

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

| | |
|---|---------------------|
| In the matter of the amendment of ARM) | NOTICE OF AMENDMENT |
| 17.8.501 and 17.8.504 pertaining to) | |
| definitions and air quality permit) | (AIR QUALITY) |
| application fees) | |

TO: All Concerned Persons

1. On June 26, 2014, the Board of Environmental Review published MAR Notice No. 17-360 regarding a notice of public hearing on the proposed amendment of the above-stated rules at page 1321, 2014 Montana Administrative Register, Issue Number 12.

2. The board has amended ARM 17.8.501 exactly as proposed and has amended ARM 17.8.504 as proposed, but with the following changes, stricken matter interlined, new matter underlined:

17.8.504 AIR QUALITY PERMIT APPLICATION FEES (1) An applicant submitting a Montana air quality permit application required in ARM Title 17, chapter 8, subchapters 7, 8, 9, or 10, shall submit the appropriate application fee as follows:

- (a) for a facility subject to ARM Title 17, chapter 8, subchapters 7 and 8, 9, or 10:
 - (i) for a new major stationary source - \$15,000;
 - (ii) for a major modification - \$3,500;
 - (iii) for a modification other than a major modification - \$500;
- (b) through (5) remain as proposed.

3. The following comment was received and appears with the board's response:

COMMENT NO. 1: The amendments to ARM 17.8.504(1)(a) unintentionally delete the fee for minor modifications. This fee should be restored at the current level.

RESPONSE: The board agrees. As clearly reflected in the statement of reasonable necessity, the only substantive change to be made in (1)(a) is an increase in the fee for major permit modifications. Elimination of the fee for minor modifications is not indicated in the statement of reasonable necessity. Furthermore, even if it had intended to eliminate the fee for minor modifications, the board would have authority to choose not to adopt that amendment, and retention of the fee is necessary to adequately fund the air quality program. The board has therefore retained the existing \$500 fee for minor modifications.

4. No other comments or testimony were received.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ John F. North
JOHN F. NORTH
Rule Reviewer

By: /s/ Robin Shropshire
ROBIN SHROPSHIRE
Chairman

Certified to the Secretary of State, September 29, 2014.