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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;
  - (e) aqueducts and diversion dams;

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

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

5           **"75-2-234. Registration.** (1) The department may adopt rules for the registration of certain classes of  
6 sources of air contaminants in lieu of a permit application required under 75-2-211(2).

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

9           (a) public notification prior to registration; and

10           (b) the inclusion of documentation through a registration process that provides **projected emissions**  
11 **and ambient concentrations will constitute a negligible risk** for the protection of public health, safety, and  
12 welfare and the environment."

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

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

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