

Dear CAAAC Members –

Happy New Year! Our resolution this year is to make CAAAC meetings as meaningful as possible and not meet just for the sake of meeting. Over the next few weeks, we will be soliciting input on topics of interest to you for future meetings and/or presentations. Please let us know if there is anyone you would like to hear from or any specific topics you would like to hear about. In past years, we strove to meet quarterly and we still intend to hold to that basic schedule. However, in lieu of a meeting in January, we are sending along the following updates for your review.

- **February 5, 2016, Board of Environmental Review (BER) Actions**

- Final repeal of Administrative Rules of Montana (ARM) 17.8.334 and 17.8.335 to address the Startup, Shutdown, and Malfunction (SSM) SIP Call. This action affects the only “existing” aluminum reduction plant in the state, the Columbia Falls Aluminum Company or CFAC. This action also includes the final repeal of ARM 17.8.772 concerning mercury allowance allocations.
- Adoption of an updated Air Pollution Control Ordinance for Butte-Silver Bow. The amendments address language changes included in the 2015 New Source Performance Standards for Residential Wood Heaters. This action has been processed through local boards and requires final adoption by the BER per 75-2-301, Montana Code Annotated (MCA).
- Initiation of rulemaking to amend the following rules to incorporate provisions in the Clean Air Act of Montana and remove provisions implementing previous statutory procedures: ARM 17.8.610, 17.8.612, 17.8.613, 17.8.614, 17.8.615, and 17.8.1210. Sections 75-2-211, 75-2-213, and 75-2-218, MCA, contain procedures for appeals of department decisions on permits for construction, installation, alteration, use, and operation of facilities. As currently written, those statutes provide:
 - that a person who is directly and adversely affected by the issuance or denial of a permit may request a hearing;
 - that a request for hearing does not stay the department's decision on an application unless the board orders a stay;
 - that depending on the applicable statute, an appellant must file an affidavit supporting the request for hearing either with the request or within 30 days after the issuance or denial of the permit; and
 - that a separate process is available for challenges to energy development projects in 75-2-213, MCA.

In addition, the proposed amendments would strike paragraphs of rule that were lifted verbatim from 75-2-211, MCA, and instead refer to the appeal process provided in the statute.

- **Planned Future BER Actions**

- Initiate rulemaking to strike the phrase “24-hour average” from the PM_{2.5} significant monitoring concentration (SMC) in 17.8.818(7)(a)(iii). When the department amended the rule, effective October 2014, to address EPA’s change of the SMC from 4 µg/m³ over a 24-hour average to 0 µg/m³, the department neglected to remove the above phrase, raising concern with EPA. This oversight must be addressed to ensure Montana’s ongoing NSR-PSD program primacy and authority. (Initiation at April BER meeting)
- Initiation of rulemaking to incorporate by reference the July 1, 2015, version of the Code of Federal Regulations (CFR). This is an annual rulemaking in which the department incorporates by reference the most recent versions of the CFR, United States Code, and other state rules and regulations into the Clean Air Act of Montana. (Initiation at April or June BER meeting)

- **Redesignation Request Status**

- Billings SO₂
 - Submitted to EPA on December 14, 2015
- Missoula PM₁₀
 - Noticed for public review on January 5, 2016. Public comment period closes February 4, 2016. <http://deq.mt.gov/pubcom.mcp>
- Laurel SO₂
 - Currently underway

- **Clean Power Plan Update**

- Advisory Council Selected

In November, Governor Bullock released an Executive Order creating an Interim Montana Clean Power Plan Advisory Council. Applications for appointment to the council were accepted through November 30, 2015, and on January 5, 2016, the Governor’s Office announced the names of the 27 members of the council. The Executive Order and the names of those appointed to the council can be found at <https://governor.mt.gov/>. As laid out in the Executive Order, the department will staff the council and each meeting of the council will provide for public comment.
- First Submittal Due to EPA in September

The final emission guidelines require that Montana submit either a final state plan or an initial submittal requesting a two-year extension by September 6, 2016. The Governor’s Advisory Council will provide recommendations to the department on this matter.