

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW  
OF THE STATE OF MONTANA

In the Matter of the Petitions of Teck	)	
Coal Limited and the Board of County	)	NOTICE OF SCHEDULE FOR
Commissioners of Lincoln County,	)	IMPLEMENTATION OF
Montana, for review of ARM	)	REVIEW BY THE BOARD OF
17.30.632(7)(a) pursuant to Mont. Code	)	ENVIRONMENTAL REVIEW
Ann. Section 75-5-203 – Stringency	)	
Review of Rule Pertaining to Selenium	)	
Standard for Lake Koocanusa	)	
	)	

**I. INTRODUCTION**

1. On June 30, 2021, Teck Coal Limited (Teck) filed a petition with the Board of Environmental Review (Board or BER) for review of ARM 17.30.632(7)(a) pursuant to Mont. Code Ann. Section 75-5-203 (Stringency Review).
2. On October 14, 2021, the Board of County Commissioners of Lincoln County (Lincoln County) filed a nearly identical petition to the one filed by Teck (the petitions of Teck and Lincoln County are hereafter referred to as “the Petitions”).
3. The Board received comments on the suggested process for consideration of the Petitions, and on October 29, 2021, the Board determined that it would consider the Petitions in a non-contested case format. The Board consolidated the Petitions and determined, with Teck’s waiver, that the eight-month period provided in Mont. Code Ann. § 75-5-203(4)(a) would commence on October 14, 2021, the date Lincoln County filed its petition. The Board delegated the responsibility of compiling the rulemaking record that culminated in passage of the ARM 17.30.632 to Board Counsel, Katherine Orr.

**II. STRINGENCY REVIEW PROCESS**

1. The record supporting the promulgation of ARM 17.30.632 will be submitted to the Board and posted on the Board website by December 15, 2021.

2. Written comments addressing the issues presented by the Petitions may be submitted to the Board on or before January 13, 2022, at 5:00 p.m. Each reference to the rulemaking record in a comment must clearly identify the specific part of the record that is referenced. Each comment must include the name, address and email of the commenter.
3. The Board will post comments filed on or before January 13, 2022, on the Board's website under the heading COMMENTS ON THE STRINGENCY REVIEW OF THE SELENIUM RULE on January 14, 2022.
4. A response to comments filed on or before January 13, 2022, may be filed on or before January 21, 2022, at 5:00 p.m. Each response to comments must include identification of the responder by name, address and e-mail. The specific comment or comments being addressed must be referenced with each response.
5. The Board will post the responses to comments filed on or before January 24, 2022, on the Board's website under the heading RESPONSES TO COMMENTS ON THE STRINGENCY REVIEW OF THE SELENIUM RULE.
6. Comments received after the deadlines will not be considered. Comments addressing any matter other than Stringency Review under MCA § 75-5-203 will not be considered by the Board.
7. On January 31, 2022, a public meeting will be held by a hearing examiner via zoom and in person with the location and invitation to be published on the Board website on January 21, 2022. The public meeting will be conducted on the record by a hearing examiner. The public meeting will be limited to 2 hours, to be divided equally between proponents of the petitions and opponents. No written comments will be accepted in conjunction with the meeting.

Approved by:

BOARD OF ENVIRONMENTAL REVIEW

/s/Katherine Orr

KATHERINE ORR  
Board Counsel

BY: /s/ Steven Ruffatto

STEVEN RUFFATTO  
Chairman