

Note: This summary was sent to the Montana Contractors' Association by a large highway contractor.

Why HB 678 Doesn't Work

- **There is no possible way to get issued a permit in less than 45 days after the determination of completeness is issued by DEQ.**
 - Page 7 – Line 4 states that the DEQ **SHALL** accept requests for a public meeting for 45 days after the notice to the applicant of a complete application (59 calendar days from when your application was submitted). These 45 days will apply to **ALL** permit applications. Even an application way out in the prairie, with zero neighbors, 100 miles from the nearest town.
 - Under the current system we have all had instances where we have been able to get these no-brainer, remote, one project permits done within a few weeks. I think this section completely ties the DEQ's hands so they cannot allow ANY permit until this 45 day notice period (59 days total) is up, no matter how simple the permit is.

- **If the DEQ decides on day 44 of the public meeting request period (58 calendar days from when your application was submitted), that there needs to be a public meeting, due to public interest or just at their own discretion, how many days will this add to the process? It states on Page 7 – Line 19 that the DEQ shall notify the property owners etc. by Certified Mail about a public meeting.**
 - Other than obvious time Certified Mail will take, there must be a minimum number of days to 'advertise' for the public meeting? It's obvious that this could easily add 1 – 2 weeks to the process. I can't imagine you can request a public meeting and hold it without a significant notice timeframe to the public.
 - Since the meeting can only be held between the 15th and 45th days of the public meeting request period, there is a good chance that the meeting will fall to the end of the period.
 - Even if the public meeting is frivolous, and it proves there are NO deficiencies, the applicant has still lost this time.

- **What is to stop the DEQ from getting overwhelmed with public comments from people/groups outside of the ½ mile radius and being forced to call a public meeting? Since the bill gives the DEQ the ability to call for public meetings at it's discretion, these loud, persistent groups will more than likely get a chance to be heard.**
 - If the DEQ gets comments from citizen's/anti gravel pit groups from outside the immediate pit area, even if they are not directly affected by the operation, won't they be forced to call for a public meeting? We all know that the DEQ usually chooses the path of least resistance, and if a public meeting is needed just to satisfy some committed, organized anti-gravel group, they will hold a meeting. As stated above, even if nothing substantial comes out of the public meeting(s), the process assures that the time frame will still be impacted.

These are Construction Companies concerns of the obvious problems with the bill.

We feel that these issues are realistic and will make the permit time frames unworkable, especially for the simple, short duration, single job pits.

It may seem that some of these interpretations are assuming that all of the time frames etc. will be pushed to the limit by the DEQ and assumes the worst of the DEQ and the public comment process. But to any of us who have had to deal with the DEQ on contentious pits or anyone who has attended a public meeting, we know these are all legitimate concerns.