

1 Senate BILL NO. 39
 2 INTRODUCED BY Norman Brown (REQUEST H. & ES.)

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 69-3911, R.C.M. 1947, BY PROVIDING METHODS FOR OBTAINING
 6 PERMITS FROM THE STATE DEPARTMENT OF HEALTH AND
 7 ENVIRONMENTAL SCIENCES FOR THE CONSTRUCTION, INSTALLATION,
 8 ALTERATION, OR USE OF EQUIPMENT OR FACILITIES WHICH DIRECTLY
 9 OR INDIRECTLY CONTRIBUTES TO AIR POLLUTION OR WHICH
 10 CONTRIBUTES TO THE ABATEMENT OF AIR POLLUTION."

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 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 69-3911, R.C.M. 1947, is amended to
 14 read as follows:

15 "69-3911. Permits. (1) The board may, by rule or
 16 regulations, prohibit the construction, installation,
 17 alteration, or use of any machine, equipment, device or
 18 ~~other article~~ facility which it finds may directly or
 19 indirectly cause or contribute to air pollution or which is
 20 intended primarily to prevent or control the emission of air
 21 pollutants, unless a permit therefor has been obtained from
 22 it.

23 ~~(2) The board may require that applications for such~~
 24 ~~permits shall be accompanied by plans, specifications, and~~
 25 ~~such other information as it deems necessary.~~

1 (2) Not later than one hundred eighty (180) days prior
 2 to the time that construction begins and not later than one
 3 hundred twenty (120) days prior to the time that
 4 installation, alteration or use commences, the owner or
 5 operator shall file with the department the appropriate
 6 permit application on forms available from the department.

7 ~~(3) The board shall provide for the issuance,~~
 8 ~~suspension, revocation, and renewal of any permits which it~~
 9 ~~may require pursuant to this section.~~

10 (3) Notwithstanding anything contained in subsection
 11 (2), the department may, for good cause shown, waive the
 12 provisions of subsection (2) or shorten the time required
 13 for filing the appropriate applications.

14 ~~(4) If a permit is required, the board must decide~~
 15 ~~within ninety (90) days after receiving application~~
 16 ~~therefor, whether or not the permit will issue. If no~~
 17 ~~decision is rendered within that time, permission shall be~~
 18 ~~deemed to have been granted.~~

19 (4) The department shall require that applications for
 20 permits be accompanied by any plans, specifications, and
 21 other information it deems necessary.

22 (5) An application is not considered filed until the
 23 applicant has submitted all information and completed all
 24 application forms required by subsections (2), (3), and (4).
 25 However, if the department fails to notify the applicant in

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1 writing within thirty (30) days after the purported filing
 2 of an application that the application is incomplete and
 3 fails to list the reasons why the application is considered
 4 incomplete, the application is considered filed as of the
 5 date of the purported filing.

6 (6) The department shall provide for the issuance,
 7 suspension, revocation, and renewal of any permits issued
 8 under this section.

9 (7) Where an application for a permit requires the
 10 compilation of an environmental impact statement under the
 11 Montana Environmental Policy Act, the department shall
 12 notify the applicant, within one hundred eighty (180) days
 13 of the receipt of a filed application as defined in
 14 subsection (5), in writing, of the approval or denial of the
 15 application. However, where an application does not require
 16 the compilation of an environmental impact statement, the
 17 department shall notify the applicant within sixty (60) days
 18 of the receipt of a filed application, as defined in
 19 subsection (5), in writing, of the approval or denial of the
 20 application.

21 (8) When the department approves or denies the
 22 application for a permit under this section, any person or
 23 persons who is jointly or severally adversely affected by
 24 the department's decision may request, within fifteen (15)
 25 days after the department renders its decision, upon

1 affidavit, setting forth the grounds therefor, a hearing
 2 before the board. A hearing shall be held under the
 3 provisions of the Montana Administrative Procedures Act.
 4 The department's decision on the application is not final
 5 unless fifteen (15) days have elapsed and there is no
 6 request for a hearing under this section. The filing of a
 7 request for a hearing postpones the effective date of the
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Reported back from Committee without recommendation,

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