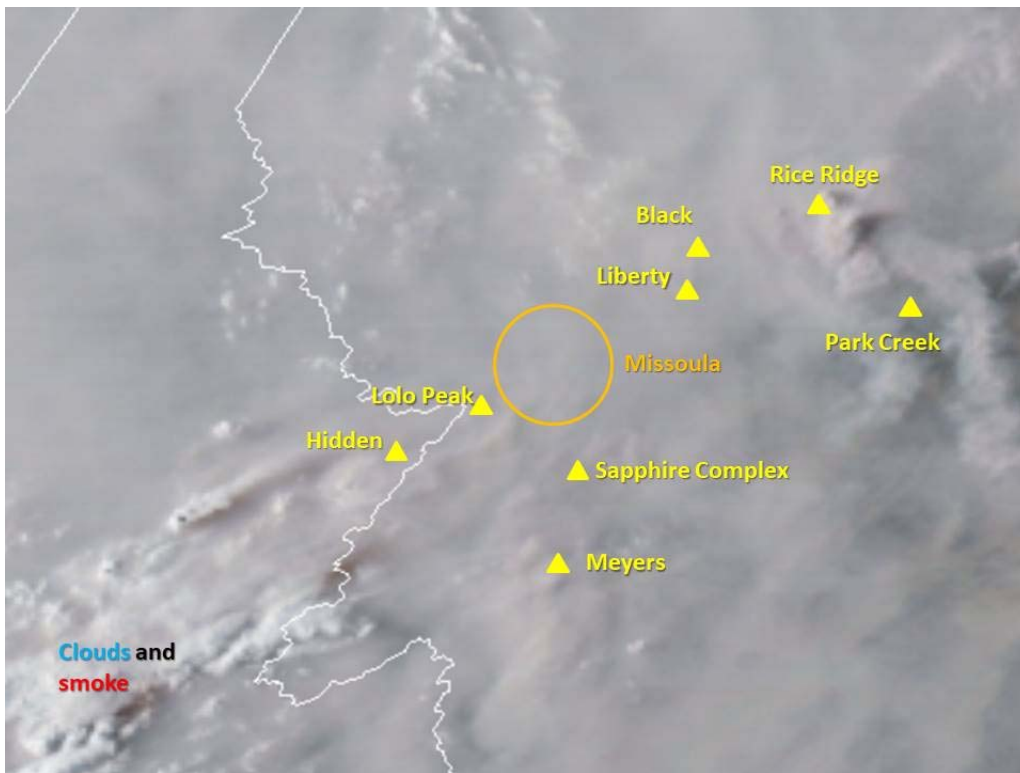


themselves on the receiving end of a smoke plume, and a lot of smoke pooling in valleys near active fires.



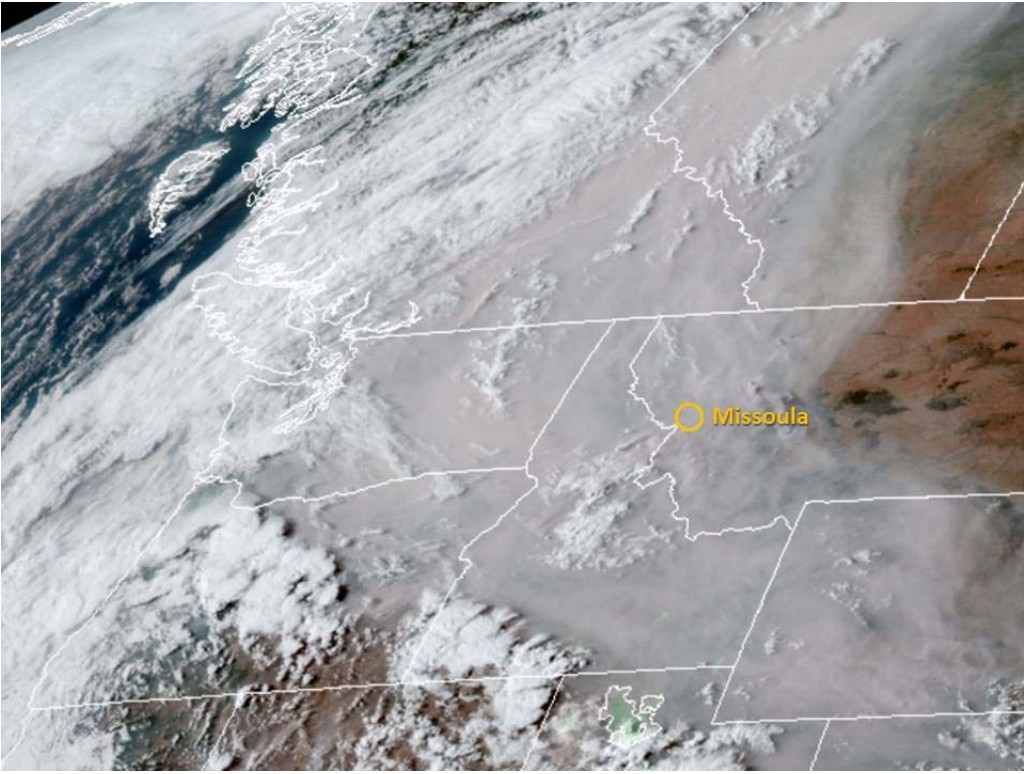
Source: <https://fsapps.nwcg.gov/afm/activefiremaps.php?sensor=modis&op=maps&rCode=nrw>

We're seeing some decent plumes from local fires. The Rice Ridge has the most impressive plume, but if you look closely, you can see the Lolo Peak Fire sending smoke into the Bitterroot Valley and the Meyers Fire sending smoke south.



It's getting harder to pick out the smoke spiral what with some of the smoke tearing off and heading to far off places. However, it's still there. Here's a loop centered over the spiral: <http://col.st/pNG82>

Also, if you're looking for some cheap entertainment, you can throw on some music and move the slider back and forth to punctuate dramatic musical moments. This works particularly well for Beethoven's 5th (1st movement). It's been a long day...



Source: [CIRA and NOAA. These data are preliminary and not operational.](#)

## Missoula County Smoke Management Program

Outside of wildfire season, open burning is regulated by the county following the rules which are presented below.

### CHAPTER 7 OUTDOOR BURNING

#### Rule 7.101 - Definitions

For the purpose of this subchapter the following definitions apply:

- (1) "Airshed Group" means the Montana-Idaho Interstate Airshed Group.
- (2) "Best Available Control Technology (BACT)" means those methods of controlling pollutants from an outdoor burning source that limit emissions to the maximum degree achievable, as determined by the department on a case-by-case basis taking into account impacts on energy use, the environment, and the economy, as well as other costs, including cost to the source. Such methods may include the following: burning during seasons and periods of good or excellent ventilation, using dispersion forecasts and predictive modeling to minimize smoke impacts, limiting the amount of burning at any one time, using burning techniques that minimize smoke production, minimizing dirt in piles and minimizing moisture content of target fuels, ensuring adequate air to fuel ratios, prioritizing burns as to air quality impact and assigning control techniques accordingly, and promoting alternative uses of materials to be burned. BACT includes but is not limited to following all conditions of the outdoor burning permits and all restrictions listed on the outdoor burning hotlines maintained by the department. For members of the Airshed Group, BACT includes but is not limited to following all restrictions called by the Monitoring Unit and DEQ.
- (3) "Bonfire" means a fire, generally larger than two feet in diameter, conducted for a festival or by a school, a non-profit organization, a government entity, an association or religious organization for the purpose of celebrating a particular organization-related event
- (4) "Christmas Tree Waste" means wood waste from commercially grown Christmas trees left in the field where the trees were grown, after harvesting and on-site processing.
- (5) "Essential Agricultural Outdoor Burning" means any outdoor burning

conducted on a farm or ranch to:

(a) eliminate excess vegetative matter from an irrigation ditch when no reasonable alternative method of disposal is available;

(b) eliminate excess vegetative matter from cultivated fields when no reasonable alternative method of disposal is available;

(c) improve range conditions when no reasonable alternative method is available;  
or

(d) improve wildlife habitat when no reasonable alternative method is available.

(6) “Impact Zone M” means the area defined by:

T11N R17W Sections 1 through 6, 7 through 11, 17 through 18;

T11N R18W Sections 4 through 8, 17 through 20, 30 through 33;

T11N R19W Sections 1 through 36;

T11N R20W Sections 1 through 18, 20 through 29, 32 through 36;

T11N R21W Sections 1 through 13

T11N R22W Sections 1, 2, 11, 12;

T12N R16W Sections 18 through 20, 29 through 32;

T12N R17W Section 2 through 11, 13 through 36;

T12N R18W Sections 1 through 26, 28 through 33, 36;

T12N R19W Sections 1 through 36;

T12N R20W Sections 1 through 36;

T12N R21W Sections 1 through 36;

T12N R22W Sections 1, 2, 11 through 14, 23 through 26, 35, 36;

T13N R16W Sections 6,7;  
T13N R17W Sections 1 through 12, 15 through 21, 28 through 33;  
T13N R18W Sections 1 through 36;  
T13N R19W Sections 1 through 36;  
T13N R20W Sections 1 through 36;  
T13N R21W Sections 1 through 36;  
T13N R22W Sections 1, 2, 11 through 14, 24, 25, 36;  
T14N R16W Sections 18, 19, 30, 31;  
T14N R17W Sections 5 through 8, 13 through 36;  
T14N R18W Sections 1 through 36;  
T14N R19W Sections 1 through 36;  
T14N R20W Sections 1 through 36;  
T14N R21W Sections 1 through 36;  
T14N R22W Sections 1, 2, 11 through 14, 22 through 27, 34 through 36;  
T15N R18W Sections 7 through 11, 14 through 23, 26 through 35;  
T15N R19W Sections 7 through 36;  
T15N R20W Sections 7 through 36;  
T15N R21W Sections 9 through 16, 20 through 36;  
T15N R22W Section 36; as shown on the map in Appendix A.

- (7) “Major Outdoor Burning Source” means any person conducting outdoor burning that within Missoula County will emit more than 500 tons per calendar year of carbon monoxide or 50 tons per calendar year of any other pollutant regulated under this Program, except hydrocarbons.
- (8) “Minor Outdoor Burning Source” means any person conducting outdoor burning that is not a major outdoor burning source.
- (9) “Outdoor Burning” means combustion of material outside with or without a receptacle, with the exception of small recreational fires burning clean wood, construction site heating devices using liquid or gaseous fuels to warm workers or equipment, safety flares used to combust or dispose of hazardous or toxic gases at industrial facilities, or burning in a furnace, multiple chamber incinerator or wood waste burner.
- (10) “Prescribed Wildland Outdoor Burning” means any planned outdoor burning, either deliberately or naturally ignited, that is conducted on forest land or relatively undeveloped rangeland to:
  - (a) improve wildlife habitat;
  - (b) improve range conditions;
  - (c) promote forest regeneration;



- (d) reduce fire hazards resulting from forestry practices, including reduction of log deck debris when the log deck is close to a timber harvest site;
  - (e) control forest pests and diseases; or
  - (f) promote any other accepted silvicultural practices.
- (11) “Recreational Fire” means a small, attended fire, that does not exceed two feet in diameter. If the primary purpose of the fire is to dispose of the material being burned, it is not considered a recreational fire, regardless of size.
- (12) “Trade Waste” means waste material resulting from construction or operation of any business, trade, industry, or demolition project, including wood products industry wastes such as sawdust, bark, peelings, chips, shavings, and cull wood. Trade wastes do not include wastes generally

disposed of by essential agricultural outdoor burning, prescribed wildland outdoor burning or Christmas tree waste outdoor burning, as defined in this rule.

- (13) "Treated Wood" means wood that has had any foreign material added to it, including, but not limited to paper, glues, paints, resins, chemicals, stains and plastics.

**Rule 7.102 - Outdoor Burning Permits Required**

- (1) A person may not cause or allow outdoor burning unless he has a valid outdoor burning permit from the department or its authorized agent except as provided in (3) of this rule.
- (2) The department may place any reasonable requirements in an outdoor burning permit to reduce emissions, minimize the impacts of air pollutants or protect the public health or safety, and the person or agency conducting the burn shall adhere to those conditions.
- (3) (a) While the Airshed Group's Monitoring Unit is operating, Major Outdoor Burning Sources who are members of the Airshed Group may satisfy the permit requirements in (1) of this rule by having a valid burning permit issued by DEQ pursuant to ARM 17.8.610. To burn when the Monitoring Unit is not in operation, Major Outdoor Burning Sources shall have a burning permit issued by the department.  
  
(b) Notwithstanding (a) of this rule, the department may require a Major Outdoor Burning Source to have an outdoor burning permit issued by the department for burns conducted any time of the year, if it determines such a permit is necessary to protect air quality in Missoula County or enforce the provisions of this Program.  
  
(c) The department may enforce all the provisions of Rule 7.107 regardless of what permit is in effect.

**Rule 7.103 - Materials Prohibited**

- (1) A person may not dispose of any material other than natural vegetation and untreated lumber through outdoor burning, unless otherwise allowed in this Chapter.
- (2) Waste moved from the premises where it was generated, except as permitted in Rule 7.110 (conditional outdoor burning) and Rule 7.112 (emergency outdoor burning), may not be disposed of through outdoor

burning.

- (3) Trade wastes, except as permitted in Rule 7.110 (conditional outdoor burning) and Rule 7.112 (emergency outdoor burning), may not be disposed of through outdoor burning.
- (4) Christmas tree wastes, except as permitted in Rule 7.111 (Christmas tree waste outdoor burning) may not be disposed of through outdoor burning.
- (5) Standing or demolished structures, except as permitted in Rule 7.109 (firefighter training), Rule 7.110 (conditional outdoor burning) or Rule 7.113 (commercial film production), may not be disposed of through outdoor burning.
- (6) Inside the Missoula Air Stagnation Zone, piles of grass or deciduous leaves may not be disposed of through outdoor burning.

**Rule 7.104 - Burning Seasons**

- (1) The following categories of outdoor burning may be conducted during the entire year:
  - (a) prescribed wildland burning;
  - (b) fire fighters training;
  - (c) emergency outdoor burning;

- (d) for the purpose of thawing frozen ground to allow excavation of utilities.
  - (e) ceremonial bonfires
- (2) Commercial film production outdoor burning may be conducted only during the months of March through November.
  - (3) Essential agricultural burning and conditional outdoor burning may only be conducted March through October.
  - (4) Outdoor burning other than those categories listed in Sections (1) – (3) above may only be conducted March through August.

**Rule 7.105 - Restricted Areas**

- (1) Outdoor burning is not allowed within the Missoula City limits, or in areas surrounded by the City except when:
  - (a) it occurs on parcels of at least one acre under single ownership; or
  - (b) the department determines outdoor burning is necessary:
    - (i) to eliminate a fire hazard that cannot be abated by any other means;
    - (ii) for fire fighter training;
    - (iii) for thawing frozen ground to allow excavation of utilities;
    - (iv) to eliminate hazards in an emergency;
    - (v) for bonfires as allowed by the Missoula Municipal Code.
- (2) Within Impact Zone M, a person may not conduct prescribed wildland burning except when good or excellent dispersion is forecast for the entire period of expected smoke generation. Prescribed wildland burning is not allowed in “Impact Zone M” December 1 through the end of February, except as allowed under Rule 7.106(2).
- (3) The department may place restrictions on outdoor burning by elevation or area for the purpose of managing air quality. The department shall announce such restrictions on the department’s outdoor burning hotlines.

**Rule 7.106 - Minor Outdoor Burning Source Requirements**

- (1) A minor outdoor burning source shall:
  - (a) conform with BACT;

- (b) comply with all outdoor burning rules, except Rule 7.107;
  - (c) comply with any requirements or regulations relating to outdoor burning established by any public agency responsible for protecting public health and welfare, or for fire prevention or control; and
  - (d) activate their permit prior to burning and adhere to the restrictions posted on the outdoor burning permit system
- (2) If a minor outdoor burning source desires to conduct prescribed wildland outdoor burning during December, January, or February, it shall:
- (a) submit a written request to the department, demonstrating that the burning must be conducted prior to reopening of outdoor burning in March; and
  - (b) receive specific permission for the burning from the department;

**Rule 7.107 - Major Outdoor Burning Source Requirements**

- (1) An application for a Major Source Outdoor Burning Permit must be accompanied by the appropriate permit fee and must contain the following information:
  - (a) a legal description or detailed map showing the location of each planned site of outdoor burning.
  - (b) the elevation of each site.
  - (c) the average fuel loading or total fuel loading at each site.
  - (d) the method of burning to be used at each site.
- (2) An application for a Major Source Outdoor Burning Permit must be accompanied by proof of public notice, consistent with Rule 7.114.
- (3) A major outdoor burning source shall:
  - (a) conform with BACT;
  - (b) adhere to the conditions in the outdoor burning permit issued to it by the department, or, when applicable, by DEQ; and
  - (c) adhere to the restrictions posted on the outdoor burning hotlines;
  - (d) comply with all restrictions issued by the Airshed Group Monitoring Unit;
  - (e) conduct outdoor burning in such a manner such that:
    - (i) emissions from the burn do not endanger public health or welfare;
    - (ii) emissions from the burn do not cause or contribute to a violation of a Montana or National Ambient Air Quality Standards; and
    - (iii) no public nuisance is created.
- (4) To burn in a manner other than that described in the application for burning permit, the source shall submit to the department, in writing or by telephone, a request for a change in the permit, including the information required by Section (1) (a)-(d) above, and must receive approval from the department.
- (5) A major source outdoor burning permit is valid for one year or for another time frame as specified in the permit by the department.

**Rule 7.108 - Bonfire Permits**

The department may issue a permit for a bonfire if:

- (1) The time and location is approved in writing by the appropriate fire

- department and law enforcement agency;
- (2) No public nuisance will be created; and
  - (3) The materials to be burned are limited to untreated cordwood, untreated dimensional lumber and woody vegetation.

**Rule 7.109 - Fire Fighter Training Permits**

- (1) The department may issue a fire fighter training outdoor burning permit for burning materials that would otherwise be prohibited by Rule 7.103, if:
  - (a) the fire will be restricted to a building or structure, a permanent training facility, or other appropriate training site, but not a solid waste disposal site;
  - (b) the material to be burned will not be allowed to smolder after the training session has ended;
  - (c) no public nuisance will be created;

- (d) all known asbestos-containing material has been removed;
  - (e) asphalt shingles, flooring material, siding, and insulation that might contain asbestos have been removed, unless samples have been analyzed by a certified laboratory and shown to be asbestos free;
  - (f) all prohibited material that can be removed safely and reasonably has been removed;
  - (g) the burning accomplishes a legitimate training need and clear educational objectives have been identified for the training;
  - (h) burning is limited to that necessary to accomplish the educational objectives;
  - (i) the training operations and procedures are consistent with nationally accepted standards of good practice; and
  - (j) emissions from the outdoor burning will not endanger public health or welfare or cause or contribute to a violation of any Montana or federal ambient air quality standard.
- (2) A firefighter training permit is valid for only one location.
  - (3) The department shall inspect the structure or materials to be burned prior to the training to reasonably ensure compliance with this rule.
  - (4) An application for a fire fighter training outdoor burning permit must be made on a form provided by the department. The applicant shall provide adequate information for the department to determine whether it satisfies the requirements of this rule for a permit.
  - (5) An application for a firefighter training outdoor burning permit must be accompanied by proof of public notice, consistent with Rule 7.114.

**Rule 7.110- Conditional Outdoor Burning Permits**

- (1) The department may issue a conditional outdoor burning permit to dispose of:
  - (a) Untreated wood and untreated wood by-product trade wastes by any business, trade, industry;
  - (b) Untreated wood from a demolition project; or



- (c) Untreated wood waste at a licensed landfill site, if the department determines that:
  - (i) the outdoor burning will occur at an approved burn site, as designated in the solid waste management system license issued by the DEQ; and
  - (ii) the pile is inspected by the department or its designated representative and only natural vegetation and clean, untreated lumber are present.
  
- (2) The department may issue a conditional outdoor burning permit only if it determines that:
  - (a) alternative methods of disposal would result in extreme economic hardship to the applicant;
  
  - (b) emissions from outdoor burning will not endanger public health or welfare or cause or contribute to a violation of any Montana or federal ambient air quality standard; and
  
  - (c) the outdoor burning will not occur within the Air Stagnation Zone. (see Appendix A)
  
- (3) The department shall be reasonable when determining whether alternative methods of disposal would result in extreme economic hardship to the applicant.
  
- (4) Conditional outdoor burning must conform with BACT.

- (5) A permit for burning trade waste is a temporary measure to allow time for the generator to develop alternative means of disposal.
- (6) A permit issued under this rule is valid for the following periods:
  - (a) Untreated wood and untreated wood by-products trade waste – up to 1 year; and
  - (b) Untreated wood waste at licensed landfill sites - single burn.
- (7) For a permit granted under Section (1)(a) above, the source may be required, prior to each burn, to receive approval from the department to ensure that good dispersion exists and to assign burn priorities if other sources in the area request to burn on the same day. Approval may be requested by contacting the department.
- (8) An application for a conditional outdoor burning permit must be accompanied by the appropriate application fee. The application must be made on a form provided by the department and must provide adequate information for the department to determine whether the application satisfies the requirements for a conditional air quality outdoor burning permit contained in this rule.
- (9) Proof of publication of public notice, consistent with Rule 7.114, must be submitted to the department before an application is considered complete.

**Rule 7.111 - Christmas Tree Waste Outdoor Burning Permits**

- (1) The department may issue an outdoor burning permit to allow burning of Christmas tree waste if emissions from the outdoor burning will not:
  - (a) endanger public health or welfare;
  - (b) cause or contribute to a violation of any Montana or federal ambient air quality standard; or
  - (c) cause a public nuisance.
- (2) Christmas tree waste outdoor burning must comply with BACT.
- (3) Christmas Tree Waste permits are valid for up to one year as specified in the permit issued by the department.

- (4) An application for a Christmas Tree Waste Outdoor Burning permit must be accompanied by the appropriate application fee. The application must be made on a form provided by the department and must include adequate information for the department to determine whether the requirements of this rule are satisfied.
- (5) An application for a Christmas Tree Waste Outdoor Burning permit must be accompanied by proof of public notice, consistent with Rule 7.114.

**Rule 7.112 - Emergency Outdoor Burning Permits**

- (1) The department may issue an emergency outdoor burning permit to allow burning of a substance not otherwise approved for burning if the applicant demonstrates that the substance to be burned poses an immediate threat to public health and safety, or plant or animal life, and that no alternative method of disposal is reasonably available.
- (2) The department may authorize emergency outdoor burning, upon receiving the following information:
  - (a) facts establishing that alternative methods of disposing of the substance are not reasonably available;

- (b) facts establishing that the substance to be burned poses an immediate threat to human health and safety or plant or animal life;
  - (c) the legal description or address of the site where the burn will occur;
  - (d) the amount of material to be burned;
  - (e) the date and time of the proposed burn;
  - (f) the date and time that the spill or incident giving rise to the emergency was first noticed; and
  - (g) a commitment to pay the appropriate permit application fee within ten (10) working days of permit issuance.
- (3) Within ten (10) working days of receiving oral authorization to conduct emergency outdoor burning, the applicant shall submit to the department, in writing, the information required in (2)(a)
- (f) of this rule and the appropriate permit application fee.

**Rule 7.113 - Commercial Film Production Outdoor Burning Permits**

- (1) The department may issue a commercial film production outdoor burning permit for burning prohibited material as part of a commercial or educational film or video production for motion pictures or television. Use of pyrotechnic special effects materials, including bulk powder compositions and devices, smoke powder compositions and devices, matches and fuses, squibs and detonators, and fireworks specifically created for use by special effects pyrotechnicians for use in motion picture or video productions is not considered outdoor burning.
- (2) Emissions from commercial film production outdoor burning may not endanger public health or welfare or cause or contribute to a violation of any Montana or federal ambient air quality standard.
- (3) A permit issued under this rule is valid for a single production.
- (4) Outdoor burning under this rule must conform with BACT.
- (5) An application for a commercial film production outdoor burning permit must be accompanied by the appropriate application fee. The application must be made on a form provided by the department. The applicant shall provide adequate information for the department to determine whether the

application satisfies the requirements of this rule.

- (6) Proof of publication of public notice, consistent with Rule 7.114, must be submitted to the department before an application is considered complete.

**Rule 7.114 - Public Notice**

- (1) When an applicant is required by this chapter to give public notice of a permit application, the applicant shall notify the public by legal publication, at least once, in a newspaper of general circulation in the area affected by the application. The notice must be published within 10 days of submittal of the application. The content of the notice must be approved by the department and must include a statement that public comments concerning the application may be submitted to the department within 20 days after publication of notice or after the department receives the application, whichever is later. A single public notice may be published for multiple applicants.
- (2) The public comment period may be shortened to ten (10) days for firefighter training permits.

**Rule 7.115 - Outdoor Burning Permitting Actions**

- (1) When the department approves or denies a outdoor burning permit application that requires public notice, a person who is adversely affected by the decision may request an administrative review as

provided for in Chapter 14. The request must be filed within 15 days after the department renders its decision and must include the reasons for the request. The department's decision on the application is not final unless 15 days have elapsed from the date of the decision and there is no request for a hearing under this section. A request for a hearing postpones the effective date of the department's decision until the conclusion of the appeals process.

- (2) The department may immediately revoke an outdoor burning permit under the following conditions:
  - (a) if the outdoor burning causes a public nuisance;
  - (b) for a violation of a condition of the permit; or
  - (c) for a violation of a provision of this Program.
- (3) Upon revocation, the department may order a fire be immediately extinguished.
- (4) Revocation of a permit may be given verbally, but must be followed with a letter stating the reasons for the revocation or suspension.
- (5) An outdoor burning permit may be modified when the department or Control Board determines modifications are necessary to insure compliance with the provisions of this Program.
- (6) The department shall notify the permittee in writing of any modifications to the permit.
- (7) A party affected by the department's decision to revoke or modify a permit may request an administrative review as provided for in Chapter 14. However, the revocation or permit modifications remain in effect until such time as they are reversed.
- (8) Outdoor burning permits are not transferable and are only valid for the location and person to which they were originally issued.

## Missoula County PM<sub>10</sub> Nonattainment Area State Implementation Plan

The PDF version of the Missoula County State Implementation Plan for PM<sub>10</sub> can be found here:

<https://www.gpo.gov/fdsys/pkg/FR-1995-08-30/pdf/95-21468.pdf>

[Federal Register Volume 60, Number 168 (Wednesday, August 30, 1995)]  
[Rules and Regulations]  
[Pages 45051-45054]  
From the Federal Register Online via the Government Publishing Office  
[[www.gpo.gov](http://www.gpo.gov)]  
[FR Doc No: 95-21468]

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ENVIRONMENTAL PROTECTION AGENCY  
40 CFR Part 52

[MT31-1-7007a; FRL-5275-1]

Clean Air Act Approval and Promulgation of PM<sub>10</sub> State  
Implementation Plan for Montana; Missoula Air Pollution Control Program  
Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

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SUMMARY: EPA approves the State implementation plan (SIP) revisions submitted by the State of Montana with a letter dated March 3, 1995. This submittal consists of several revisions to Missoula City-County Air Pollution Control Program regulations, which were adopted by the Montana Board of Health and Environmental Sciences (MBHES) on September 16, 1994. These rules include regulations regarding emergency procedure, paving of roads, driveways, and parking lots, street sweeping, National standards of performance for new stationary sources (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAPs), and solid fuel burning devices. Further, this submittal satisfies the one remaining commitment made by the State in a previous PM<sub>10</sub> SIP submittal.

DATES: This final rule is effective on October 30, 1995 unless adverse comments are received by September 29, 1995. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the State's submittal and other information are available for inspection during normal business hours at the following

locations:

Air Programs Branch, Environmental Protection Agency, Region VIII, 999 18th Street, suite 500, Denver, Colorado 80202-2405; Montana Department of Health and Environmental Sciences, Air Quality Division, Cogswell Building, Helena, Montana 59620-0901; and The Air and Radiation Docket and Information Center, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Amy Platt, 8ART-AP, Environmental Protection Agency, Region VIII, (303) 293-1769.

SUPPLEMENTARY INFORMATION:

I. Background

The Missoula, Montana area was designated nonattainment for PM10 and classified as moderate under Sections 107(d)(4)(B) and 188(a) of the Clean Air Act, upon enactment of the Clean Air Act Amendments of 1990.<sup>1</sup> See 56 FR 56694 (Nov. 6, 1991); 40 CFR 81.327 (Missoula and vicinity). The air quality planning requirements for moderate PM10 nonattainment areas are set out in Subparts 1 and 4 of Part D, Title I of the Act.<sup>2</sup> The EPA has issued a ``General Preamble'' describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under Title I of the Act, including those State submittals containing moderate PM10 nonattainment area SIP requirements [see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)]. Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in this action and the supporting rationale.

\1\ The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Pub. L. No. 101-549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended (``the Act''). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. Sections 7401, et seq.

\2\ Subpart 1 contains provisions applicable to nonattainment areas generally and Subpart 4 contains provisions specifically applicable to PM10 nonattainment areas. At times, Subpart 1 and Subpart 4 overlap or conflict. EPA has attempted to clarify the relationship among these provisions in the ``General Preamble'' and, as appropriate, in today's notice and supporting information.

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Those States containing initial moderate PM10 nonattainment areas such as Missoula were required to submit, among other things, several provisions by November 15, 1991. These provisions are described in EPA's final rulemaking on the Missoula moderate PM10 nonattainment area SIP (59 FR 2537-2540, January 18, 1994).

In a letter dated August 20, 1991, the Governor of Montana submitted to EPA the Missoula City-County Air Pollution

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Control Program as a revision to the Montana SIP.

EPA's review identified numerous deficiencies, including inconsistencies with the State regulations, as well as deficiencies



similar to those EPA identified in the State regulations. In a December 4, 1991 letter from the EPA Region VIII Administrator to the Governor of Montana, the deficiencies in the Missoula regulations were outlined in detail (this letter is available for public inspection at the EPA Region VIII address listed at the beginning of this notice). The problem areas included rules involving emergency procedures, permitting, open burning, wood-waste burners, NSPS, NESHAPs, and variances.

To address EPA's concerns, the State took commitments through the public hearing process on November 23, 1992 and submitted the commitments to EPA in a letter dated November 30, 1992, as additional tasks to be performed to correct the deficiencies in the Missoula and statewide SIP. Montana requested that EPA consider the August 20, 1991 submittal concurrent with its June 4, 1992 PM10 SIP submittal and the conditions outlined in the State's commitments.

As a result, EPA approved a large portion of the Missoula City-County Air Pollution Control Program with its approval of the Missoula moderate PM10 nonattainment area SIP on January 18, 1994 (59 FR 2537-2540). In the January 18, 1994 rulemaking, EPA delayed action on the regulations related to the Governor's commitments.

In a March 2, 1994 submittal, the State satisfied several of its November 30, 1992 commitments related to the Missoula City-County Air Pollution Control Program. Accordingly, EPA approved the related regulations on December 13, 1994 (59 FR 64133-64139). However, one of the November 30, 1992 commitments was still outstanding. That commitment addressed Missoula NSPS and NESHAP regulations.

## II. This Action

Section 110(k) of the Act sets out provisions governing EPA's review of SIP submittals (see 57 FR 13565-13566). The Governor of Montana submitted revisions to the SIP for Missoula with a letter dated March 3, 1995. The revisions amend several of the Missoula City-County Air Pollution Control Program regulations, including the regulations related to NSPS and NESHAPs.

### A. Analysis of State Submission

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing.<sup>3</sup> Section 110(l) of the Act similarly provides that each revision to an implementation plan submitted by a State under the Act must be adopted by such State after reasonable notice and public hearing.

\3\ Also Section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of Section 110(a)(2).

EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action (see Section 110(k)(1) and 57 FR 13565). The EPA's completeness criteria for SIP submittals are set out at 40 CFR Part 51, Appendix V. The EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt

of the submission.

To entertain public comment, the State of Montana, after providing adequate notice, held a public hearing for the local air pollution control program revisions on September 16, 1994. Following the public hearing, the local air pollution control program revisions were adopted by the State.

The local air pollution control program revisions were submitted as a SIP revision by the Governor with a letter dated March 3, 1995. The SIP revision was reviewed by EPA to determine completeness in accordance with the completeness criteria set out at 40 CFR Part 51, Appendix V. The submittal was found to be complete and a letter dated April 27, 1995 was forwarded to the Governor indicating the completeness of the submittals and the next steps to be taken in the review process.

## B. Revisions to the Local Regulations

Four public hearings were held at the local level in December 1993, and March, May, and July 1994. The Missoula City-County Air Pollution Control Board adopted the changes to the regulations, and, finally, all changes were approved at a joint public hearing by the City Council and County Commissioners on July 25, 1994. At its September 16, 1994 MBHES public hearing, the Board adopted the local regulation revisions.

Specifically, the revisions are as follows:

1. Chapter XVI was amended to more clearly indicate that upon approval by the Missoula City Council and Board of County Commissioners, changes to the local air pollution rules will be forwarded to the MBHES for final approval. Such amendments and revisions become effective upon approval by the MBHES.

2. Chapter IX, Subchapter 4, Rule 401 was amended to lower the level at which PM10 air pollution alerts are called. The level was changed from 100 g/m<sup>3</sup> to 80 g/m<sup>3</sup>.

3. Chapter IX, Subchapter 14, Rule 1401 was amended to include new sections which address requirements for the paving of new public roads, private roads, private driveways, and parking lots in the Air Stagnation Zone. Such projects must apply for a road construction permit and provide a plan which includes, among other things, detailed information regarding the measurements of the proposed project, thickness of the pavement that shall be used on the proposed construction, a description of the intended uses of the project, including the estimated number and type of vehicles using the road, driveway, or parking lot, and a description of adjoining exterior roads (e.g., paved, unpaved, public, private). After permit approval, requirements are specified for the completion of paving and maintenance of new public roads and parking lots and private (including commercial and industrial) roads, driveways, and parking lots. A further amendment incorporates existing city street sweeping ordinances into the air pollution control program.

4. Chapter IX, Subchapter 14, Rules 1423 and 1424 were amended to incorporate by reference the federal NSPS and NESHAPs rules as of July 1, 1992. These revisions satisfy the State's one remaining November 30, 1992 commitment included with the original moderate PM10 nonattainment area SIP for Missoula. That commitment was as follows: ``Missoula shall revise the Missoula NSPS and NESHAP regulations to incorporate all federal requirements promulgated through July 1, 1992.''

5. Chapter IX, Subchapter 14, Rule 1428 was amended to require all

new installations of solid fuel burning devices (either in new construction or in existing residences) to meet an emission rate of 1.0 gram per hour or less. In addition, uncertified woodstoves must be replaced or removed upon the sale of a home or other title transfer. Further, fines have been increased from \$20 to \$50 for the first violation, \$50 to \$200

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for the second violation, and \$100 to \$500 for third and subsequent violations.

The revisions outlined above are consistent with Federal requirements, and therefore, are approvable. The revisions to rules 401, 1401, and 1428 are more stringent than the versions used in the attainment and maintenance demonstrations for the Missoula moderate PM10 nonattainment area SIP that EPA approved on January 18, 1994 (59 FR 2537). If the State wishes to receive credit for the PM10 emissions reductions in the Missoula moderate nonattainment area that are achieved through these more stringent requirements, a revised attainment and maintenance demonstration for the Missoula PM10 SIP must be submitted to EPA for consideration. However, the State has indicated that it does not wish to claim credit for these measures at this time.

#### C. Enforceability Issues

All measures and other elements in the SIP must be enforceable by the State and EPA (see Sections 172(c)(6), 110(a)(2)(A) and 57 FR 13556). The EPA criteria addressing the enforceability of SIPs and SIP revisions were stated in a September 23, 1987 memorandum (with attachments) from J. Craig Potter, Assistant Administrator for Air and Radiation, et al. (see 57 FR 13541). State implementation plan provisions also must contain a program to provide for enforcement of control measures and other elements in the SIP [see Section 110(a)(2)(C)].

The Missoula air pollution control regulations, as included in the SIP, are legally enforceable by the Missoula City-County Health Department (MCCHD). There are civil penalties, which increase with each violation, for noncompliance with the solid fuel burning device regulation. Violation of any other provision, regulation or rule enforced under the program results in a criminal offense punishable by a fine.

The Missoula City-County Air Pollution Control Program regulations are also enforceable by the MDHES, if the MCCHD fails to administer the program. Since the program has been approved by the MBHES in accordance with Section 75-2-301 of the Montana Clean Air Act and effectuated by a MBHES order, and since the MDHES can enforce MBHES orders, the MDHES has independent enforcement powers. Enforcement provisions are found in the Clean Air Act of Montana, Sections 75-2-401-429, Montana Code Annotated.

If a State relies on a local government for the implementation of any plan provision, then, according to Section 110(a)(2)(E)(iii) of the Act, the State must provide necessary assurances that the State has responsibility for ensuring adequate implementation of such plan provision. A State would have responsibility to ensure adequate implementation if, for example, the State has the authority and resources to implement the provision when the local entity has failed to do so.

The Missoula City-County Air Pollution Control Program was established in accordance with the requirements of Section 75-2-301 of the Montana Clean Air Act, as amended (1991). A revised version of the air pollution control regulations was approved by the Missoula City-County Air Pollution Control Board on April 24, 1991, and on June 28, 1991 the MBHES issued a board order approving these regulations. A stipulation between the MDHES and the Missoula City-County Air Pollution Control Board that delineates responsibilities and authorities between the MDHES and the local authorities was signed April 29, 1991. On March 20, 1992, the MBHES issued a board order approving revisions to the Missoula City-County Air Pollution Control Program. The April 29, 1991 stipulation, the June 28, 1991 Board order, and the March 20, 1992 Board order were incorporated into the SIP on January 18, 1994 (59 FR 2540). A November 19, 1993 MBHES Board order approving further revisions to the Missoula City-County regulations was incorporated into the SIP on December 13, 1994 (59 FR 64133).

On September 16, 1994, the MBHES issued a Board order approving additional revisions to the Missoula City-County regulations. These regulations and the September 16, 1994 Board order were submitted to EPA as a modification to the Montana SIP.

The Missoula City-County rules are in effect now. The MCCHD has adequate personnel and funding to support effective enforcement of the rules. The State of Montana has a program that will ensure that the Missoula City-County regulations are adequately enforced. EPA believes that the State's and Missoula's existing air enforcement program will be adequate.

### III. Final Action

EPA is approving Montana's SIP revisions, submitted by the Governor with a letter dated March 3, 1995, for the Missoula moderate PM10 nonattainment area. This submittal revised several Missoula City-County Air Pollution Control Program regulations. Specifically, EPA is approving the following revised portions of Chapter IX, Regulations, Standards, & Permits: (1) Subchapter 4, Rule 401 regarding emergency procedures; (2) Subchapter 14, Rules 1401, regarding the paving of roads, driveways, and parking lots, and 1428, regarding solid fuel burning devices.

The March 3, 1995 submittal also satisfied the one remaining commitment made by the Governor of Montana to EPA in a letter dated November 30, 1992. Due to the satisfaction of that commitment, EPA can now approve Rules 1423 (NSPS) and 1424 (NESHAPs) of Subchapter 14, Chapter IX.

EPA also approves minor revisions to previously approved Chapter XVI, Amendments and Revisions.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. Under the procedures established in the May 10, 1994 Federal Register (59 FR 24054), this action will be effective October 30, 1995 unless, by September 29, 1995, adverse or critical comments are received.

If such comments are received, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a

proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on October 30, 1995.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to a SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600, et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

[[Page 45054]]

Approvals of SIP submittals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on small entities affected. Moreover, due to the nature of the Federal-state relationship under the Clean Air Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (1976); 42 U.S.C. 7410(a)(2).

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ('`Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Section 110 of the Clean Air Act. These rules may bind State, local and tribal governments to perform certain duties. The rules being approved by this action will impose no new requirements since such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 30, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review must be filed, and shall not postpone the effectiveness of such

rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.  
List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: July 28, 1995.  
Kerrigan Clough,  
Acting Regional Administrator.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52--[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart BB--Montana

2. Section 52.1370 is amended by adding paragraph (c)(41) to read as follows:

Sec. 52.1370 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(41) The Governor of Montana submitted revisions to the Missoula City-County Air Pollution Control Program in a letter dated March 3, 1995. In addition, the March 3, 1995 submittal satisfies the one remaining commitment made by the State in its original PM10 moderate nonattainment area SIP.

(i) Incorporation by reference.

(A) Board order issued on September 16, 1994 by the Montana Board of Health and Environmental Sciences approving the amendments to Missoula City-County Air Pollution Control Program Chapters IX and XVI regarding, among other things, emergency procedures, paving of private roads, driveways, and parking lots, National standards of performance for new stationary sources, National Emission Standards for Hazardous Air Pollutants, and solid fuel burning devices.

(B) Missoula City-County Rule 401, Missoula County Air Stagnation Plan, effective September 16, 1994.

(C) Missoula City-County Rule 1401, Prevent Particulate Matter from Being Airborne, effective September 16, 1994.

(D) Missoula City-County Rule 1423, Standard of Performance for New Stationary Sources, effective September 16, 1994.

(E) Missoula City-County Rule 1424, Emission Standards for Hazardous Air Pollutants, effective September 16, 1994.

(F) Missoula City-County Rule 1428, Solid Fuel Burning Devices, effective September 16, 1994.

(G) Missoula City-County Air Pollution Control Program Chapter XVI,

Amendments and Revisions, effective September 16, 1994.

[FR Doc. 95-21468 Filed 8-29-95; 8:45 am]  
BILLING CODE 6560-50-P



**Recommendations for Seeley Lake Residents to Avoid Smoke  
Unprecedented High Levels of Harmful Air Pollution from Wildfires  
Issued August 9, 2017**

The Missoula City-County Health Department is issuing stronger recommendations for Seeley Lake residents to avoid the dangerous wildfire smoke in the community. Recent air monitoring readings show record levels of harmful wildfire smoke in Seeley Lake. Indoor air is not safe. The smoke that is outside is also inside the buildings.

The recommendations are for everyone, but they are especially important for groups with higher health risk from breathing smoke: infants, children, pregnant women, people with asthma, lung or heart disease, and everyone 65 and older.

☑ Spend as little as time in the Seeley Lake area as possible.

- If you must be in Seeley Lake during the day, leave the area at night. The worst smoke is gathering overnight and is entering buildings.
- Consider moving at-risk family members out of the area
- If you do not have anywhere to go, the Red Cross has set up a shelter in the Potomac Valley. Anyone seeking to stay at the shelter may call the Red Cross of Montana at 1800-272-6668.

☑ Summer practices for school athletic events should be canceled or moved to a different community with clean air.

- If practices are moved to an area with clean air, they should be low intensity. Anyone who is spending the night in Seeley Lake is breathing dangerous levels of harmful smoke pollution and should not exert themselves until smoke has stopped entering the town and their bodies have had time to recover.

☑ If you must stay in Seeley Lake, being inside does not provide adequate protection from the smoke. Improve your indoor air with:

- Air conditioning operating on “recirculate.” The only time to switch off recirculate is when the air clears, which often happens during a few hours in the afternoon.
- An air filtering system equipped with a HEPA filter that is sized appropriately for the room you are occupying or sleeping in. The room with the filter needs to be sealed off from outside air. The HEPA filter must be rated to clean particulate pollution that is 0.3 microns in diameter or smaller.

☑ Do not rely on particle or surgical masks to protect your health. They provide **no** protection against the very small particles you breathe in from wildfire smoke.



**Resources:**

**Info Line:** 258-INFO

**Handouts**

[Climate Smart Missoula HEPA information handout](#)

[EPA guidance for Hazardous Air Quality](#)

**Red Cross Shelter:**

Potomac Red Cross Shelter

29827 Potomac Road, Potomac, MT 59823.

Anyone seeking to stay at the shelter may call the Red Cross of Montana at 1800-272-6668.



**Missoula City-County Health Department**  
**AIR QUALITY PROGRAM**

301 West Alder Street | Missoula MT 59802-4123  
www.missoulacounty.us/HealthDept

Phone | 406.258.4755  
Fax | 406.258.4781

## Seeley Lake Wildfire Smoke

August 10, 2017

### Frequently Asked Questions

#### **1. Why is there a recommendation to leave Seeley Lake now?**

Exposure to particulate matter in the air has a cumulative effect. Since air quality has reached hazardous levels multiple times over the last several days, even healthy people who are usually not bothered by the smoke will start to experience health impacts. Air pollution levels in Seeley Lake are the highest ever recorded in Missoula County. For perspective, at this time of year we would expect to see hourly averages around 8  $\mu\text{g}/\text{m}^3$  particulate in the air and now there are hours over 900  $\mu\text{g}/\text{m}^3$  of wildfire smoke in the air at Seeley Lake.

If you need to be in Seeley Lake during the day, even sleeping somewhere else with cleaner air will be beneficial. Also, the air has typically been better in the afternoon when the smoke has lifted off the valley floors.

#### **2. If I leave Seeley Lake, what do I do with my pets or other animals?**

Contact Missoula Animal Control for assistance. Animal Control can connect you with resources for sheltering pets and large animals. You can contact Missoula Animal Control at 406-541-7387.

#### **3. What does hazardous air quality mean?**

All children and adults should limit all outdoor exertion. Anyone who is spending the night in Seeley Lake is breathing dangerous levels of harmful smoke pollution and should not exert themselves until smoke has stopped entering the town and their bodies have had time to recover.

#### **4. Where should I go to get out of the smoke if I have no place to stay?**

If you need a place to stay, the Red Cross has set up a shelter in the Potomac Valley. The shelter is currently on stand-by and can be staffed with 1-hour notice. Anyone seeking to stay at the shelter may call the Red Cross of Montana at 1-800-272-6668.

# **MONTANA-IDAHO**

## **Interagency Smoke Management Coordination Strategy**

- for the -

Mitigation of Public Health and Welfare Impacts  
Caused by Smoke From Wildfires

Approved

June 16, 2015

### **PARTICIPANTS**

USDI, Bureau of Land Management  
USDI, National Park Service  
USDI, Fish and Wildlife Service  
USDI, Bureau of Indian Affairs  
USDA, Forest Service, Region One  
USDA Forest Service, Region Four  
Montana Department of Natural Resources and Conservation  
Montana Department of Environmental Quality  
Idaho Department of Environmental Quality

## **EXECUTIVE SUMMARY**

This Coordination Strategy (Strategy) establishes a protocol for coordination between the participating federal and state fire management agencies (FMAs), the Montana Department of Environmental Quality, and the Idaho Department of Environmental Quality (hereafter collectively referred to as DEQ). These partners agree to collaborate on smoke from wildfires and, if necessary, distribute public information regarding potential impacts. This includes information about the natural role of wildfire in ecosystem maintenance, restoration, and the effects of smoke on public health and welfare.

Through this Strategy, FMAs and DEQ identify methods of coordination to facilitate actions that mitigate smoke impacts and provide information to assist the public in taking reasonable precautions during wildfires.

### **This Strategy is intended to:**

- Clarify roles and responsibilities;
- Address public health and welfare considerations;
- Promote public education regarding the natural role of wildfire;
- Identify conditions which trigger coordination activities;
- Provide examples of potential management actions which mitigate smoke impacts;
- Provide for interagency information exchange for smoke management and air quality planning purposes; and
- Provide for evaluation and revision as necessary.

### **This Strategy is NOT intended to:**

- Act as a legally-enforceable document;
- Constitute compliance with Best Available Control Technology (BACT);
- Require certain wildfire management response activities;
- Increase the burden of smoke management activities at the field level;
- Circumvent or otherwise invalidate activities of the MT/ID Airshed Group; or
- Substitute for any state or county air quality permit / authorizations.

## **Background**

Smoke management concerns from wildfires have prompted FMAs and DEQ to develop this Strategy to annually assess and discuss potential management actions that may be used to mitigate smoke impacts. Due to the nature, location, and increased intensity of wildfires in the west, it is imperative that state and federal agencies work cooperatively to address smoke impacts for the protection of public and firefighter health and welfare.

## **Purpose**

The purpose of this Strategy is to assist in increasing public understanding of the complexity of wildfires and to establish a protocol for communication between FMAs and DEQ. The Strategy outlines actions that should be used in sharing information to mitigate smoke impacts.

The guiding principles of the 1995 Federal Fire Policy (reaffirmed in 2001 and 2009) adopted by the U.S. EPA, FMAs, and the National Association of State Foresters include: “Firefighter and public safety as the first priority in every fire management activity” and that “Fire management plans and activities incorporate public health and environmental quality considerations.” Accordingly, the mutual goal of both FMAs and DEQ is to consider management actions that may be used when unhealthy air quality levels occur so that adverse public health effects caused by smoke from wildfires are mitigated.

Because smoke emissions from wildfires typically affect Montana and Idaho airsheds, DEQ believes consistency in FMA approach across states is critical to mitigate smoke impacts and to provide air quality protection and smoke management coordination activities.

This Strategy should be reviewed and, if necessary, revised no later than July 1 of each year.

## **Coordinated Strategy**

During periods of poor atmospheric dispersion and deteriorating ambient air quality, FMAs and DEQ should regularly communicate to characterize current and future ambient air conditions. As appropriate, the partners should implement smoke impact avoidance strategies to any new or existing wildfires as quickly as practicable. Smoke impact avoidance strategies considered should be flexible to accommodate the changing needs and priorities of both FMAs and DEQ.

Specifically, FMAs and DEQ should implement a Strategy involving the following three Management Actions: as part of the procedures for managing smoke from wildfires:

- (1) FMAs and DEQ should contact each other when unhealthy air quality conditions exist or when periods of poor atmospheric dispersion are predicted **[Contact]**;
- (2) FMAs should reinforce existing federal guidance and applicable regulations in wildland fire planning and implementation documents e.g. Wildfire Situation Analysis (WFSAs) and the Wildland Fire Decision Support System (WFDSS) process to ensure that smoke management is addressed commensurate with wildfire activity and complexity **[Documentation]**; and
- (3) FMAs and DEQ should collaborate on public information and outreach efforts using new and existing information personnel and methods to inform the public and to offer instructions and ample advance warning so that individuals can choose to take actions to mitigate the effects of smoke on their health **[Information]**.

## **Management Actions**

- (1) **Contact.** Information sharing and activity coordination among FMAs and DEQ should occur before, during, and after wildfires. Such coordination may include, but is not limited to the following:
  - FMAs may provide opportunities for DEQ to participate in the Northern Rockies Multi-Agency or Great Basin Coordination Group (MAC) calls.
  - FMAs may provide opportunities for aerial and/or field observations of wildfires available to DEQ, when reasonably available.
  - FMAs or DEQ may place portable ambient air monitors in smoke-sensitive areas as needed. FMAs should make monitoring data available to DEQ via satellite link on an hourly basis when reasonably available.
  - FMAs should incorporate smoke management information whenever possible as a routine feature of wildfire information offered by the unit or visiting PIO during the incidents to inform the public, incident management teams, and/or other land managers.
  - FMAs should, give DEQ access to WFSAs (used by state fire management agencies) or WFDSS (used by federal fire management agencies) planning documents so that DEQ can provide comment.

- FMAs and DEQ should jointly and routinely track smoke plume locations and smoke distribution using satellite imagery and/or other sources of remote sensing.
- DEQ should disseminate smoke advisory information about current and predicted smoke concentrations to assist FMAs and the public in making informed decisions.

- (2) **Documentation.** FMAs should integrate smoke management activities into their normal procedures when developing responses to wildfires and long-term operational planning. Incident management teams should also be briefed to consider smoke management when developing plans and processes and conducting public information and outreach activities.

When developing a WFDSS or WFSA decision, FMAs should consider management actions to address potential consequences of smoke on air quality and impact to public health and welfare.

Examples of wildfire plans and / or processes to integrate smoke management activities:

- Delegations of Authority for incident management; and
- WFDSS and WFSA

- (3) **Information.** FMAs and DEQ should share the responsibility for proactively providing public information on smoke emissions from wildfires before, during and after it occurs. Using communication professionals at the local, state and regional level will ensure the information is clear, consistent and concise. Public information and outreach activities may include, but would not be limited to the following:

- Providing timely and clear information about health effects of smoke and potential smoke impacts from wildfires to Public Information Officers (PIOs), unit Public Affairs Officers (PAOs), Incident Safety Officers, fire prevention teams and others for dissemination to various audiences during wildfire events. Newsletters, websites and public service announcements are appropriate channels for information professionals to use.
- Identifying smoke sensitive areas before the fire season, such as communities, recreational areas, public highways, hospitals, schools, large planned outdoor events, and groups at high risk for health related problems. FMAs and DEQ should communicate those identified areas to PIOs, PAOs and others for targeting information on how to prepare for smoke impacts when they may occur.

- Pre-season coordination to share policies and strategies for smoke mitigation with DEQ and interested partners.
- Ensuring emergency response plans and actions, including state emergency episode avoidance plans, natural events action plans, and real-time website information, are known, understood and available to communicators for effective public notification and recommendations.
- Providing PIOs, PAOs, and others with information regarding the natural role of wildfire, the effects of smoke on public health and welfare, and the actions an individual could take that might reduce personal health impacts. In collaborating with communications professionals, this public information and outreach may include maintaining and updating website information, holding informational meetings, or establishing hotlines based on a determination of the most effective strategy for the affected area.

## **Coordination Levels Between FMAs and DEQ**

Coordination Levels are intended to provide a mechanism which triggers FMAs and DEQ to initiate potential Management Actions. These Coordination Levels do not preclude more restrictive agency-specific measures nor should they preclude alternative assessments of wildfires that may result in mitigating smoke impacts on public health and welfare. The establishment of a Coordination Level does not necessarily constrict the use of wildfire as a management tool nor should its initiation add any additional unreasonable workload.

The intent of the Coordination Levels is to facilitate and document on forms already in use, an acceptable, systematic, interagency review of smoke, and to furnish the public with appropriate air quality information. The following three Coordination Levels are based upon observed and predicted air quality impacts on public health and welfare through a collaborative discussion between FMAs and DEQ.

### **Level 1 - Minor Impacts:**

**Assessment.** Smoke impact on public health and welfare is considered minor. Minor impacts may be characterized by the following indicators and may result in Level 1 Management Actions:

- Smoke is expected to be produced for a short period of time or is barely visible to the public;
- Smoke is not expected to exceed state or federal air quality standards;



- Decreases in visibility indicate only slight degradation of air quality that does not reach the category of “Unhealthy for Sensitive Groups” when using the visibility ranges in Table 1.
- Individual residents, county health officials, coaches, school representatives, etc. are expressing few or no concerns about smoke;
- Regional fire Preparedness Level is at a 1 or 2; and/or
- Minimal impacts are expected to sensitive features like communities, schools, parks, airports, roadways, summer camps, outfitter camps, etc.

**Management Actions.** IF Minor Impacts occur, THEN the following Management Actions may be considered:

- FMAs and DEQ should jointly evaluate wildfire incident reports to monitor smoke impacts and their current and predicted air quality impacts on public health and welfare.
- FMAs should brief DEQ on current wildfire activity and strategies based upon the best available information and assessments.
- FMAs should review emission avoidance strategies and routinely assess throughout the duration of wildfire activity.
- FMAs should alert their PIOs/PAOs to the existence of Level 1 smoke conditions

## **Level 2 - Moderate Impacts:**

**Assessment.** Smoke impact on public health and welfare is considered moderate. Localized impacts may be characterized by the following indicators and may result in Level 2 Management Actions:

- Some public concerns for smoke impacts and health-related complaints are indicated by area residents, county health officials, coaches, school representatives through phone calls to local, state and federal agencies or media;
- Smoke is visible to the public over several days;
- Decreases in visibility indicate moderate degradation of air quality which reaches the category of “Unhealthy for Sensitive Groups” when using the visibility ranges in Table 1.

- Scenic views, roads, and some residences experience short-term decreases in visibility;
- Regional fire Preparedness Level is at 3 or 4; and/or
- Smoke intrusions into sensitive features like communities, schools, parks, airports, roadways, summer camps, outfitter camps, etc. is occurring.

**Management Actions.** IF Moderate Impacts occur, THEN the following Management Actions may be considered:

- FMAs and DEQ should evaluate wildfire incident reports to monitor smoke impacts and begin considering possible strategies to protect public health and welfare now and into the future.
- FMAs should brief DEQ on current wildfire activity and strategies based upon the best available information and assessments.
- FMAs should review emission avoidance strategies and routinely assess throughout the duration of wildfire activity. This includes the full spectrum of Management Action responses.
- FMAs should assess the potential consequences of the smoke on air quality and the impact to public health and welfare should be considered in developing management alternatives in WFSAs or Management Action Points in WFSS decisions. See ‘Documentation’ under the Management Action section.
- Strategies for smoke mitigation or related decisions should be communicated to unit or fire communicators for inclusion into responses to public concerns through outreach activities.
- Once air quality improves to below the category of “Unhealthy for Sensitive Groups” for 72 hours or more, FMAs and DEQ should re-evaluate and determine if Level 2 Management Actions should remain or if Level 1 Management Actions should be conducted.

### **Level 3 - Major Impacts:**

**Assessment.** Smoke impact on public health and welfare is considered major. Major impacts may be characterized by the following indicators and may result in Level 3 Management Actions:

- Concern for public health and welfare impacts is raised regionally and large segments of the public are actively expressing their concerns about smoke through contacts to the agencies, elected officials and media
- Situations require special and sometimes difficult smoke mitigation actions such as near wildland urban interfaces, power lines, communication towers, roadways, etc;
- Smoke is readily visible to the public and is projected to remain several days to weeks;
- Major smoke intrusions are occurring in sensitive areas, such as hospitals and major airports, at “Unhealthy” category level and triggering adverse health effects.
- Decreases in visibility indicate considerable degradation of air quality which reaches the category of “Unhealthy” when using the visibility ranges in Table 1.
- Scenic vistas, roads, and residences experience long-term visibility impairment or significant, short-term visibility impairment;
- Regional fire Preparedness Level is at 4 or 5.

**Management Actions.** IF Major Impacts occur, THEN the following Management Actions may be considered:

- FMAs and DEQ should evaluate wildfire incident reports on a daily basis to monitor smoke impacts and consider possible strategies to protect current and future public health and welfare now and into the future.
- FMAs should brief DEQ on current wildfire activity and strategies when conditions or strategies change using the best available information and assessments.
- FLM and DEQ may conduct additional smoke modeling and monitoring to further evaluate potential effects of smoke impacts on specific sensitive features.
- FMAs should review emission avoidance strategies throughout the duration of wildfire activity. This would include the full spectrum of Management Action strategies.
- FMAs should assess the potential consequences of the smoke on air quality and the impact to public health and welfare should be considered in

developing management alternatives in WFSAs or Management Actions Points in WFDSS. See 'Documentation' under the Management Action section.

- Strategies for smoke mitigation or related decisions should be communicated to unit or fire communicators for inclusion into responses to public concerns through outreach activities. Outreach activities should be intensified.
- Once air quality improves to the category of "Unhealthy for Sensitive Groups for 72 hours or more, FMAs and DEQ should re-evaluate and determine if Level 3 Management Actions should remain or if Level 1 or 2 Management Actions should be conducted.

### **Web-Based Incident Information**

DEQ employees may request "Viewer" access to the password-controlled Wildland Fire Decision Support System (WFDSS) at the following web site. Viewers can see all ongoing incidents, with analyses and management objectives.

[http://wfdss.usgs.gov/wfdss/WFDSS\\_Home.shtml](http://wfdss.usgs.gov/wfdss/WFDSS_Home.shtml)

Inciweb can also be used to find specific information about specific fires of interest, complete with regular fire status updates, maps, photographs, and can quickly update smoke and public health information that is automatically fed to Twitter (@inciweb).

<http://www.inciweb.nwccg.gov/>

The daily Incident Management Situation Report provided by the National Interagency Coordination Center provides a listing of all ongoing significant fires by geographic area.

<http://www.nifc.gov/nicc/sitreprt.pdf>

MODIS Large Incident Maps for the US and Canada are updated each Friday, or as frequently as conditions warrant.

<http://activefiremaps.fs.fed.us/>

Northern Rockies Coordination Center (NRCC) – for fire information in Montana and Northern Idaho:

<http://gacc.nifc.gov/nrcc/information/information.htm>

Great Basin Coordination Center (GBCC) – for fire information in southern Idaho:

<http://gacc.nifc.gov/gbcc/>

## **Smoke Information**

Idaho Smoke Blog – Blog that is maintained by Idaho DEQ and other state and federal partners that provides updates on smoke conditions throughout the state. Active when wildfire smoke conditions are expected to persist in Idaho:

<http://idsmoke.blogspot.com>

Montana Wildfire Smoke Updates – Website maintained by Montana DEQ that provides information on smoke conditions in Montana. Active when wildfire smoke conditions are expected to persist in Montana:

<http://deq.mt.gov/Air/SF/fireupdates>

Fire Cache Smoke Monitor Archive – This website displays hourly data from smoke monitors operated by the US Forest Service Northern Region and the national interagency smoke monitoring cache.

<http://www.wrcc.dri.edu/cgi-bin/smoke.pl>

**TABLE 1**  
**Visibility Ranges Used to Determine Health Effects Categories\***

Visibility Range	Health Effect Category	Health Effect Explanation
13.4 Miles and Up	Good	No health impacts are expected when air quality is in this range.
13.3 Miles to 8.8 Miles	Moderate	Unusually sensitive people should consider limiting prolonged outdoor exertion.
8.7 Miles to 5.1 Miles	Unhealthy for Sensitive Groups	Active children and adults, and people with respiratory disease, including asthma, should limit prolonged outdoor exertion.
5.0 Miles to 2.2 Miles	Unhealthy	Active children and adults, and people with respiratory disease, including asthma, should avoid prolonged outdoor exertion; everyone else, including children, should limit prolonged outdoor exertion.
2.1 Miles to 1.3 Miles	Very Unhealthy	Active children and adults, and people with respiratory disease, including asthma, should avoid all outdoor exertion; everyone else, including children, should limit outdoor exertion.
Less than 1.3 Miles	Hazardous	All children and adults should avoid or limit all outdoor exertion.
<p>The Procedure for making personal observations to determine the health effects category in local areas without weather or ambient air monitors is:</p> <ol style="list-style-type: none"> <li>Face away from the sun.</li> <li>Determine the limit of your visible range by looking for targets at known distances (miles).</li> <li>Visible range is that point at which even high contrast objects totally disappear.</li> <li>Use the values above to determine the local forest fire smoke category.</li> </ol>		

**\*NOTE:** Visibility ranges used to determine health effects are based upon short term impacts and are related to the hourly concentration break points. It is important to note that many hours at one level will usually result in a higher cumulative impact. If conditions have stayed more or less constant in the moderate or higher level for 8 hours the equivalent health category should be adjusted one category higher.

## **Agency Contact List**

### **USDI, Bureau of Land Management**

Pat Harty (Montana) - (406) 896-2911 [wharty@blm.gov](mailto:wharty@blm.gov)  
Glen Burkhardt (Idaho) – (208) 373-4047 [Glen\\_Burkhardt@blm.gov](mailto:Glen_Burkhardt@blm.gov)

### **USDI, National Park Service**

Andy Bundshuh – Regional Fuels Specialist - (303) 969-2124  
[andy\\_bundshuh@nps.gov](mailto:andy_bundshuh@nps.gov)

### **USDI, Fish and Wildlife Service**

Mike Granger – Zone FMO - (406) 538-8706 extension15, [mike\\_granger@fws.gov](mailto:mike_granger@fws.gov)

### **USDI, Bureau of Indian Affairs**

Steve Heppner, Regional Fuels Specialist, 406-247-7949, [steve.heppner@bia.gov](mailto:steve.heppner@bia.gov)

### **USDA, Forest Service, Region One**

Thomas Dzomba – Regional Air Quality Manager - (406) 329-3672,  
[tdzomba@fs.fed.us](mailto:tdzomba@fs.fed.us)  
Erin Law – Long Term Planning - (406) 329-4952, [elaw@fs.fed.us](mailto:elaw@fs.fed.us)

### **USDA, Forest Service, Region Four**

Thomas Dzomba – Regional Air Quality Manager (406) 329-3672 [tdzomba@fs.fed.us](mailto:tdzomba@fs.fed.us)  
Mesia Nyman Regional Fuels Specialist (801) 625-5505 [mnyman@fs.fed.us](mailto:mnyman@fs.fed.us)

### **Montana Department of Natural Resources and Conservation**

Crystal Beckman – Statewide Fire Information (406) 542-4251 [clbeckman@mt.gov](mailto:clbeckman@mt.gov)

### **Montana Department of Environmental Quality**

Kristen Martin – State Meteorologist (406) 444-0283, [KMartin@mt.gov](mailto:KMartin@mt.gov)  
Liz Ulrich – Analysis & Planning Services Supervisor (406) 444-9741 [eulrich2@mt.gov](mailto:eulrich2@mt.gov)  
John Proulx –Permitting Services Section (406) 444-5391, [jproulx@mt.gov](mailto:jproulx@mt.gov)  
Julie Merkel – Permitting Services Supervisor (406) 444-3626, [jmerkel@mt.gov](mailto:jmerkel@mt.gov)

### **Idaho Department of Environmental Quality**

Jacob Wolf – State Meteorologist (208) 373-0480. [Jacob.Wolf@deq.idaho.gov](mailto:Jacob.Wolf@deq.idaho.gov)  
Morrie Lewis – Smoke Management Coordinator (208) 373-0495  
[morrie.lewis@deq.idaho.gov](mailto:morrie.lewis@deq.idaho.gov)  
Mary Anderson – Air Program Manager (208) 373-0202 [mary.anderson@deq.idaho.gov](mailto:mary.anderson@deq.idaho.gov)

## Appendix H – Public Comments and Responses