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SENATE BILL NO. 39

INTRODUCED BY D. BARTEL

BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AIR QUALITY PERMIT REQUIREMENTS FOR INCINERATORS; PROVIDING REGISTRATION REQUIREMENTS FOR ANIMAL OR HUMAN CREMATORIALS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 75-2-103, 75-2-215, AND 75-2-234, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 75-2-103, MCA, is amended to read:

**"75-2-103. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

- (1) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination of those air contaminants.
- (2) "Air pollutants" means one or more air contaminants that are present in the outdoor atmosphere, including those pollutants regulated pursuant to section 7412 and Subchapter V of the federal Clean Air Act, 42 U.S.C. 7401, et seq.
- (3) "Air pollution" means the presence of air pollutants in a quantity and for a duration that are or tend to be injurious to human health or welfare, animal or plant life, or property or that would unreasonably interfere with the enjoyment of life, property, or the conduct of business.
- (4) "Associated supporting infrastructure" means:
  - (a) electric transmission and distribution facilities;
  - (b) pipeline facilities;
  - (c) aboveground ponds and reservoirs and underground storage reservoirs;
  - (d) rail transportation;

**Amendment - 2nd Reading/2nd House-tan - Requested by: Tom France - (H) Committee of the Whole**

- 2023

68th Legislature 2023

Drafter: Joe Kolman, 406-444-3747

SB0039.002.002

1 (5) The department may by rule provide for general air quality permits under the provisions of 75-  
2 2-211 and this section. The rules must cover numerous similar classes or categories of incinerators and boilers  
3 or industrial furnaces.

4 (6) This section does not relieve an owner or operator of a solid or hazardous waste incinerator or  
5 a boiler or industrial furnace that is not included under subsection (1) from the obligation to obtain any permit  
6 otherwise required under this chapter or rules implementing this chapter.

7 (7) An animal or human crematorium eligible for registration under 75-2-234 is exempt from the  
8 determination requirement established in subsection (3)(d)."

9

10 **Section 3.** Section 75-2-234, MCA, is amended to read:

11 **"75-2-234. Registration.** (1) The department may adopt rules for the registration of certain classes of  
12 sources of air contaminants in lieu of a permit application required under 75-2-211(2).

13 (2) Rules adopted for the registration of animal or human crematoriums must include requirements  
14 for:

15 (a) public notification prior to registration and a 15-day comment period; and

16 (b) the inclusion of documentation through a registration process that provides PROJECTED  
17 EMISSIONS AND AMBIENT CONCENTRATIONS WILL CONSTITUTE A NEGLIGIBLE RISK for the protection of public health,  
18 safety, and welfare and the environment."

19

20 NEW SECTION. Section 4. Saving clause. [This act] does not affect rights and duties that matured,  
21 penalties that were incurred, or proceedings that were begun before [the effective date of this act].

22

23 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

24

- END -