



ADMINISTRATIVE RULES OF MONTANA



17.8.759 REVIEW OF PERMIT APPLICATIONS

- (1) Except for applications subject to ARM 17.8.760 , when an application for a permit does not require an environmental impact statement, the application is not considered filed until the owner or operator has submitted to the department all required fees and all information and completed application forms.
- (2) The department shall notify the applicant in writing within 30 days after receiving an application if an application is incomplete. The notice must list the reasons the application is considered incomplete, any additional information required, and the date by which the applicant must submit any additional required information. If the requested additional information is not submitted by the date specified by the department in the notice, the application is considered withdrawn unless the applicant requests in writing an extension of time for submission of the additional information. If the department receives additional application information, whether prior to a determination of completeness or in response to a notice of incompleteness, the 30-day application completeness review period begins again.
- (3) Within 40 days after receiving a complete application for a permit, the department shall make a preliminary determination as to whether the permit should be issued, issued with conditions, or denied.
- (4) After making a preliminary determination, the department shall notify those members of the public who requested such notification subsequent to the notice required by ARM 17.8.748 and the applicant of the department's preliminary determination. The notice must specify that comments may be submitted on the information submitted by the applicant and on the department's preliminary determination. The notice must also specify the following:
 - (a) that a complete copy of the application and the department's analysis of the application is available from the department and in the air quality control region where the emitting unit is located;
 - (b) the date by which all comments on the preliminary determination must be submitted in writing, which must be within:
 - (i) 30 days after the notice is mailed for applications subject to the federal air permitting provisions of 42 U.S.C. 7475, 7503, or 7661 or the provisions of [75-2-215](#) , MCA, or applications that require preparation of an environmental impact statement; or
 - (ii) 15 days after the notice is mailed for all other applications, except as provided in (5) ; and
 - (c) the date by which a final decision must be made pursuant to [75-2-211](#) (9) , MCA.

- (5) The department may, on its own action, or at the request of the applicant or member of the public, extend by 15 days the period within which public comments may be submitted as described in (4) (b) (ii) and the date for issuing a final decision on a permit application as described in [75-2-211](#) (9) (b) , MCA, if the department finds that an extension is necessary to allow the department to make an informed decision.
- (a) Any request for an extension, as provided under (5) , by the applicant or a member of the public must be submitted to the department by the date that written comments on the preliminary determination originally were due.
 - (b) The department shall extend the comment period if the preliminary determination contains one or more requirements of 40 CFR part 63, as incorporated by reference in this chapter, that require a 30-day comment period.
 - (c) The department shall notify the applicant of any extensions granted under (5) .
- (6) The time for issuing a final decision may be extended for 30 days by written agreement of the department and the applicant. The department may grant additional 30-day extensions at the request of the applicant.

Authorizing statute(s): 75-2-111, 75-2-204, MCA

Implementing statute(s): 75-2-211, MCA

History: NEW, 2002 MAR p. 3567, Eff. 12/27/02; AMD, 2003 MAR p. 2272, Eff. 10/17/03; AMD, 2005 MAR p. 2663, Eff. 12/23/05.