

## Air Pollution Control Advisory Council

**Purpose:** The Air Pollution Control Advisory Council (APCAC) serves in an advisory capacity to the Department of Environmental Quality (Department) on matters relating to air pollution. [75-2-121, MCA.](#)

No rule and no amendment or repeal thereof may take effect except after public hearing on due notice and after the advisory council has been given, at the time of publication, the proposed text to comment thereon. Such notice shall be given and any hearing conducted in accordance with the provisions of the Montana Administrative Procedure Act and rules made pursuant thereto. [75-2-205, MCA.](#)

**History:** The Montana Clean Air Act was signed into law on March 3, 1967. [75-2 Parts 1-5, MCA.](#) The Act required the then Board of Health and Environmental Sciences (BHES) to establish ambient air quality standards for the entire state within 90 days following promulgation. On March 21, 1967, Governor Babcock appointed nine of the 11 original APCAC members to assist BHES in adopting initial standards later adopted on May 27, 1967. Since these initial standards were considered simply goals and guidelines, future development of enforceable standards and other planning actions required a formally defined advisory council for the rule-making process. In 1971, APCAC membership was formally defined and to date remains unchanged. [2-15-2106, MCA.](#)

**Membership:** APCAC is composed of ten members appointed by the Governor with the consent of the Senate. Members serve at the pleasure of the Governor. APCAC is directed to convene meetings at least twice each calendar year. [75-2-123, MCA.](#) Each member represents one of the interests outlined below:

- Labor representative;
- Agriculture representative;
- Manufacturing industry representative;
- Fuel industry representative;
- Licensed practicing physician;
- Licensed practicing veterinarian;
- Registered practicing professional chemical or environmental engineer;
- Meteorologist;
- Conservationist; and
- Urban planning consultant.

**Status:** Meeting statutory requirements. Since its re-emphasis in 1997, APCAC has been ineffective in providing advice to the Department. Despite the Department's best efforts, recruitment and retention remains an ongoing challenge. In fact, APCAC is usually unable to establish a quorum. APCAC provided only one recommendation to the Department over the past 15 years. The Department budgets over \$5,000 annually for APCAC support - paid for by permit fees and EPA grant.

The Department attributes the ineffectiveness of APCAC to the complex nature of air regulatory issues and diverse member composition not routinely associated with air pollution control. Former APCAC members indicated that the study and understanding necessary to fully comprehend agenda items often exceeds their available time and interest.

The Department is currently evaluating the benefits of eliminating the requirement for APCAC in favor of streamlining stakeholder involvement through the MAPA process and the Clean Air Act Advisory Committee process, which has been the mainstay of agency substantive outreach since the early 1990s.

As required, APCAC meeting agendas minutes are posted on the Department's website:

<http://deq.mt.gov/AirQuality/APCAC/APCAC.mcp>