

SENATE BILL NO. 349

INTRODUCED BY J. TREBAS, D. EMRICH, B. USHER, K. BOGNER, B. BEARD

A BILL FOR AN ACT ENTITLED: "AN ACT DECLARING DEPARTMENT OF ENVIRONMENTAL QUALITY AUTHORITY OVER AIR QUALITY, WATER QUALITY, AND EMISSION PERMITTING STANDARDS FOR EXISTING FOSSIL FUEL-FIRED ELECTRIC GENERATING UNITS WITHIN THE STATE; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Legislative findings. (1) The legislature declares the state court system, federal court system, and the federal environmental protection agency have not proven that air quality, water quality, and emissions emitted from fossil fuel-fired electric generating units have caused quantifiable harm to any person, business, or place beyond the borders of the state.

(2) The legislature further declares that the federal environmental protection agency, acting under the authority of the United States congress to regulate air quality, water quality, and emission standards, lacks the authority to adopt rules and deny permits that hinder the continued operation of fossil fuel-fired electric generating units without significant economic investment from fossil fuel-fired electric generating unit owners, utilities, and ratepayers.

NEW SECTION. Section 2. Policy and requirements for fossil fuel-fired electric generating units within borders of state. (1) Environmental regulation as it relates to fossil fuel-fired electric generating units in the state for the purposes of regulating air quality, water quality, and emissions and business activity performed in the state is the principal responsibility of the department of environmental quality.

(2) The department of environmental quality is the sole oversight and permitting authority for existing fossil fuel-fired electric generating units, relating to air quality, water quality, and emissions standards, pursuant to Title 75, chapter 1, chapter 2, and chapter 5.

(3) As used in this section, "fossil fuel-fired electric generating unit" means an existing plant or unit

1 within the state that is currently in operation that generates electricity from coal, natural gas, or oil.

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3 NEW SECTION. **Section 3. Contingent voidness.** If the federal environmental protection agency
4 repeals rules 89 Fed. Reg. 38508 (May 7, 2024) and 89 Fed. Reg. 39798 (May 9, 2024), then [this act] is void.
5 The department of environmental quality shall notify the code commissioner of the occurrence of the
6 contingency and the date of the occurrence.

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8 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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