Montana Department of
ENVIRONMENTAL QUALITY
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SENATE PUBLIC HEALTH, WELFARE & SAFETY
EXHIBIT NO. 4
DATE: 3-14-05
BILL NO. HB 581

HB581
Department of Environmental Quality Testimony
Senate Public Health, Welfare and Safety Committee
March 14, 2005

Mr. Chairman and members of the Committee, for the record, my name is Don Vidrine, Chief of the Department of Environmental Quality's Air Resources Management Bureau. The Department is a proponent of HB 581.

The Clean Air Act of Montana currently requires the Department to render a decision to approve or deny an air quality permit application within 60 or 75 days of receipt of a filed application, depending upon the amount of emissions or type of proposed facility. The Department has 60 days to issue a final decision on an application for a minor source of air pollution that does not require the preparation of an Environmental Impact Statement and is not an incinerator. Currently the public is allowed a 15-day comment period on these types of draft air quality permits by administrative rule. House Bill 581 would codify this comment period in statute, and would allow the Department to extend the public comment period for an additional 15 days. The Bill requires the Board of Environmental Review to establish the basis by which the Department would extend the public comment period through rulemaking.

The Department believes there is an advantage in providing more time for public comment, especially with complex or controversial permitting actions. Extending the public comment period will allow the public additional time to study a proposed project, better understand the basis for the Department decision, and allow the public to submit more informed comments, thereby allowing the Department to issue better air quality permits.

The Bill also allows the Board of Environmental Review to establish a basis for extending the timeframe that the Department has to issue its final decision to approve or disapprove an air quality permit application by 15 days to accommodate the extended public comment period.

The Clean Air Act of Montana also currently allows a person to request a hearing before the Board of Environmental review regarding a Department decision to approve or disapprove an air quality permit application. This request must be filed within 15 days after the Department renders its decision and must include an affidavit setting forth the grounds for the request. House Bill 581 does not extend the 15 days to request a hearing, but does allow for an additional 15 days to submit the affidavit. Allowing additional time for submittal of the affidavit will allow persons to better define the reasons for the request for appeal, especially for complex projects.