

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the adoption of New Rules I through III pertaining to the Clean Air Act)
)
) NOTICE OF ADOPTION
(AIR QUALITY)

TO: All Concerned Persons

1. On August 13, 2015, the Board of Environmental Review published MAR Notice No. 17-372 regarding a notice of proposed adoption of the above-stated rules at page 1092, 2015 Montana Administrative Register, Issue Number 15.

2. The board has adopted New Rules I (17.8.150) and III (17.8.152) exactly as proposed and has adopted New Rule II (17.8.151) as proposed, but with the following changes, stricken matter interlined, new matter underlined:

NEW RULE II (17.8.151) BOARD ACTION (1) The board may not take action on any contested case matter that arises under the Clean Air Act of Montana unless a majority of members of the board at the time of the action:

(a) remains as proposed.

(b) do not derive a significant portion of income from a regulated persons.

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

COMMENT: In New Rule II(1)(b), the word "person" should be plural to provide the same requirement as is contained 42 U.S.C. 7428, which requires that a majority of state board members who do not derive a significant portion of their income from "regulated persons."

RESPONSE: The board agrees and has made the suggested amendment.

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/ Joan Miles
JOAN MILES
Chairman

Certified to the Secretary of State, October 19, 2015.