

ENVIRONMENTAL QUALITY

CHAPTER 4

PROCEDURAL RULES

Subchapter 1

Model Rules

- Rule 17.4.101 Model Rules  
17.4.102 Procedures for Compliance with MEPA

Subchapter 2

Rulemaking Procedures

- Rule 17.4.201 Water Pollution Rules (REPEALED)  
17.4.202 Occupational Health Rules

Subchapter 3

Penalty Calculation Procedures

- Rule 17.4.301 Purpose  
17.4.302 Definitions  
17.4.303 Base Penalty  
17.4.304 Adjusted Base Penalty - Circumstances, Good Faith and Cooperation, Amounts Voluntarily Expended  
17.4.305 Total Adjusted Penalty - Days of Violation  
17.4.306 Total Penalty - History of Violation  
17.4.307 Economic Benefit  
17.4.308 Other Matters as Justice May Require

Subchapter 4 reserved

## Subchapter 1

## Model Rules

17.4.101 MODEL RULES (1) The Department of Environmental Quality and the Board of Environmental Review adopt and incorporate the Attorney General's Organizational and Procedural Rules, ARM 1.3.201, 1.3.202, 1.3.211 through 1.3.224, and 1.3.226 through 1.3.233, effective August 15, 2008, and the Secretary of State's Organizational and Procedural Rules, ARM 1.3.101, 1.3.102, 1.3.301, 1.3.302, 1.3.304, 1.3.305, 1.3.307 through 1.3.309, 1.3.311 through 1.3.313, and 44.17.101, effective August 1, 2008, including the sample forms which follow the Attorney General's model rules, except as modified by (2) and (3), as authorized by 2-4-302, MCA.

(2) The incorporation of ARM 1.3.309 is modified by the addition of the rules in subchapter 2 of this chapter which incorporate requirements of statutes administered by the department and board.

(3) The incorporation of ARM 1.3.312 is modified by adding the words "or summary" and deleting the words "in full" in (2)(a)(i) so that it will read as follows: "(i) the text of the rule adopted or amended, or reference to the notice of proposed agency action in which the text or summary of the proposed rule or rule as proposed to be amended was printed."

(4) ARM 1.3.101 and 1.3.102 are procedural rules required by Article II, Section 8 of the 1972 Constitution, right of participation. ARM 1.3.201, 1.3.202, 1.3.211 through 1.3.224, and 1.3.226 through 1.3.233 are organizational and procedural rules required by the Montana Administrative Procedure Act. Copies of the model rules may be obtained from the Department of Environmental Quality, P.O. Box 200901, Helena, MT 59620-0901. (History: 2-4-201, 2-4-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; AMD, Eff. 11/4/73; AMD, 1982 MAR p. 383, Eff. 2/26/82; AMD, 1983 MAR p. 1350, Eff. 9/30/83; TRANS, from DHES, 1996 MAR p. 1497; AMD, 2000 MAR p. 472, Eff. 2/11/00; AMD, 2009 MAR p. 1011, Eff. 6/26/09.)

17.4.102 PROCEDURES FOR COMPLIANCE WITH MEPA (1) The Board of Environmental Review hereby adopts and incorporates by reference ARM Title 17, chapter 4, subchapters 6 and 7 in their entirety, which set forth procedures for compliance with the environmental impact statement requirements of the Montana Environmental Policy Act, Title 75, chapter 1, MCA. A copy of these rules may be obtained from the Department of Environmental Quality, P.O. Box 200901, Helena, MT 59620-0901.

(2) In those instances in which the Board of Environmental Review determines that the requirements of MEPA are applicable to board actions, the board will follow the procedures set forth in ARM Title 17, chapter 4, subchapters 6 and 7, which are incorporated by reference in (1) of this rule. (History: 2-4-201, 75-1-202, MCA; IMP, 75-1-201 through 75-1-205, MCA; NEW, 1982 MAR p. 384, Eff. 2/26/82; TRANS, from DHES, 1996 MAR p. 1497.)