

Amendment - 2nd Reading-yellow - Requested by: Greg Oblander - (H) Committee of the Whole

- 2025

69th Legislature 2025

Drafter: Jason Mohr,

HB0291.001.002

HOUSE BILL NO. 291

INTRODUCED BY G. OBLANDER, L. SCHUBERT, S. KLAKKEN, E. ALBUS, A. NICASTRO, G. OVERSTREET, T. SHARP, C. SCHOMER, C. COCHRAN, T. MANZELLA, D. ZOLNIKOV, E. BUTTREY, S. GIST, R. MARSHALL, N. NICOL, C. SPRUNGER, G. LAMMERS, M. REGIER, M. YAKAWICH, S. FITZPATRICK, B. LER, J. SCHILLINGER, K. ZOLNIKOV, L. DEMING, F. NAVE, B. USHER, L. BREWSTER, G. HERTZ, B. MITCHELL, G. NIKOLAKAKOS, M. NOLAND, L. REKSTEN, K. SEEKINS-CROWE, S. MANESS, K. BOGNER, J. HINKLE

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE ABILITY OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND LOCAL AIR POLLUTION CONTROL PROGRAMS TO ADOPT AIR QUALITY STANDARDS MORE STRINGENT THAN FEDERAL REQUIREMENTS; REVISING THE CLEAN AIR ACT OF MONTANA; AMENDING SECTIONS 75-2-111, 75-2-203, 75-2-207, AND 75-2-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 75-2-111, MCA, is amended to read:

"75-2-111. Powers of board. The board shall, ~~subject to the provisions of 75-2-207:~~

(1) hold hearings relating to any aspect of or matter in the administration of this chapter at a place designated by the board. The board may compel the attendance of witnesses and the production of evidence at hearings. The board shall designate an attorney to assist in conducting hearings and shall appoint a reporter who must be present at all hearings and take full stenographic notes of all proceedings, transcripts of which ~~will~~ must be available to the public at cost.

(2) issue orders necessary to effectuate the purposes of this chapter;

(3) have the power to issue orders under and in accordance with 42 U.S.C. 7419."

Section 2. Section 75-2-203, MCA, is amended to read:

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1 **"75-2-203. Department to set emission levels.** (1) ~~The Subject to subsection (2), the~~ department
2 may establish the limitations of the levels, concentrations, or quantities of emissions of various pollutants from
3 any source necessary to prevent, abate, or control air pollution. Except as otherwise provided in or pursuant to
4 this section, those levels, concentrations, or quantities are controlling, and no emission in excess of those
5 levels is lawful.

6 (2) ~~(a) In any area where the concentration of air pollution sources or of population or where the~~
7 ~~nature of the economy or of land and its uses may require, Except as provided in subsection (2)(b), the~~
8 department may not fix more stringent requirements governing the emission of air pollutants than ~~those in effect~~
9 ~~pursuant to subsection (1) the federal standards or limitations established in the federal Clean Air Act for the~~
10 ~~emission of regulated pollutants.~~

11 (b) Subsection (2)(a) does not apply to requirements:

12 (i) governing the emissions of air pollutants established prior to [the effective date of this act]; and

13 (ii) necessary in areas classified as nonattainment, ~~or maintenance, or to prevent nonattainment,~~
14 as approved by the department, to comply with national ambient air quality standards as required in the federal
15 Clean Air Act.

16 (3) The department may by rule use any widely recognized measuring system for measuring
17 emission of air contaminants.

18 (4) ~~Should federal minimum standards of air pollution be set by federal law, the department may, if~~
19 ~~necessary in some localities of this state, set more stringent standards by rule."~~

21 **Section 3.** Section 75-2-207, MCA, is amended to read:

22 **"75-2-207. State regulations no more stringent than federal regulations or guidelines --**
23 **exceptions -- procedure.** (1) ~~After April 14, 1995, except as provided in subsections (2) and (3) or unless~~
24 ~~required by state law, Except as provided in subsection (2), the department may not adopt a rule to implement~~
25 this chapter that is more stringent than the comparable federal regulations or guidelines that address the same
26 circumstances. The department may incorporate by reference comparable federal regulations or guidelines.

27 (2) ~~(a) The department may adopt a rule to implement this chapter that is more stringent than~~