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2 INTRODUCED BY

3 Crimore

House JOINT RESOLUTION NO 22

Tasha Thompson

Senate
John Binkley

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 TO ALLOW, UNDER THE AIR QUALITY STATUTES, A MINOR
7 CHANGE IN A FACILITY WITHOUT A PRECONSTRUCTION PERMIT, AS LONG AS ANY NEW OR ALTERED
8 EQUIPMENT IS NOT OPERATED UNTIL AN AMENDED OPERATING PERMIT IS OBTAINED.

9

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 permit
12 programs, including those administered by states, must allow certain minor changes in permitted facilities
13 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
16 requirement for preconstruction permits; and

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

20

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

-END-

1 **HOUSE JOINT RESOLUTION NO. 22**

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

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21 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
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23 That the Department of Health and Environmental Sciences prepare draft ~~legislation~~ RULES to be
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29 ESTABLISHED BY THE BOARD THROUGH RULEMAKING AND no new types of pollutants will be emitted
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