

SENATE BILL NO. 453

INTRODUCED BY A. CURTISS

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO CONDUCT AIR QUALITY MONITORING TO DETERMINE CONCENTRATIONS OF AIR POLLUTANTS THAT MAY BE DETRIMENTAL TO HONEY BEES; REQUIRING THE DEPARTMENT TO CONTRACT FOR SAMPLING POLLUTANTS THAT COULD IMPACT HONEY BEES; AMENDING SECTION 75-2-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 75-2-112, MCA, is amended to read:

"75-2-112. Powers and responsibilities of department. (1) The department is responsible for the administration of this chapter.

(2) The department shall:

(a) by appropriate administrative and judicial proceedings, enforce orders issued by the board;

(b) secure necessary scientific, technical, administrative, and operational services, including laboratory facilities, by contract or otherwise;

(c) prepare and develop a comprehensive plan for the prevention, abatement, and control of air pollution in this state;

(d) encourage voluntary cooperation by persons and affected groups to achieve the purposes of this chapter;

(e) encourage local units of government to handle air pollution problems within their respective jurisdictions on a cooperative basis and provide technical and consultative assistance for this. If local programs are financed with public funds, the department may contract with the local government to share the cost of the program. However, the state share may not exceed 30% of the total cost.

(f) encourage and conduct studies, investigations, and research relating to air contamination and air pollution and their causes, effects, prevention, abatement, and control;

(g) determine, by means of field studies and sampling, the degree of air contamination and air pollution in the state;



1 (h) make a continuing study of the effects of the emission of air contaminants from motor vehicles on
2 the quality of the outdoor atmosphere of this state and make recommendations to appropriate public and private
3 bodies with respect to this;

4 (i) collect and disseminate information and conduct educational and training programs relating to air
5 contamination and air pollution;

6 (j) advise, consult, contract, and cooperate with other agencies of the state, local governments,
7 industries, other states, interstate and interlocal agencies, the United States, and any interested persons or
8 groups;

9 (k) consult, on request, with any person proposing to construct, install, or otherwise acquire an air
10 contaminant source, ~~or device, or system for the control thereof~~ of the air contaminant source, device, or system
11 concerning the efficacy of this device or system or the air pollution problems ~~which~~ that may be related to the
12 source, device, or system. Nothing in this consultation relieves a person from compliance with this chapter, rules
13 in force under it, or any other provision of law.

14 (l) accept, receive, and administer grants or other funds or gifts from public or private agencies, including
15 the United States, for the purpose of carrying out this chapter. Funds received under this section ~~shall~~ must be
16 deposited in the state treasury to the account of the department.

17 (m) conduct monitoring for the purpose of determining the concentrations of air pollutants that may
18 adversely affect honeybees, including sampling of bees, hive components, and hive atmospheres, to measure
19 actual exposure levels;

20 (n) consult, contract, and cooperate with experts to:

21 (i) make determinations regarding the locations, frequency, seasons, and types of pollutants associated
22 with the monitoring required in subsection (2)(m), subject to 40 CFR, part 58; and

23 (ii) obtain and chemically analyze samples of bees and hive components such as wax, pollen, and honey
24 that accurately reflect the total pollutant exposure levels. This chemical analysis must include inorganic elements
25 such as aluminum and barium.

26 (3) The department may assess fees to the applicant for the analysis of the environmental impact of an
27 application to redesignate the classification of any area, except those areas within the exterior boundaries of a
28 reservation of a federally recognized Indian tribe, under the classifications established by 42 U.S.C. 7470 through
29 7479 (prevention of significant deterioration of air quality). The determination of whether or not a fee will be
30 assessed is to be on a case-by-case basis."

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2 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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