



ADMINISTRATIVE RULES OF MONTANA

17.30.1024 REVIEW PROCEDURES

- (1) No application will be processed by the department until all of the requested information is supplied and the application is complete. The department shall make a determination of the completeness of the information within 30 calendar days of receipt of an application.
- (2) An application for a MGWPCS permit is not deemed complete until the permit fee required under ARM 17.30.201 is remitted to the department.
- (3) After receipt of a complete MGWPCS permit application and requested supplemental information, the department shall make a tentative determination with respect to issuance or denial of an MGWPCS permit. The tentative determination must be based on compliance or noncompliance with the requirements of this subchapter and Title 75, chapter 5, MCA.
- (4) After making the tentative determination, the department shall take the following action:
 - (a) If the determination is to deny an MGWPCS permit, the department shall give written notice of the denial to the applicant, including a statement of reasons for the denial.
 - (b) If the determination is to issue an MGWPCS permit, the department shall prepare a draft MGWPCS permit, which must include the following:
 - (i) proposed discharge limitations and conditions;
 - (ii) monitoring and reporting requirements if any;
 - (iii) necessary schedules of compliance, including interim dates and requirements for meeting proposed discharge limitations or other special conditions.
- (5) A public notice of every tentative determination to issue a permit must be circulated by the department in accordance with the procedures described in ARM 17.30.1040 to inform the public of the proposed discharge and of the tentative determination.
- (6) The department shall provide a period of not less than 30 days following the date of the public notice during which time any person may submit written views or request a public hearing on the tentative determination. Any request for a public hearing must indicate the interest of the party filing the request and the reasons why a hearing is warranted.
- (7) The department may hold a hearing on its own initiative or when it determines good cause exists to hold such a hearing upon request of any person. Public notice of a public hearing on a tentative determination must be given in accordance with ARM 17.30.1040.
- (8) If a public hearing is not held pursuant to (6), the department shall, within 30 days after termination of the comment period provided for in (5), make a final determination on issuance or

denial of an MGWPCS permit. All written comments submitted during the 30-day comment period must be retained by the department and considered in the final determination.

- (9) If a public hearing is held on the tentative determination, the department shall make its final determination on the MGWPCS permit application within 60 days following the hearing. All comments recorded during the public hearing and written comments submitted during the 30-day comment period required in (5) must be retained by the department and considered in the final determination.
- (10) After making the final determination on an MGWPCS permit application the department shall issue an MGWPCS permit or give written notice to the applicant of the department's decision to deny, including notice to the applicant of its right to appeal the denial or final determination to the board.

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

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

History: NEW, 1982 MAR p. 1937, Eff. 10/29/82; TRANS, from DHES, 1996 MAR p. 1499; AMD, 2024 MAR p. 262, Eff. 2/10/24.