

EXHIBIT 4
DATE 2-18-09
HB 4831566

Wednesday February 18, 2008

Subject: HB 483 – sponsored by Rep. Llew Jones

Dear Mr. Chairman and House Committee Representatives:

Thank you for this opportunity to appear and express my opinions on this bill now up for your consideration..

I am against this bill for the following reasons:

Montana state programs must meet or exceed federal EPA regulations. If state government does not do a satisfactory job of carrying out the Clean Air Act permitting requirements, EPA can take over the issuing of permits.

Also, our Montana State Constitution gives the people certain rights to a clean and healthy environment and very importantly **participation in maintaining same**. As stated in “Section 8 of the Montana Constitution and I quote, “The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law”. Please do not force the public into the courts to decide what should be obvious from our own constitution..

Also, please review the bullet points I have in this letter and make your decision from the available and presented facts, wisdom, and good information you are receiving on this important matter from the good citizens of this state.

- The US Clean Air Act (<http://www.epa.gov/air/caa/>) and its amendments over the years clearly require that Montana enforce the acts air quality laws and rules. State programs must meet or exceed federal regulations.

- “The Clean Air Act gives EPA important enforcement powers. When EPA finds that a violation has occurred, the agency can issue an order requiring the violator to comply, issue an administrative penalty order (use EPA administrative authority to force payment of a penalty), or bring a civil judicial action (sue the violator in court).”

- The purpose of the permitting process is to ensure that federal regulations are followed and enforced to protect the public and our resources.
- Each state is given primary responsibility for assuring that emissions sources from within their borders are consistent with the levels designated by the National Ambient Air Quality Standard (NAAQS). This is the purpose of the permitting process and includes the public's participation.
- States and tribes issue operating permits. If those governments do not do a satisfactory job of carrying out the Clean Air Act permitting requirements, EPA can take over issuing permits
- The Clean Air Act of 1990 introduces a permit program for large sources that release pollutants into the air. The EPA's enforcement powers broadened with the new act.
- The EPA is now authorized to fine violators and increase penalties for violations of the Act.

Approving this bill will only increase litigations and have the courts legislating laws from the bench. I am hopeful that in the final analysis this representative body, of the people, will do the right thing and table this bad bill.

It is your sworn duty to uphold our Montana Constitution please review it at:
<http://leg.mt.gov/css/Laws and Constitution/Current Constitution. asp>

Thank you,
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