LC 0349

Norman Brown (REQUEST H. & E.S.) 1 INTRODUCED BY 2 3 "AN ACT TO AMEND SECTION A BILL FOR AN ACT ENTITLED: 4 69-3911, R.C.M. 1947, BY PROVIDING METHODS FOR OBTAINING 5 AND PERMITS FROM THE STATE DEPARTMENT OF HEALTH 6 ENVIRONMENTAL SCIENCES FOR THE CONSTRUCTION, INSTALLATION, . 7 ALTERATION, OP USE OF EQUIPMENT OR FACILITIES WHICH DIRECTLY я 9 OR INDIRECTLY CONTRIBUTES TO AIR POLLUTION OR WHICH CONTRIBUTES TO THE ABATEMENT OF AIR POLLUTION." 10

11

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

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

(2) --The--board--may-require-that-applications-for-such
 permits-shall-be-accompanied-by-plans7--specifications7--and
 such-other-information-as-it-decmo-necessary-

(2) Not later than one hundred eighty (180) days prior 1 2 to the time that construction begins and not later than one 3 hundred twenty (120) days prior to the time that Λ installation, alteration or use commences, the owner or 5 operator shall file with the department the appropriate б permit application on forms available from the department. 7 43}---The---beard---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--requiredy--the--beard--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

-2-

5339

INTRODUCED BILL

1	wfiting 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	unget 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)
2 5	days after the department renders its decision, upon

÷3-

1	afficavit, 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
8	department's decision until the conclusion of the hearing
9	and issuance of a final decision by the board."

-End-

-4-

LC 0349

Reported back from Commit-

tee without recommendation. Sente BILL NO. 39 3 INTRODUCED BY Norman Russin (REQUEST HEES 2 3 Δ 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 ENVIRONMENTAL SCIENCES FOR THE CONSTRUCTION, INSTALLATION, 7 ALTERATION. OF USE OF EQUIPMENT OR FACILITIES WHICH DIRECTLY 8 9 OR INDIRECTLY CONTRIBUTES TO AIR POLLUTION OR WHICH 10 CONTRIBUTES TO THE ABATEMENT OF AIR POLLUTION." 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 69-3911, R.C.M. 1947, is amended to 13 read as follows: 14 15 "69-3911. Permits. (1) The board may, by rule or regulations, prohibit the construction, installation. 16 alteration, or use of any machine, equipment, device or 17 18 ether--article facility which it finds may directly or 19 indirectly cause or contribute to air pollution or which is intended primarily to prevent or control the emission of air 20 pollutants, unless a permit therefor has been obtained from 21

22 it.

23 (2)--The--board--may-require-that-applications-for-such
 24 permits-shall-be-accompanied-by-plans7--specifications7--and
 25 such-other-information-as-it-decms-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 installation, alteration or use commences, the owner or 5 operator shall file with the department the appropriate 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--requiredy--the--board--must--decide 15 within---ninety---- (98)---- days--after--receiving--application 16 therefor,-whether-or--not--the--permit--will--issue,--If--no 17 decision--is--rendered-within-that-time7-permission-shall-be deemed-to-have-been-granted. 18 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 application forms required by subsections (2), (3), and (4). 24 However, if the department fails to notify the applicant in 25

-2-

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

-3-

1	afficavit, 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
8	department's decision until the conclusion of the hearing
9	and issuance of a final decision by the board.
	, -End-

-End-

LC 0349

Jorman Brown (REQUEST H. & E.S.) 1 INTRODUCED BY 2 3

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

11

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

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

(2) --The--board--may-require-that-applications-for-such
 permits-shall-be-accompanied-by-plans,--specifications,--and
 such-other-information-as-it-decms-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}Theboardshallprovidefortheissuance;
8	suspension-revocation-and-renewal-of-any-permits-whichit
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-isrequired;theboardmustdecide
15	withinninety(90)daysafterreceivingapplication
16	therefor,-whether-ornotthe-permitwillissueIfno
17	decisionisrendered-within-that-time7-permission-shall-be
18	decmed-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
	-2- 53 37

writing within thirty (30) days after the purported filing 1 of an application that the application is incomplete and 2 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) The department shall provide for the issuance, 6 suspension, revocation, and renewal of any permits issued 7 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 notify the applicant, within one hundred eighty (180) days 12 of the receipt of a filed application as defined in 13 14 subsection (5), in writing, of the approval or denial of the application. However, where an application does not require 15 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 persons who is jointly or severally adversely affected by 23

25 days after the department renders its decision, upon

the department's decision may request, within fifteen (15)

-3-

24

â	ffidavit, setting forth the grounds therefor, a hearing
þ	efore the board. A hearing shall be held under the
Ę	provisions of the Montana Administrative Procedures Act.
Ţ	he department's decision on the application is not final
Ľ	nless fifteen (15) days have elapsed and there is no
1	equest for a hearing under this section. The filing of a
1	request for a hearing postpones the effective date of the
ċ	epartment's decision until the conclusion of the hearing

- ______
- 9 and issuance of a final decision by the board.

-End-

-4-

SB

39

1	SENATE BILL NO. 39
2	INTRODUCED BY NORMAN, BROWN
3	(BY REQUEST, DEPARTMENT OF HEALTH & ENVIRONMENTAL SCIENCES)
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
6	69-3911, R.C.M. 1947, BY PROVIDING METHODS FOR OBTAINING
7	PERMITS FROM THE STATE DEPARTMENT OF HEALTH AND
8	ENVIRONMENTAL SCIENCES FOR THE CONSTRUCTION, INSTALLATION,
9	ALTERATION, OR USE OF EQUIPMENT OR FACILITIES WHICH DIRECTLY
10	OF INDIRECTLY CONTRIBUTES TO AIR POLLUTION OR WHICH
11	CONTRIBUTES TO THE ABATEMENT OF AIR POLLUTION."
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 69-3911, R.C.M. 1947, is amended to
15	read as follows:
16	"69-3911. Permits. (1) The board may, by rule or
17	regulations, prohibit the construction, installation,
18	alteration, or use of any machine, equipment, device or
19	etherarticle facility which it finds may directly or
20	indirectly cause or contribute to air pollution or which is
21	intended primarily to prevent or control the emission of air
22	pollutants, unless a permit therefor has been obtained from
23	it.
24	(2)-The-board-may-require-that-applicationsforsuch
25	permitsshallbe-accompanied-by-plansy-specificationsy-and

1	such-other-information-as-it-deems-necessary.
2	(2) Not later than one hundred eighty (180) days prior
3	to the time that construction begins and not later than one
4	hundred twenty (120) days prior to the time that
5	installation, alteration or use commences, the owner or
6	operator shall file with the department the appropriate
7	permit application on forms available from the department.
8	(3) Theboardshallprovidefortheissuance,
9	suspension,revocation,-and-renewal-of-any-permits-which-it
10	may-require-pursuant-to-this-section.
11	(3) Notwithstanding anything contained in subsection
12	(2), the department may, for good cause shown, waive the
13	provisions of subsection (2) or shorten the time required
14	for filing the appropriate applications.
15	{4}-If-a-permit-isrequired;theboardmustdecide
16	withinninety{90}daysafterreceivingapplication
17	therefor,-whether-ornotthepermitwillissue,ifno
18	decisionisrendered-within-that-time;-permission-shall-be
19	deemed-to-have-been-granted-
20	(4) The department shall require that applications for
21	permits be accompanied by any plans, specifications, and
2 2	other information it deems necessary.
23	(5) An application is not considered filed until the
24	applicant has submitted all information and completed all
25	application forms required by subsections (2), (3), and (4).

-2-

REFERENCE BILL

SB 39

1	However, if the department fails to notify the applicant in
2	writing within thirty (30) days after the purported filing
з	of an application that the application is incomplete and
4	fails to list the reasons why the application is considered
5	incomplete, the application is considered filed as of the
6	date of the purported filing.
7	(6) The department shall provide for the issuance,
8	suspension, revocation, and renewal of any permits issued
9	under this section.
10	(7) Where an application for a permit requires the
11	compilation of an environmental impact statement under the
12	Montana Environmental Policy Act, the department shall
13	notify the applicant, within one hundred eighty (180) days
14	of the receipt of a filed application as defined in
15	subsection (5), in writing, of the approval or denial of the
16	application. However, where an application does not require
17	the compilation of an environmental impact statement, the
18	department shall notify the applicant within sixty (60) days
19	of the receipt of a filed application, as defined in
20	subsection (5), in writing, of the approval or denial of the
21	application.
22	(8) When the department approves or denies the
23	application for a permit under this section, any person or
24	persons who is jointly or severally adversely affected by
25	the department's decision may request, within fifteen (15)

-3-

l	days after the department renders its decision, upon
2	affidavit, setting forth the grounds therefor, a hearing
3	before the board. A hearing shall be held under the
4	provisions of the Montana Administrative Procedures Act.
5	The department's decision on the application is not final
6	unless fifteen (15) days have elapsed and there is no
7	request for a hearing under this section. The filing of a
8	request for a hearing postpones the effective date of the
9	department's decision until the conclusion of the hearing
10	and issuance of a final decision by the board."

-End-

SB 0039/02

-4-

SB 39