Introduction

Permitting in Montana is published by the Environmental Quality Council (EQC) as a tool to assist lawmakers and the public in understanding three environmental permitting processes that have recently generated much discussion. This brochure is intended as a simple, visual guide to the three processes, outlining the responsibilities of the applicant, the regulatory agency (the Department of Environmental Quality (DEQ)), and the public in each.

Permitting in Montana provides a complete list of the permits and licenses needed to conduct activities that may affect the state’s environment. The EQC also provides the Montana Index of Environmental Permits, which is a complete list of the permits and licenses needed to conduct activities that may affect the state’s environment.

FAQs About Permitting in Montana

Where do I go if I need an environmental permit? Permitting processes require an agency to evaluate whether a proposed project is consistent with the health and welfare of Montanans. While we cannot provide a single phone number for you to call to get the answer you need, here are some common questions and answers:

- What kind of permit do I need?
- When do I need an environmental permit?
- How long will it take to get my permit?
- Who can help me with the process?
- Does the state monitor compliance with permit requirements?

What kind of permit do I need?

There are several types of permits that you may need for the following activities. This list is for reference purposes only. For more detailed information, contact the DEQ Permitting and Compliance Division at 406-444-4323.

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<tr>
<th>Activity</th>
<th>Air Protection</th>
<th>Waste Management</th>
<th>Storm Water Management</th>
<th>Drinking Water System</th>
<th>Public Infrastructure</th>
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Who can help me with the process?

The DEQ is responsible for the issuance of air environmental permits in Montana; however, other state agencies may be involved. Applicants can reach the DEQ Permitting and Compliance Division at 406-444-4113. For answers to general permitting questions, you may also call the Legislative Environmental Policy Office at 406-444-3742 or the Citizens’ Advocate Office at 406-444-3468.

Published by: The Legislative Environmental Quality Council, 2010, as a reference. For legal purposes, always refer to statute and rule.
Air Quality Permitting Process*

The process outlined below applies to a large energy development project, including but not limited to a power plant, refinery, or a special facility project. Other types of projects may require a different air quality permitting process than below:

1. **Initial Application**
   - Applicant files complete application with detailed air quality data and assessment
   - DEQ reviews completeness and notifies applicant of any deficiencies
   - For an "individual" permit, applicant must also submit application at least 180 days prior to construction.

2. **Public Notice**
   - Application complete, DEQ announces availability for public comment
   - Public comment period:
     - Within 30 days, DEQ reviews applicability and notifies applicant if approval is likely or unlikely
     - For Deficient, applicant has 10 working days to respond
   - Public meeting held within 30 days of notice

3. **MEPA**
   - Application meets requirements for application, but does not meet criteria for an "individual" permit
   - DEQ issues notice of application to DEQ, local governments, and public
     - Public meeting must be held
     - For MEPA determination, DEQ evaluates the project, public comment, and other factors
     - Within 30 days, DEQ completes Environmental Assessment (EA) within 45 days of application

4. **Final Decision**
   - Total time for permit issuance includes hearing or trial de novo
     - No appeal; decision is final
     - Appeal filed; a hearing is held within 30 days of administrative notice
     - Appellate court proceedings may take place

Wastewater Permitting Process*

The process outlined below applies to a large energy development project, including but not limited to a power plant, refinery, or a special facility project. Other types of projects may require a different wastewater permitting process than below:

1. **Initial Application**
   - Applicant submits application for wastewater discharge; i.e., sand & gravel, mining application
   - DEQ reviews applicability and notifies applicant of any deficiencies
   - For a "general" permit, applicant must also submit application 30 days prior to construction.

2. **Public Notice**
   - Application complete, DEQ reviews completeness and notifies applicant if approval is likely or unlikely
   - For Deficient, applicant has 30 days to respond
   - Public meeting held within 30 days of notice

3. **MEPA**
   - Application meets requirements for application, but does not meet criteria for an "individual" permit
   - DEQ issues notice of application to DEQ, local governments, and public
     - Public meeting must be held
     - For MEPA determination, DEQ evaluates the project, public comment, and other factors
     - Within 30 days, DEQ completes Environmental Assessment (EA) within 45 days of application

4. **Final Decision**
   - Total time for permit issuance includes hearing or trial de novo
     - No appeal; decision is final
     - Appeal filed; a hearing is held within 30 days of administrative notice
     - Appellate court proceedings may take place

OpenCut Mining Permitting Process*

The process outlined below applies to a large energy development project, including but not limited to a power plant, refinery, or a special facility project. Other types of projects may require a different permitting process than below:

1. **Initial Application**
   - Applicant files complete application with detailed air quality data and assessment
   - DEQ reviews completeness and notifies applicant of any deficiencies
   - For an "individual" permit, applicant must also submit application 30 days prior to construction.

2. **Public Notice**
   - Application complete, DEQ announces availability for public comment
   - Public comment period:
     - Within 30 days, DEQ reviews applicability and notifies applicant if approval is likely or unlikely
     - For Deficient, applicant has 30 days to respond
   - Public meeting held within 30 days of notice

3. **MEPA**
   - Application meets requirements for application, but does not meet criteria for an "individual" permit
   - DEQ issues notice of application to DEQ, local governments, and public
     - Public meeting must be held
     - For MEPA determination, DEQ evaluates the project, public comment, and other factors
     - Within 30 days, DEQ completes Environmental Assessment (EA) within 45 days of application

4. **Final Decision**
   - Total time for permit issuance includes hearing or trial de novo
     - No appeal; decision is final
     - Appeal filed; a hearing is held within 30 days of administrative notice
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