

How MT Dept. of Environmental Quality Permit Statutes Protect Fish and Wildlife, Cultural Resources, and Public Safety

Act/Statute	Do DEQ's substantive environmental permitting statutes require examining impacts to the following resources?				
	Fish and Wildlife	Cultural Resources	Public Safety	Is info disclosed to public?	Can DEQ condition a permit for impacts to these 3 issues?
Clean Air Act	No	No	No	No	No - no ability to condition
Water Quality Permitting	No	No	No	No	No - no ability to condition
Asbestos Control Act	No	No	Related to asbestos removal	No - information is in DEQ files	No - except applicant must have health and safety plan for workers
Public Water & Sewer Systems	No	No	No	No	No - no ability to condition
Montana Solid Waste Management Act	Limited: Threatened and endangered species; bird hazards to airports; impacts to floodplains and wetlands	historic sites only (no cultural resource requirement)	Related to faults, soil stability, methane gas, fire prevention, & public access	No - information is in DEQ files	Limited: Conditions can be placed on permit based on issues described to the left.
MT Hazardous Waste Act	Limited: Threatened and endangered species; impacts to floodplains and wetlands	historic sites only (no cultural resource requirement)	Similar to above but facility design and contingency plan requirements are greater	DEQ must be provided with info required for EA/EIS (but MEPA is where this info is summarized and made available to the public).	Limited: Conditions can be placed on permit based on issues described to the left.
Motor Vehicle Wrecking Facility	No	No	No	No	No - no ability to condition
Septic tanks, cesspools, etc.	No	No	No	No	No - no ability to condition
Underground Storage Tanks	Yes	Yes	Related to spills, spill prevention, corrosion prevention, and leak detection	No - information is in DEQ files	Conditions can be placed on permit to protect the environment and public health, safety & welfare.
Major Facility Siting Act	Yes	Yes	Yes	DEQ must be provided with info required for EA/EIS (but MEPA is where this info is summarized and made available to the public).	Conditions can be placed on permit to protect the environment and public health, safety & welfare.
Subdivisions (water, septage disposal, solid waste)	No	No	No	No - information is in DEQ files	No - no ability to condition
MT Strip & Underground Mine Reclamation Act	Yes	Yes	Related to blasting plan and buffer zones for public safety	Limited: Application must be available for public review in area of mine	Conditions can be placed on permit based on issues described to the left.
Hard Rock Mining Regulation Act	Limited: Threatened and endangered species only	Yes	No	No - information is in DEQ files	Limited: Conditions can be placed on permit based on issues described to the left.
Opencut Mining Act	Limited: wildlife habit only	Yes	No - although must minimize impacts on residential areas	No - information is in DEQ files	Limited: Conditions can be placed on permit based on issues described to the left.

NOTE: permitting statutes do not require information to be summarized and provided to the public. MEPA and MEPA rules are the mechanism available to make this information available to the public.

Key	No	Limited	Yes
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