

1 HOUSE BILL NO. 64

2 INTRODUCED BY J. DARLING

3 BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE SMALL BUSINESS COMPLIANCE
6 ASSISTANCE ADVISORY COUNCIL FROM THE CLEAN AIR ACT OF MONTANA; REVISING THE DUTIES
7 OF A SMALL BUSINESS STATIONARY SOURCE REPRESENTATIVE; AMENDING SECTION 75-2-109,
8 MCA; AND REPEALING SECTIONS 2-15-2110 AND 75-2-106 MCA."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11

12 **Section 1.** Section 75-2-109, MCA, is amended to read:

13 **"75-2-109. Small business stationary source representative -- duties.** (1) The department shall
14 establish a small business stationary source representative position that is not located in a regulatory program
15 of the department and not subject to direct supervision by a regulatory program of the department.

16 (2) The small business stationary source representative shall represent the interests of small
17 business stationary sources before the department and other appropriate local, state, and federal agencies
18 concerning the implementation and application of the requirements of this chapter. In addition, the
19 representative shall provide assistance to small business stationary sources in meeting the requirements of this
20 chapter. In carrying out these activities, the representative shall:

21 (a) monitor the activities of the small business stationary source technical and environmental
22 compliance assistance program;

23 (b) review and provide comments and recommendations to the department, local air pollution
24 control programs, the environmental quality council, as appropriate, and the appropriate federal agencies
25 regarding the development and implementation of regulations pertaining to air quality that impact small
26 business stationary sources;

27 (c) facilitate and promote the participation of small business stationary sources in the development
28 of new regulations pertaining to air quality that impact small business stationary sources;

(d) assist in the preparation and dissemination of reports and other information regarding the applicability of the requirements of this chapter to small business stationary sources;

(e) assist in the preparation of guideline documents by the small business stationary source technical and environmental compliance assistance program to ensure that these documents are readily understandable by the lay person;

(f) assist small business stationary sources and their trade associations to encourage voluntary compliance with the requirements of this chapter;

(g) cooperate with appropriate local, state, and federal agencies and private sector financial institutions to assist small business stationary sources in locating financial assistance necessary for compliance with the requirements of this chapter;

(h) consult with ~~the small business compliance assistance advisory council~~ small businesses and other stakeholders at regular intervals throughout the year regarding problems faced by small business stationary sources concerning the implementation and application of the requirements of this chapter; and

(i) perform other duties as may be necessary to meet the requirements of the federal Clean Air Act, 42 U.S.C. 7401, et seq.

(3) Subject to Article II, section 9, of the Montana constitution, the small business stationary source representative may not provide information that the representative obtains from a small business stationary source to the department for use in any administrative or judicial action to enforce the requirements of this chapter, unless the information discloses a violation that constitutes an imminent and substantial danger to human health, safety, or the environment."

NEW SECTION. **Section 2. Repealer.** The following sections of the Montana Code Annotated are repealed:

2-15-2110. Small business compliance assistance advisory council.

75-2-106. Small business compliance assistance advisory council -- duties -- secretary -- meetings.

- END -