

Thompson Falls PM₁₀ nonattainment area, which encompasses the majority of the city. Per the maintenance agreement, street sweeping is the primary PM₁₀ control strategy, as Thompson Falls experiences high concentrations of PM₁₀ during the late winter and early spring. The maintenance agreement also specifies the type of sanding or chip seal material that may be used by the MDT and the city of Thompson Falls on paved roads and parking lots, and includes provisions for the paving of parking lots, alleys and unpaved roads within the Thompson Falls central business district.

Street Sweeping Requirements. The MDT is responsible for approximately 4.83 km of street sweeping on Highway 200 from the western limits of the PM₁₀ nonattainment area boundary through the city to the Harvest Food store east of town. The city of Thompson Falls is responsible for street sweeping 5.8 km of local priority routes as listed below.

CITY STREET SWEEPING PRIORITY ROUTES

Route	Approximate length (in miles)
Golf from City Shop to Haley.	.20
Haley from Golf to Ferry	.85
Bus Loop at Jr. High20
Ferry from Jr. High to Preston.	.25
Preston from Ferry to East Crossing and East Crossing from Preston to Main.	.15
Preston from East Crossing to Clay.	.20
Clay from Preston to 5th	.40
West Crossing from Main to Gallatin.	.15
Washington from Preston to 4th.	.35
Spruce from Preston to 3rd.	.35
Gallatin from Preston to 3rd.	.25
Jefferson from Preston to 3rd.	.25
Total	3.6 miles = 5.8 km

During winter months, the MDT is required to commence street sweeping on Highway 200 on the first business day that the highway becomes temporarily or permanently ice-free and the temperatures are expected to remain above 35° F for a 24-hour period. Unless interrupted by additional snowfall or temperatures below 35° F, the MDT is required to have Highway 200 swept clean within two business days. During winter months, the city of Thompson Falls is required to commence street sweeping on priority routes on the first

business day that the highway becomes temporarily or permanently ice-free and the temperatures are expected to remain above 35° F for a 24-hour period. Unless interrupted by additional snowfall or temperatures below 35° F, the city of Thompson Falls is required to have priority routes swept clean within four business days. During summer months, priority routes and Highway 200 will be swept on an as needed basis. In the event that a PM₁₀ exceedance occurs within the Thompson Falls nonattainment area, the maintenance agreement includes contingency measures that will remain in effect until such time as the SIP control measures are revised and approved by EPA. In the event of a PM₁₀ exceedance, the city of Thompson Falls shall increase its frequency of street sweeping on priority routes from four business days to two business days and the MDT shall increase its street sweeping frequency on Highway 200 from two business days to one business day.

Both the city of Thompson Falls and the MDT will only apply sanding or chip seal material on paved roads and parking lots that has a durability of greater than or equal to 9 as defined by the Montana Modified L.A. Abrasion test. The sanding or chip seal material will have a material content smaller than 200 mesh that does not exceed 4.0 percent oven dry weight as determined by a standard wet sieving method.

Other Requirements. The maintenance agreement also includes provisions for the paving of streets and parking lots. Within the central business district of Thompson Falls, the city of Thompson Falls may not construct any new street or road unless it is paved or construct any new parking lot with a capacity greater than 15 vehicles or more than 50 vehicles/day turnover unless the parking lot is paved.

The Thompson Falls nonattainment area does include significant emissions from point sources; however, the MDEQ chose not to implement any RACT measures at these sources and to focus on reducing emissions from area sources. This approach is allowed under the Clean Air Act due to the fact that Montana has demonstrated that Thompson Falls did not need to implement RACT for point sources in order to attain the 24-hour PM₁₀ standard; the implemented control measures (RACM) were enough to bring the area into attainment. See 57 FR 13541 of the General Preamble.

We have reviewed the State's documentation and have concluded that it adequately justifies the control measures that are being used. The implementation of Montana's PM₁₀

nonattainment plan for Thompson Falls resulted in the attainment of the PM₁₀ NAAQS. The Thompson Falls control plan was adopted on June 24, 1997, and implemented by the applicable implementation date of January 20, 1998, specified by the CAA. We are approving the Thompson Falls PM₁₀ plan control strategies as satisfying the RACM requirement.

As required under the CAA, all measures in the SIP must be enforceable by EPA and the State (see sections 172(c)(6) and 110(a)(2)(A) of the Act and 57 FR 13556). Our 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). Nonattainment area 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) of the Act). When a State relies on a local government for the implementation of any SIP provision, the State is responsible for ensuring adequate implementation of the provision. See section 110(a)(2)(E) of the Act.

The maintenance agreement between the city of Thompson Falls, the MDT and the MDEQ provides new requirements for street sweeping, determines the type of sanding or chip seal material that can be used on paved roads and parking lots and specifies requirements for the paving of new streets, roads or parking lots within the Thompson Falls central business district. In order to make these requirements an enforceable part of the Thompson Falls PM₁₀ SIP, the State adopted and incorporated the maintenance agreement requirements in a Board Order to be approved as part of the *State of Montana Air Quality Control Implementation Plan*. We have reviewed the maintenance agreement for enforceability and determined that it meets all the criteria included in the September 23, 1987, Potter Memorandum.

The MDEQ has the authority to implement and enforce the maintenance agreement adopted by the Montana Board of Environmental Review (MBER). Any failure by the city or the Montana Department of Transportation to perform their specific obligations under this agreement would warrant enforcement by MDEQ.

The State also submitted a State Attorney General's opinion interpreting the authority of MDEQ to enforce any State and local air quality provisions if a local air quality program fails to do so. In practice, MBER issues a board order