



ADMINISTRATIVE RULES OF MONTANA



17.30.103 APPLICATION FOR CERTIFICATION

- (1) A person may not conduct or commence construction for any activity requiring state water quality certification under 33 USC section 1341, as amended, unless the department has issued certification, issued with conditions, or waived certification under this subchapter.
- (2) An application for state water quality certification under this subchapter is not deemed complete until the permit fee required under ARM 17.30.201 is remitted to the department.
- (3) The applicant, the licensing or permitting agency, or the regional administrator (under 40 CFR 121.13) shall submit to the department a complete description of the activity for which certification is sought, including:
 - (a) the name and address of the applicant;
 - (b) a description of the facility or activity and of any discharge which may result from the facility or activity including, but not limited to:
 - (i) the volume of the discharge;
 - (ii) the biological, chemical, physical, and radiological characteristics of the discharge;
 - (iii) a description of the existing environment at the site of the discharge;
 - (iv) the size of the area affected;
 - (v) the location or locations at which the discharge may enter state waters; and
 - (vi) any environmental impact assessment, information, maps, and photographs which have been provided to the licensing or permitting agency;
 - (c) a description of the function and operation of equipment, facilities, activities, or practices to minimize or to treat wastes or other effluents which may be discharged, including the degree of treatment expected to be attained;
 - (d) the date or dates on which the activity is proposed to begin and end, if known, and the date or dates on which the discharge will take place; and
 - (e) a description of the methods being used or proposed to monitor the quality and characteristics of the discharge and the operation of equipment, facilities, or activities employed in the treatment or control of pollutants.
- (4) The department may exempt an applicant from the information requirements of (3)(b), (c), and (e) of this rule, if the applicant's federal permit application is to the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, 33 USC 1344, as amended, and the federal permit application provides the information required under these sections.

- (5) The department shall review the application for completeness within 30 days of receipt of the application. If the application is not complete, the department shall notify the applicant of any additional materials reasonably necessary for review of the application.
- (6) The applicant shall submit in timely fashion, at any time during the review process, any new information or modifications of the facility or activity which are pertinent to the department's certification responsibilities.
- (7) An application is deemed complete if the applicant has provided all information included in (3), and the fee required in (2).

Authorizing statute(s): 75-5-401, MCA

Implementing statute(s): 75-5-402, MCA

History: NEW, 1991 MAR p. 2033, Eff. 11/1/91; TRANS, from DHES, 1996 MAR p. 1499; AMD, 2018 MAR p. 2517, Eff. 12/22/18.