

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

House BILL NO. 430

INTRODUCED BY Baillinger Lehrer Hurdle

A BILL FOR AN ACT ENTITLED: "AN ACT SETTING UNIFORM STATE AMBIENT AIR QUALITY STANDARDS FOR SULPHUR DIOXIDE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is included with this bill to clarify that the intent of the legislature is to provide for ambient sulphur dioxide standards that are uniform throughout the state of Montana.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Ambient air quality standards for sulfur dioxide -- statewide applicability**

-- **enforcement.** (1) A person may not cause or contribute to concentrations of sulfur dioxide in the ambient air that exceed any of the following standards:

(a) an hourly average of 0.50 parts per million, not to be exceeded more than three times in any 12 consecutive months;

(b) a 24-hour average of 0.10 parts per million, not to be exceeded more than once in any 12 consecutive months;

(c) an annual average of 0.02 parts per million, not to be exceeded at any time.

(2) The standards provided in subsection (1) are applicable and enforceable uniformly throughout the state.

(3) (a) In an area where violations of the standards provided in subsection (1) exist as of July 1, 1995, the board shall adopt emission control strategies for the affected areas not later than July 1, 1998. For violations arising after July 1, 1995, the board shall adopt an emission control strategy for the affected area within 3 years of the date on which the violation is shown to exist.

(b) A violation of the standards provided in subsection (1) exists when shown either by ambient air quality monitoring or by dispersion modeling using appropriate models approved by the U.S. environmental protection agency.

(c) The emission control strategies adopted pursuant to this section must provide for emission

1 reductions from a person who causes or contributes to a violation that are sufficient to ensure attainment
2 and maintenance of the sulfur dioxide standards provided in subsection (1).

3

4 NEW SECTION. **Section 2. Board authority.** Except as provided in [section 1], this part may not
5 be construed to limit the board's authority to adopt or modify its rules pursuant to applicable law.

6

7 NEW SECTION. **Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified
8 as an integral part of Title 75, chapter 2, part 2, and the provisions of Title 75, chapter 2, part 2, apply to
9 [sections 1 and 2].

10

11 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

12

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0430, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act setting uniform state ambient air quality standards for sulphur dioxide.

ASSUMPTIONS:

1. The Executive Budget present law base, which added 20.00 FTE to the Air Quality Division, serves as the starting point from which to determine any fiscal impact due to this proposed legislation.
2. Under current law, there is a one-hour standard which allows the Billings/Laurel area, Great Falls, and East Helena (as well as other communities that have similar air quality experience) exemptions each year from complying with state of Montana ambient air quality standards (MAAQS). MAAQS are more stringent than federal standards.
3. Under the proposed legislation, the one-hour standard would be changed, and the Department of Health and Environmental Sciences (DHES) estimates that the Billings/Laurel area will remain substantially out of compliance with MAAQS, while Great Falls and East Helena may only lose a few short term exemptions.
4. The impact on DHES workload would occur if additional modeling is required to determine compliance and develop control plans in the affected communities. The Billings/Laurel area would definitely require additional work; there is a possibility Great Falls would require additional work; and East Helena is not anticipated to require additional modeling and monitoring.
5. The DHES currently has approximately 4.00 FTE working on the necessary modeling of the Billings/Laurel area to determine compliance standards and develop a control plan. Monitoring of the level required to develop a control plan for the area (and possibly Great Falls) which will incorporate MAAQS would need to be based on a more expansive network.
6. DHES would require two additional air monitoring sites in Billings/Laurel, at a cost of \$30,000 per site to expand the network. Total cost would be \$60,000 in FY96.
7. In order to operate the additional sites in the Billings/Laurel area, DHES will need to increase payments to the county agencies in Yellowstone county by \$10,000 per year.
8. In order to fund the additional costs due to this proposed legislation, DHES suggests that the legislature authorize special fees on industry in the affected areas, which would be assessed by the Board of Health and Environmental Sciences. A provision for this action is included in 75-2-220(4), MCA.

FISCAL IMPACT:

	<u>FY96</u>	<u>FY97</u>
<u>Expenditures:</u>	<u>Difference</u>	<u>Difference</u>
Operating	10,000	10,000
Equipment	<u>60,000</u>	<u>0</u>
Total	70,000	10,000
 <u>Funding:</u>		
State Special Revenue (02)	70,000	10,000
 <u>Revenues:</u>		
State Special Revenue (02)	70,000	10,000

(continued)

Dave Lewis 2-11-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

JOHN BOHLINGER, PRIMARY SPONSOR DATE

Fiscal Note for HB0430, as introduced

HB 430

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Two additional air monitoring sites would be necessary in Billings/Laurel. DHES would increase the county grants for Yellowstone county by a total of \$10,000 per year in order to support the cost of operating the sites. It is projected that the monitoring would continue beyond the 1997 biennium.