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INTRODUCED BY *Jash Simpson* *Frank*
Crismore *Markin Beck*

House JOINT RESOLUTION NO 22

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO DRAFT LEGISLATION FOR THE 55TH LEGISLATURE TO ALLOW, UNDER THE AIR QUALITY STATUTES, A MINOR CHANGE IN A FACILITY WITHOUT A PRECONSTRUCTION PERMIT, AS LONG AS ANY NEW OR ALTERED EQUIPMENT IS NOT OPERATED UNTIL AN AMENDED OPERATING PERMIT IS OBTAINED.

WHEREAS, the federal government has recognized the need to afford operational flexibility to operators of facilities regulated under the federal Clean Air Act and has provided that air quality permit programs, including those administered by states, must allow certain minor changes in permitted facilities without permit revisions; and

WHEREAS, the Board of Health and Environmental Sciences has adopted rules to implement this operational flexibility with regard to operating permits, but the object of the rules is thwarted by the requirement for preconstruction permits; and

WHEREAS, operators of facilities permitted under the federal Clean Air Act and the state air quality statutes should be allowed to make minor changes in permitted facilities without preconstruction permits under certain conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Department of Health and Environmental Sciences prepare draft legislation to be submitted to the 55th Legislature to establish provisions consistent with applicable federal law and with the federally approved state air quality permit program in order that operators of facilities permitted under the state's air quality permit program may make physical changes costing less than \$1 million within a permitted facility without applying for or obtaining a preconstruction permit, as long as no new types of pollutants will be emitted as the result of the changes and the changes use currently approved methods or equipment for air pollution control and as long as any new or altered equipment is not operated until an amended operating permit is obtained.

-END-



HJ 22
INTRODUCED BILL

1 HOUSE JOINT RESOLUTION NO. 22

2 INTRODUCED BY TASH, SWYSGOOD, FORRESTER, CRISMORE, DEVLIN, BECK

3

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA DIRECTING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO DRAFT
6 ~~LEGISLATION FOR THE 55TH LEGISLATURE~~ RULES TO ALLOW, UNDER THE AIR QUALITY STATUTES,
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8 ~~ALTERED EQUIPMENT IS NOT OPERATED UNTIL AN AMENDED OPERATING PERMIT IS OBTAINED.~~

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10 WHEREAS, the federal government has recognized the need to afford operational flexibility to
11 operators of facilities regulated under the federal Clean Air Act and has provided that air quality OPERATING
12 permit programs, including those administered by states, must allow certain minor changes in permitted
13 facilities without permit revisions; and

14 WHEREAS, the Board of Health and Environmental Sciences has adopted rules to implement this
15 operational flexibility with regard to operating permits, but the object of the rules is thwarted by the
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18 statutes should be allowed to make minor changes in permitted facilities without preconstruction permits
19 under certain conditions.

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21 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
22 STATE OF MONTANA:

23 That the Department of Health and Environmental Sciences prepare draft ~~legislation~~ RULES to be
24 submitted to the ~~55th Legislature~~ BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES to establish
25 provisions consistent with applicable federal law and with the federally approved state air quality permit
26 program in order that operators of facilities permitted under the state's air quality permit program may make
27 physical changes ~~costing less than \$1 million~~ within a permitted facility without applying for or obtaining
28 a preconstruction permit, as long as THE SIZE OF THE CHANGE IS BELOW A DE MINIMIS LEVEL
29 ESTABLISHED BY THE BOARD THROUGH RULEMAKING AND no new types of pollutants will be emitted
30 as the result of the changes and the changes use currently approved methods or equipment for air pollution

1 control and as long as any new or altered equipment is not operated until an amended operating permit is
2 obtained.

3 -END-

1 HOUSE JOINT RESOLUTION NO. 22

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