

1 SENATE BILL NO. 47

2 INTRODUCED BY C. VINCENT

3 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

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5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE POWERS OF THE BOARD OF
6 ENVIRONMENTAL REVIEW RELATED TO AIR QUALITY PERMITTING AND RULEMAKING FOR FORESTRY
7 EQUIPMENT; AMENDING SECTION 75-2-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 **Section 1.** Section 75-2-111, MCA, is amended to read:12 **"75-2-111. Powers of board.** The board shall, subject to the provisions of 75-2-207:

13 (1) adopt, amend, and repeal rules for the administration, implementation, and enforcement of this
14 chapter, for issuing orders under and in accordance with 42 U.S.C. 7419, and for fulfilling the requirements of 42
15 U.S.C. 7420 and regulations adopted pursuant to that section, except that, for purposes other than agricultural
16 open burning, the board may not adopt permitting requirements or any other rule relating to:

17 (a) any agricultural activity or equipment that is associated with the use of agricultural land or the
18 planting, production, processing, harvesting, or storage of agricultural crops by an agricultural producer and that
19 is not subject to the requirements of 42 U.S.C. 7475, 7503, or 7661a; ~~or~~

20 (b) a commercial operation relating to the activities or equipment referred to in subsection (1)(a) that
21 remains in a single location for less than 12 months and is not subject to the requirements of 42 U.S.C. 7475,
22 7503, or 7661a; or

23 (c) a wood chipper, wood grinder, or other forestry equipment and its associated engine used for forestry
24 practices that remains in a single location for less than 12 months and is not subject to the requirements of 42
25 U.S.C. 7475, 7503, or 7661a, except when used in an incorporated city or town;

26 (2) hold hearings relating to any aspect of or matter in the administration of this chapter at a place
27 designated by the board. The board may compel the attendance of witnesses and the production of evidence at
28 hearings. The board shall designate an attorney to assist in conducting hearings and shall appoint a reporter who
29 must be present at all hearings and take full stenographic notes of all proceedings, transcripts of which will be
30 available to the public at cost.

- 1 (3) issue orders necessary to effectuate the purposes of this chapter;
- 2 (4) by rule require access to records relating to emissions;
- 3 (5) by rule adopt a schedule of fees required for permits, permit applications, and registrations consistent
- 4 with this chapter;
- 5 (6) have the power to issue orders under and in accordance with 42 U.S.C. 7419."

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

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