



ADMINISTRATIVE RULES OF MONTANA



17.30.1372 PUBLIC NOTICE OF PERMIT ACTIONS AND PUBLIC COMMENT PERIOD

- (1) The department shall give public notice that the following actions have occurred:
 - (a) a permit application has been tentatively denied under ARM 17.30.1370(2);
 - (b) a draft permit has been prepared under ARM 17.30.1370(4);
 - (c) a hearing has been scheduled under ARM 17.30.1374;
 - (d) an MPDES new source determination has been made under ARM 17.30.1340.
- (2) No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied under ARM 17.30.1365(2). Written notice of that denial must be given to the requester and to the permittee.
- (3) Public notices may describe more than one permit or permit actions.
- (4) Public notice of the preparation of a draft permit (including a notice of intent to deny a permit application) required under (1) must allow at least 30 days for public comment. If the department determines that an environmental impact statement (EIS) must be prepared for a new source, public notice of the draft permit may not be given until after a draft EIS is issued. Public notice of a public hearing must be given at least 30 days before the hearing. (Public notice of the hearing may be given at the same time as public notice of the draft permit and the two notices may be combined.)
- (5) Public notice of activities described in (1)(a) must be given by the following methods:
 - (a) by mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this rule may waive his or her rights to receive notice for any classes and categories of permits):
 - (i) the applicant;
 - (ii) federal and state agencies with jurisdiction over fish and wildlife resources and other appropriate government authorities, including any affected states;
 - (iii) any state agency responsible for plan development under federal Clean Water Act section 208(b)(2), 208(b)(4), or 303(e), and the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service;
 - (iv) any user identified in the permit application of a privately owned treatment works;
 - (v) persons on a mailing list developed by:
 - (A) including those who request in writing to be on the list;

- (B) soliciting persons for "area lists" from participants in past permit proceedings in that area; and
 - (C) notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as regional and state funded newsletters, environmental bulletins, or state law journals (the department may update the mailing list from time to time by requesting written indication of continued interest from those listed. The department may delete from the list the name of any person who fails to respond to such a request);
- (vi) to any unit of local government having jurisdiction over the area where the facility is proposed to be located; and
- (vii) to each state agency having any authority under state law with respect to the construction or operation of such facility.
- (b) for major permits and MPDES general permits, a notice published in a daily or weekly newspaper within the area affected by the facility or activity;
- (c) in any other manner constituting legal notice to the public under state law; and
- (d) any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation; and
- (e) for major permits and MPDES general permits, in addition to the publication of a notice in a daily or weekly newspaper, as described in (5)(b), the department may also publish all notices of activities described in (1) to the department's public website.
- (6) All public notices issued under this rule must contain the following minimum information:
 - (a) name and address of the office processing the permit action for which notice is being given;
 - (b) name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;
 - (c) a brief description of the business conducted at the facility or activity described in the permit application or the draft permit;
 - (d) name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit as the case may be, statement of basis or fact sheet, and the application;
 - (e) a brief description of the comment procedures required by ARM 17.30.1373 and 17.30.1374 and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision; and
 - (f) a general description of the location of each existing or proposed discharge point and the name of the receiving water.
- (7) In addition to the general public notice described in (6)(a), the public notice of a hearing under ARM 17.30.1374 must contain the following information:
 - (a) reference to the date of previous public notices relating to the permit;

- (b) date, time, and place of the hearing; and
 - (c) a brief description of the nature and purpose of the hearing, including the applicable rules and procedures.
- (8) In addition to the general public notice described in (4)(a), all persons identified in (5)(a)(i) through (iv) must be afforded an opportunity to request a copy of the fact sheet, the permit application (if any), and the draft permit (if any).

Authorizing statute(s): 75-5-201, 75-5-401, MCA

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

History: NEW, 1989 MAR p. 2060, Eff. 12/8/89; TRANS, from DHES, 1996 MAR p. 1499; AMD, 2020 MAR p. 1879, Eff. 10/24/20.