



ADMINISTRATIVE RULES OF MONTANA

17.30.1365 MODIFICATION, REVOCATION AND REISSUANCE, OR TERMINATION OF PERMITS

- (1) During their term, permits may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) . However, permits may only be modified, revoked and reissued, or terminated for the reasons specified in ARM 17.30.1361 or 17.30.1363. All requests must be in writing and must contain facts or reasons supporting the request.
- (2) If the department decides the request is not justified, it shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings. Denials by the department may be appealed to the board by a petition or letter setting forth the relevant facts. The board, after hearing, may affirm the department's action or may direct the department to begin modification, revocation and reissuance, or termination proceedings under (3) .
- (3) During their term, permits may be modified, revoked and reissued, or terminated upon the initiative of the department. However, such action may only be taken for one or more of the reasons specified in ARM 17.30.1361 or 17.30.1363. If the department modifies, revokes and reissues, or terminates a permit, the department shall give written notice of its action to the holder who may file a written request within 30 days for a hearing before the board in the manner stated in 75-5-611 , MCA. Such hearing must be held within 30 days after the board receives written request. If the holder does not request a hearing, a modification of a permit is effective 30 days after receipt of notice by the holder unless the department specifies a later date. If the holder does request a board hearing, no order modifying his permit may be effective until 20 days after the holder has received notice of the board's action. The effective date of a termination or suspension of a permit by the department or board must be in accordance with 75-5-404 , MCA.
- (4)
 - (a) If the department tentatively decides to modify or revoke and reissue a permit under ARM 17.30.1361, it shall prepare a draft permit under ARM 17.30.1370 incorporating the proposed changes. The department may request additional information and, in the case of a modified permit, may require the submission of an updated application. In the case of revoked and reissued permits, the department shall require the submission of a new application.
 - (b) In a permit modification under this rule, only those conditions to be modified may be reopened when a new draft permit is prepared. All other aspects of the existing permit remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this rule, the entire permit is reopened just as if the permit had expired and

was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.

- (c) Minor modifications as defined in ARM 17.30.1362 are not subject to the requirements of this rule.
- (5) If the department tentatively decides to terminate a permit under ARM 17.30.1363, it shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under ARM 17.30.1370.

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.