



ADMINISTRATIVE RULES OF MONTANA



17.8.1232 PUBLIC PARTICIPATION

- (1) Except for permit changes not requiring revisions under ARM 17.8.1224, administrative permit amendments under ARM 17.8.1225, department review of activities to be conducted pursuant to general permits under ARM 17.8.1222, and minor permit modifications where the department has not made a determination that public notice is required under ARM 17.8.1226(12), all air quality operating permit proceedings, including initial permit issuance, minor permit modifications where the department has made a determination that public notice is required under ARM 17.8.1226(12), significant permit modifications, and renewals, shall provide adequate procedures for public notice, including an opportunity for both public comment and a hearing on the draft permit. These procedures shall include the following:
 - (a) The department shall give public notice by publication in a newspaper of general circulation in the area where the source is located, to persons on a mailing list developed by the department including those who request in writing to be on the list, and by other means if necessary to assure adequate notice to the affected public.
 - (b) The notice required under (1)(a), shall identify the following:
 - (i) the affected facility;
 - (ii) the name and address of the permittee;
 - (iii) the name and address of the department;
 - (iv) the activity or activities involved in the permit action;
 - (v) the emissions change involved in any permit modification;
 - (vi) the name, address, and telephone number of a person from whom interested persons may obtain additional information, including copies of the draft permit, the application, all relevant supporting materials, including those set forth in compliance plans, compliance certification reports and monitoring reports, and all other materials available to the department that are relevant to the permit decision, with the exception of information that has been declared confidential;
 - (vii) a brief description of the comment and appeal procedures required by this chapter; and
 - (viii) the time and place of any hearing that may be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled).
 - (c) The department shall provide such notice and opportunity for participation by affected states as provided in ARM 17.8.1233.

- (d) The department shall provide at least 30 days for public comment and shall give notice of any public hearing at least 30 days in advance of the hearing.
- (2) The department shall keep a record of both the commentors and the issues raised during the public participation process so that the administrator may fulfill the obligation under section 505(b)(2) of the FCAA to determine whether a citizen petition may be granted, and such records shall be available to the public.
- (3) All comments received during the public comment period shall be promptly forwarded to the source in order that the source may have an opportunity to respond to these comments.

Authorizing statute(s): 75-2-217, MCA

Implementing statute(s): 75-2-217, 75-2-218, MCA

History: NEW, 1993 MAR p. 2933, Eff. 12/10/93; TRANS, from DHES, 1996 MAR p. 2285; AMD, 2003 MAR p. 645, Eff. 4/11/03; AMD, 2007 MAR p. 1663, Eff. 10/26/07.