

**NOVEMBER 8, 2023**

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# **CAAAC**

## **Clean Air Act Advisory Committee**

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# Agenda

**Welcome & Introductions**

**Montana Environmental Policy Act (MEPA)**

**Climate Pollution Reduction Grant (CPRG)**

**Rules**

- **Affirmative Defense**
- **Regional Haze**
- **Proposed Rules**

**Inspection Season Report**

**Monitoring Program Update**

# Welcome & Introductions

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## **Name and Affiliation**

- **In the room**
- **On the phone**

**We will have time after each presentation  
for questions and discussion**

# Montana Environmental Policy Act MEPA

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**First Look**  
**Next Steps**  
**Questions**

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CHRISTOPHER DORRINGTON, DIRECTOR  
DEPARTMENT OF ENVIRONMENTAL QUALITY



# Climate Pollution Reduction Grant

## CPRG

BO WILKINS, CHIEF  
AIR QUALITY BUREAU  
[BO.WILKINS@MT.GOV](mailto:BO.WILKINS@MT.GOV)

DENISE ROTH BARBER  
CPRG COORDINATOR  
[DENISE.ROTHBARBER@MT.GOV](mailto:DENISE.ROTHBARBER@MT.GOV)

[HTTPS://DEQ.MT.GOV/ABOUT/CLIMATE-RESILIENCE](https://deq.mt.gov/about/climate-resilience)

# EPA's Climate Pollution Reduction Grant Program

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Authorized under the federal Inflation Reduction Act.

**GOAL: To reduce greenhouse gas (GHG) emissions and other harmful air pollution.**

Two-Phases:

1. Planning
2. Implementation

# Planning Grants

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Phase 1 of the CPRG program involves planning grants to support the development of **climate action plans** that incorporate measures to reduce GHG emissions across key economic sectors.

- Nationally, all but four states accepted noncompetitive planning grants, as did nearly 80 metropolitan statistical areas (MSAs) and 90 tribes and tribal consortia.
- In Montana, no MSAs qualified based on population. Four tribal governments in Montana received planning grants:
  - Chippewa Cree Tribe, Northern Cheyenne Tribe, Blackfeet Tribe, and the Fort Peck Assiniboine and Sioux Tribes

# Implementation Grants

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Phase 2 of the CPRG program involves competitive grants to implement GHG reduction measures identified in climate action plans prepared under the planning grants.

- Implementation grants will only be awarded for measures contained in a plan developed under Phase 1 of the CPRG program.
- Eligible applicants include states, municipalities, tribes, tribal consortia, and territories.
- EPA anticipates awarding grants between \$2 million and \$500 million.
- Implementation grants have a 5-year performance period.

# Implementation Grants

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On September 20, **EPA launched a \$4.3 billion competition** for states, local governments, tribes, and territories to fund policies and programs to cut climate pollution.

## Grant Goals

- Implement measures that will achieve significant cumulative greenhouse gas (GHG) reductions by 2030 and beyond
- Achieve substantial community benefits (such as reduction of criteria and hazardous air pollutants), particularly in low-income and disadvantaged communities
- Complement other funding sources to maximize GHG reductions and community benefits
- Pursue innovative policies and programs that are replicable and can be “scaled up” across multiple jurisdictions



# Applications Must Implement GHG Measures in a Priority Climate Action Plan (PCAP)

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Applications may be from:

- Lead organization for Planning Grant OR
- Other eligible applicant that did not receive a Planning Grant.
  - Other state agencies
  - Local government agencies
  - Tribe or Tribal Consortium

GHG measures in an implementation grant application under the general competition must be included in an applicable PCAP submitted to EPA by March 1, 2024.

Coordination and communication between lead organization and other eligible applicants is essential.

- DEQ is the CPRG lead organization.
- Eligible applicants should submit required PCAP information to DEQ on proposed implementation grant applications by **January 5, 2024**.
- Submit your ideas for emission reduction measures to be considered in Montana's Priority Climate Action Plan (PCAP) at <https://deq.mt.gov/about/climate-resilience>.

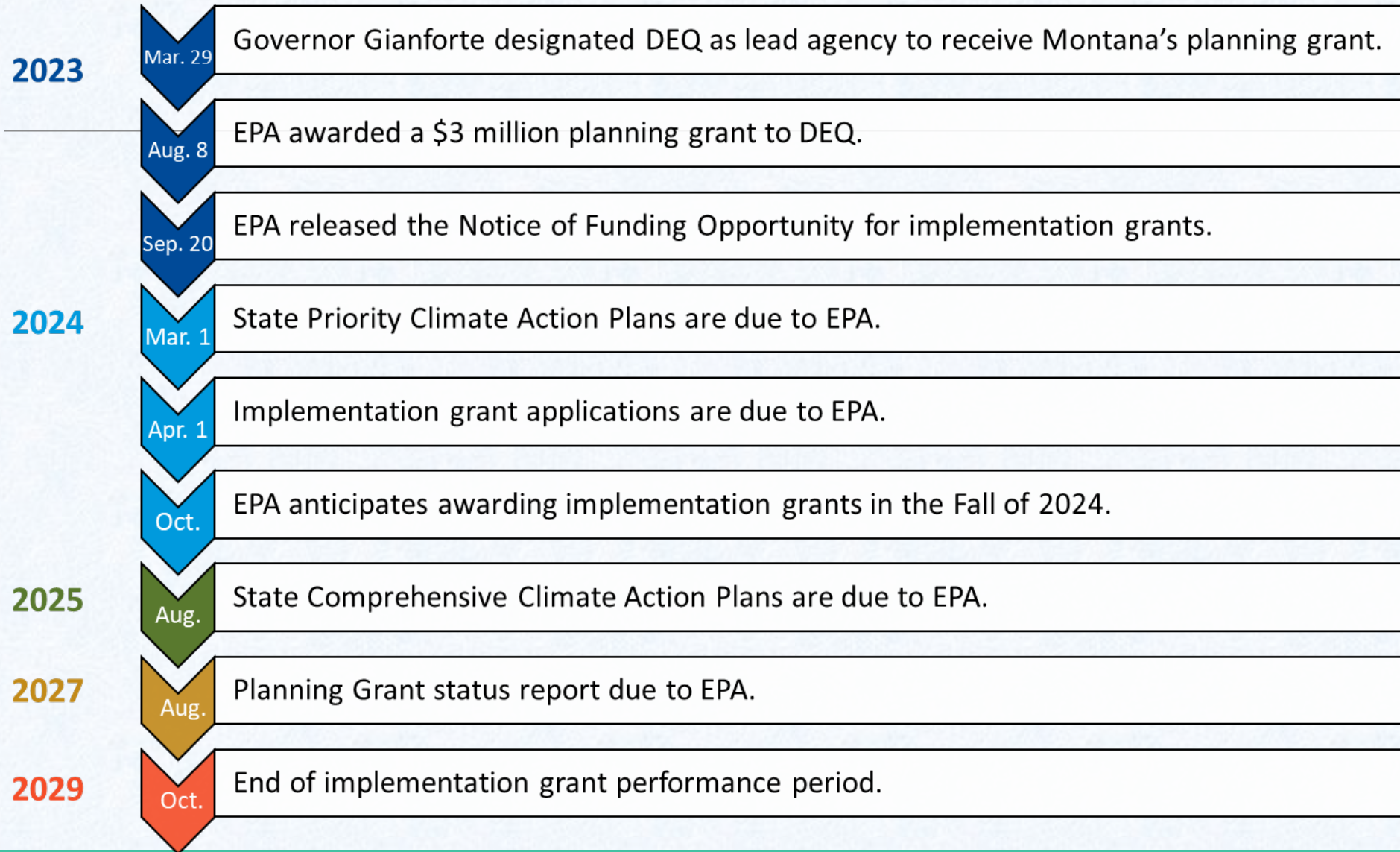


# Funding Availability

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	Grant Ranges (million)	Funds Target for Each Tier (billion)	Anticipated Number of Grants to be Awarded
<b>Tier A</b>	\$200 to \$500	\$2	4-10
<b>Tier B</b>	\$100 to <\$200	\$1.3	6-13
<b>Tier C</b>	\$50 to <\$100	\$0.6	6-12
<b>Tier D</b>	\$10 to <\$50	\$0.3	6-30
<b>Tier E</b>	\$2 to <\$10	\$0.1	10-50
	<b>Total</b>	<b>\$4.3 billion</b>	<b>30-115</b>

# Timeline



# Rules

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## **Affirmative Defense Regional Haze Proposed Rules**

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JULIE MERKEL, PERMITTING SUPERVISOR, [JMERKEL@MT.GOV](mailto:JMERKEL@MT.GOV)

LIZ ULRICH, PLANNING SUPERVISOR, [EULRICH2@MT.GOV](mailto:EULRICH2@MT.GOV)

AIR QUALITY BUREAU

# Affirmative Defense

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## State Implementation Plans (SIPs)

May 22, 2015 – EPA issued final action to align SSM Policy with Clean Air Act and court decisions (all emission limits apply on a continuous basis).

- SIP Call identified CFAC SSM provision in ARM 17.8.334 → We removed from ARM and SIP.

BUT... SSM Provisions still existed in the Montana SIP

- 40 CFR 52.1392(i). Federal Implementation Plan (FIP) for the Billings/Laurel Area. Affirmative defense provisions for exceedances of flare emission limits during malfunctions, startups, and shutdowns.

Facilities Impacted:

- CHS Refinery – Laurel
- Conoco Phillips Refinery, including Jupiter Sulfur Facility – Billings (P66)
- ExxonMobil Refinery – Billings
- Montana Sulphur & Chemical Company – Billings

## Title V Operating Permits

July 21, 2023 – EPA final rule removes the emergency affirmative defense provisions from the federal Title V operating permit program regulations (40 CFR 70.6(g) and 71.6(g)).

Remove exemptions from permitting rules and from permits as they come up for review.

ARM 17.8.1214 (5) and (6)



# Regional Haze

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- August 10, 2022 – Submitted 2<sup>nd</sup> Planning Period Regional Haze SIP to EPA.
- August 23, 2022 – EPA determines SIP submittal is administratively complete.
- July 26, 2023 – EPA took final action to approve two Montana Board of Environment Review Orders pertaining to regional haze requirements for four facilities into the state's SIP (FIP to SIP):
  - (1) NO<sub>x</sub>, SO<sub>2</sub>, and PM BART emission limits for the Ash Grove Cement Company's Montana City Plant and GCC Three Forks, LLC's Trident Plant;
  - (2) the PM BART emission limits for Talen Montana, LLC's Colstrip Steam Electric Station, Units 1 and 2;
  - (3) the determination that Colstrip Units 1 and 2's enforceable shutdown date of July 1, 2022, satisfies the outstanding NO<sub>x</sub> and SO<sub>2</sub> BART requirements for that facility;
  - (4) the determination that the outstanding NO<sub>x</sub>, SO<sub>2</sub>, and PM BART requirements for Corette are satisfied because the source is no longer in operation and has been demolished.
- August 23, 2023 – Sierra Club and National Parks Conservation Association submitted Notice of Intent to file suit in U.S. District Court for EPA's failure to act on 25 Regional Haze SIPs in a timely manner.
- January 31, 2025 – 2<sup>nd</sup> Planning Period Progress Report due

# EPA Rules

Title	Status
★ GHGs from EGUs - Power Plant Rule and Repeal of ACE Rule	Proposed Rule 5/23/2023
★ VOCs and Methane from Oil & Gas Sources	Proposed Rule -9/29/2023 - Sent to EPA's OMB
★ Implementing Rules for 111(d) Plans	Proposed Rule - Final Review 12/22/2023
★ Particulate Matter NAAQS	Proposed Rule - 9/22/2023 - Sent to EPA's OMB
★ MATS for Power Plants	Proposed Rule 4/24/2023
★ Air Emissions Reporting Rule (AERR)	Proposed Rule - Comments Due 11/17/2023
Contingency Measures for Ozone and Particulate Matter Nonattainment Areas	Proposed Rule 3/23/2023
Removal of Affirmative Defense from Title V Permits	Final Rule - Litigation 9/19/2023
Reclassification of Major Sources as Area Sources Under CAA 112 - MM2A	Proposed Rule - Comments Due 11/13/2023
Mandatory Greenhouse Gas Reporting	Proposed Rule 8/1/2023
Ozone NAAQS	Reconsideration 10/6/2023
Regional Haze - 3rd planning period	TBD



JAMIN GRANTHAM, FIELD  
SERVICES SUPERVISOR

AIR QUALITY BUREAU

[JAMIN.GRANTHAM2@MT.GOV](mailto:JAMIN.GRANTHAM2@MT.GOV)

# Inspection Season Report

# Field Services Section

## **Billings Office**

- Jamin Grantham – Section Supervisor
- Adam Bradly – Engineering Scientist
- Betsy Townsend – Engineering Scientist
- Ryan Syrenne – Engineering Scientist
- Saloma Lentz – Environmental Scientist
- Beverly Faraday – Environmental Scientist

## **Helena Office**

- Conor Fox – Engineering Scientist

## **Missoula Office**

- Karen Wilson – Environmental Scientist

# Inspections

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## Federal

- 28 permitted sites inspected
- Full Compliance Evaluations

## State

- 36 permitted site inspections
- 5 areas of non-compliance documented

# Registered Oil and Gas

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- Goal of 200 site inspections
- 235 site inspections completed
- 16 areas of non-compliance documented
- 8 warning letters issued
- 8 violation letters issued
- Most common areas of non-compliance leaking thief hatches and non-functioning flares
- 100% of non-compliance areas resolved

# Registered Portables Activities and Inspections

TROY BURROWS, PERMITTER  
AIR QUALITY BUREAU  
[TBURROWS@MT.GOV](mailto:TBURROWS@MT.GOV)

- Goal of 50 site inspections
- 52 site inspections completed
- 9 complaints investigated
- 2 public meetings attended to answer concerns on registered portables in Opencut Mines

# Monitoring Program Update

**KELLY DORSI,  
AIR RESEARCH &  
MONITORING  
SUPERVISOR  
AIR QUALITY BUREAU**

**[KELLY.DORSI@MT.GOV](mailto:KELLY.DORSI@MT.GOV)**

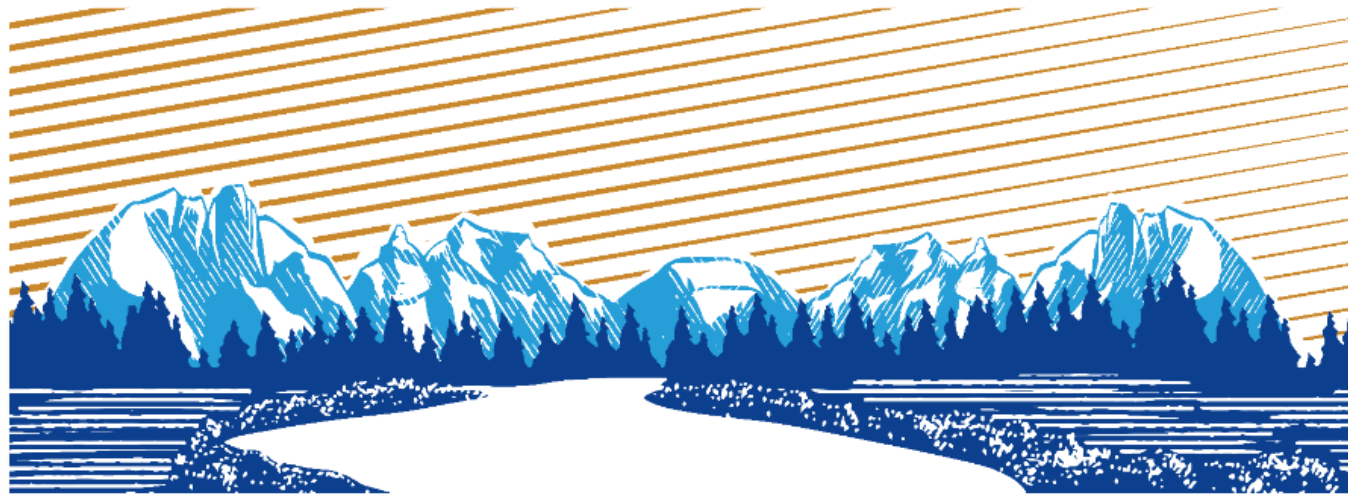


# New QAPP

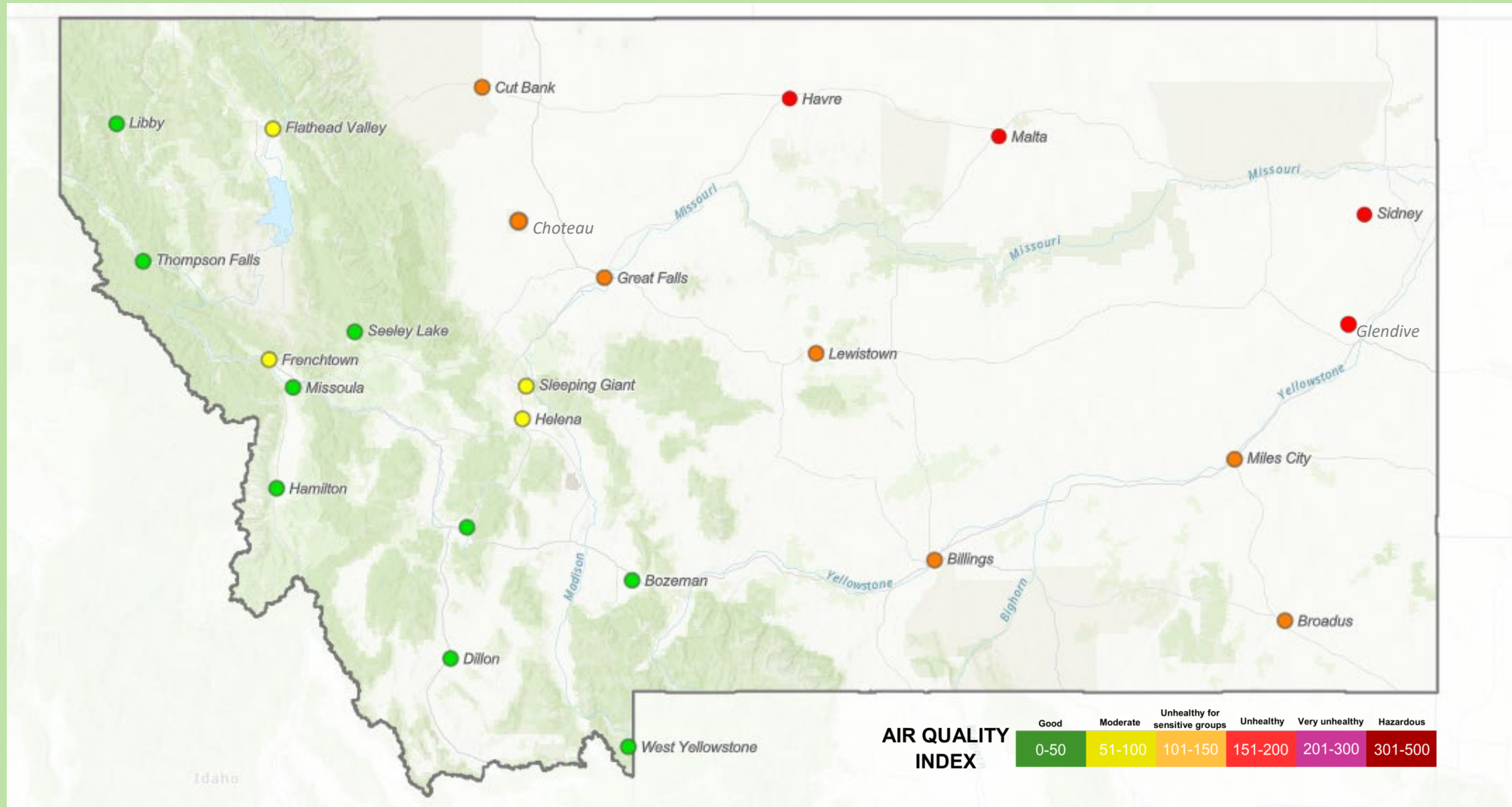
Approved June 2023

<https://deq.mt.gov/air/Programs/monitoring>

## Ambient Air Monitoring Quality Assurance Project Plan

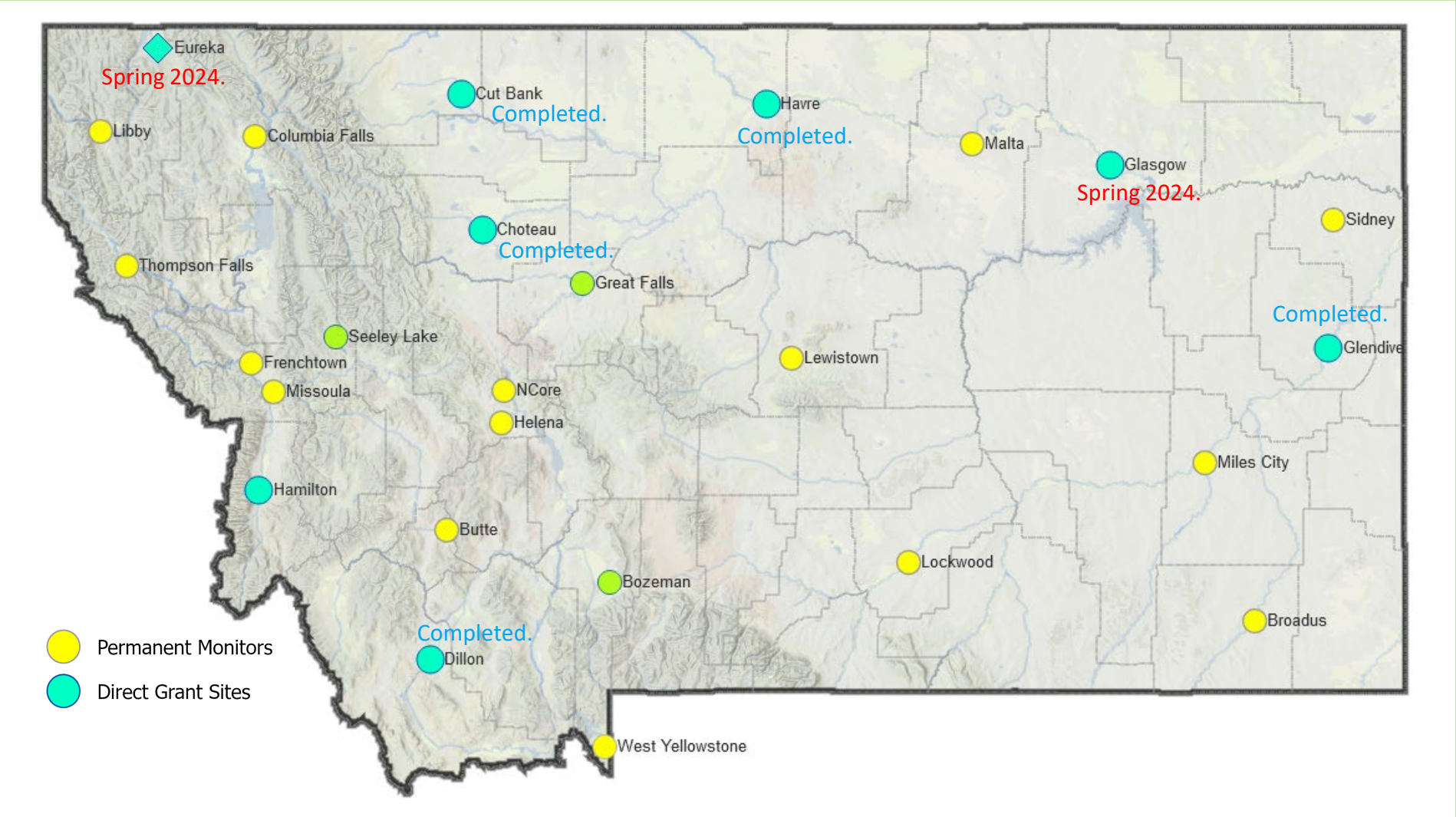


# Current Air Monitoring Network



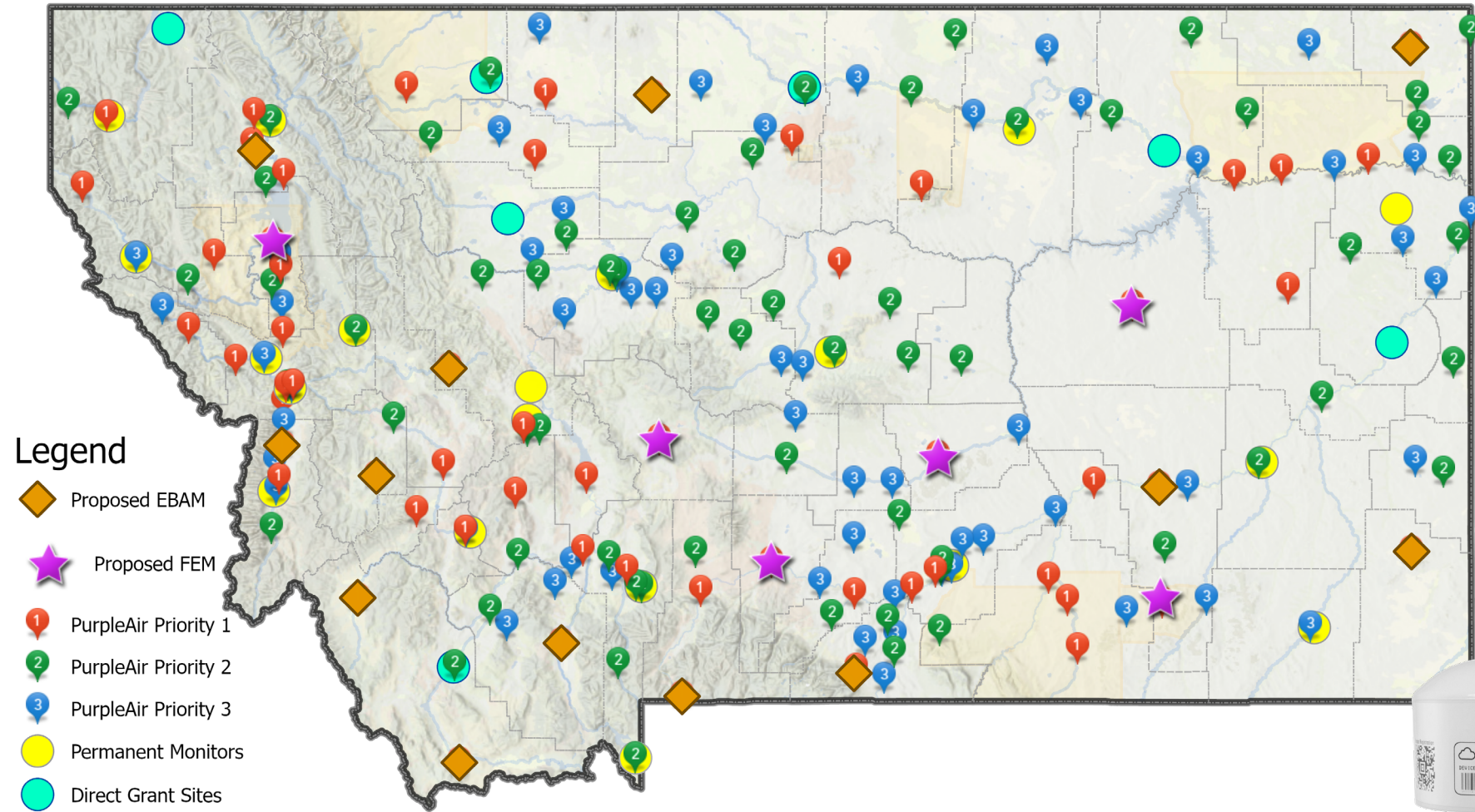


# Regulatory Network Expansion

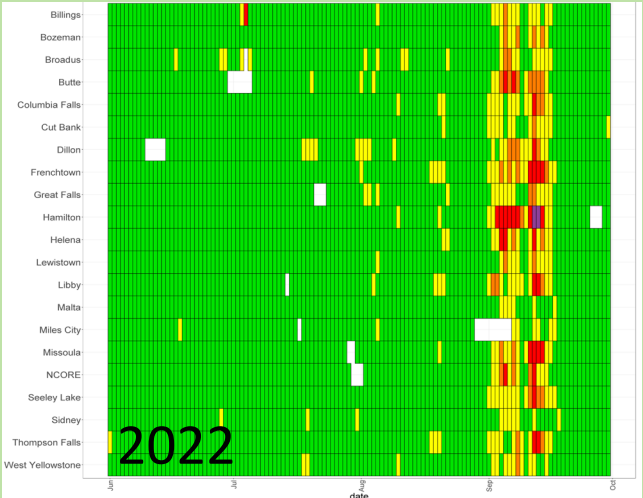
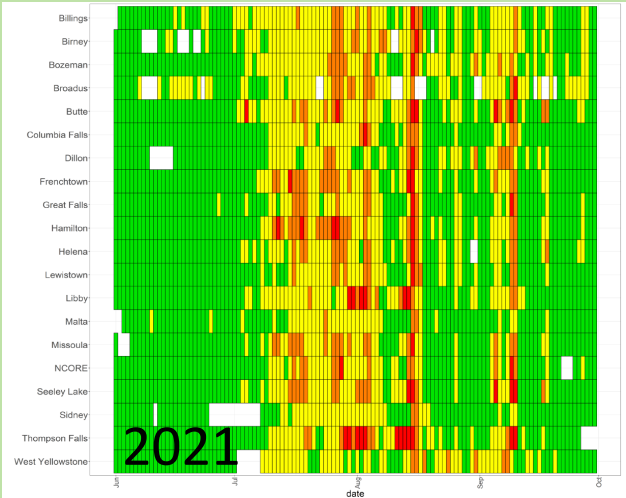
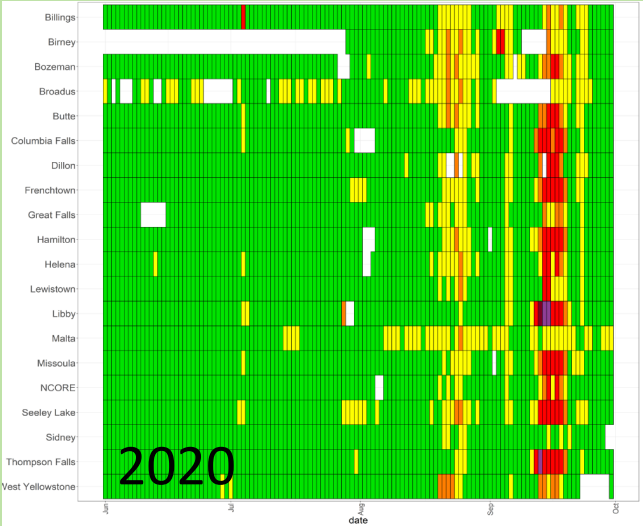
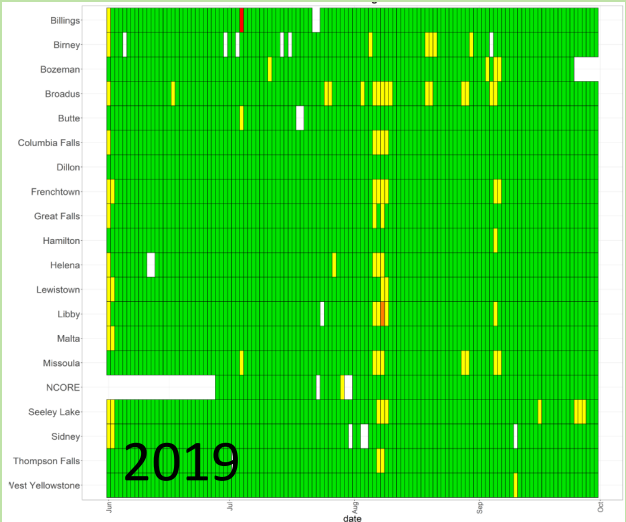




# Community Monitoring Network



# Smoke Trends | 2019- 2023



# Thank you for joining us

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[WWW.DEQ.MT.GOV/AIR](http://WWW.DEQ.MT.GOV/AIR)

406-444-3490

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