

1 HOUSE BILL NO. 153

2 INTRODUCED BY GRADY

3 BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE AN ADMINISTRATIVE APPEAL OF A DECISION
6 TO GRANT OR DENY AN APPLICATION FOR A PERMIT TO DISCHARGE TO SURFACE WATER OR
7 GROUND WATER; AND AMENDING SECTION 75-5-403, MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 75-5-403, MCA, is amended to read:

12 **"75-5-403. Denial or modification of permit -- time for review of permit application -- appeal.** (1)

13 The department shall review for completeness all applications for new permits within 60 days of the receipt
14 of the initial application and within 30 days of receipt of responses to notices of deficiencies. The initial
15 completeness notice must note all major deficiency issues, based on the information submitted. The
16 department and the applicant may extend these timeframes, by mutual agreement, by not more than 75
17 days. An application is considered complete unless the applicant is notified of a deficiency within the
18 appropriate review period.

19 (2) If the department denies an application for a permit modification or modifies a permit upon its
20 own initiative, the department shall give written notice of its action to the ~~applicant or holder and the~~
21 ~~applicant or holder~~ permittee, who may request a hearing before the board, in the manner stated in
22 75-5-611, for the purpose of petitioning the board to reverse or modify the action of the department. The
23 hearing must be held within 30 days after receipt of written request. After the hearing, the board shall
24 affirm, modify, or reverse the action of the department. If the ~~holder~~ permittee does not request a hearing
25 before the board, modification of a permit is effective 30 days after receipt of notice by the ~~holder~~ permittee
26 unless the department specifies a later date. If the ~~holder~~ permittee does request a hearing before the board,
27 an order modifying the permit is not effective until 20 days after receipt of notice of the action of the board.

28 (3) The applicant or any person with an interest that may be adversely affected by the department's
29 decision to issue or deny a permit may, within 30 days following the decision, request a hearing before the
30 board. The board may adopt a rule establishing a longer appeal period. The request must be in writing and

1 must state the grounds upon which the requestor contends that the decision is in error."

2

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0153, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill providing for administrative appeal of surface water and groundwater discharge permit decisions.

ASSUMPTIONS:


1. Two appeals will occur per year.
2. Appeals will be resolved at the Board of Environmental Review and not be advanced to court.
3. Appeals will involve approximately 5 hours of hearings officer time (at \$53/hr), 10 hours of attorney time (at \$22/hr), and court reporter preparation of two transcripts (\$300 each).
4. The total Department of Environmental Quality costs of approximately \$1,085 in contracted services will be absorbed in the recommended Executive Budget.

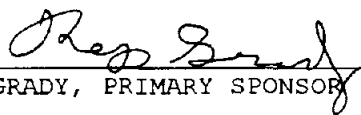
FISCAL IMPACT:

There will be no fiscal impact.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

For the long term there would be an increased cost of approximately \$1,085 per year to administer these appeals.


DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


ED GRADY, PRIMARY SPONSOR DATE
Fiscal Note for HB0153, as introduced

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