

ENVIRONMENTAL QUALITY

CHAPTER 20

MAJOR FACILITY SITING

Sub-Chapter 18

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Sub-Chapter 18

Amendments to Certificates

17.20.1801 NOTIFICATION OF PROPOSED CHANGE OR ADDITION TO A FACILITY OR ASSOCIATED FACILITY FOR WHICH A CERTIFICATE HAS BEEN GRANTED

If a certificate holder desires to change or add to a facility or associated facility for which a certificate has been granted, the certificate holder shall file a notice for a certificate amendment with the department by certified mail or personal delivery. Changes or additions subject to these requirements include the following:

(1) any change in location or design or any addition to a facility or an associated facility that could reasonably be expected to result in a material increase in any environmental impact;

(2) any change in location or design or any addition to a facility or an associated facility that could reasonably be expected to result in impacts to new geographic areas or human, animal or plant populations that were not evaluated prior to the issuance of the certificate;

(3) any change in or addition to a facility or an associated facility affecting compliance with a condition of the certificate; and

(4) any change in or addition to a facility or associated facility that would materially change the basis of any finding required by subchapter 16. (History: 75-20-105, MCA; IMP, 75-20-219, MCA; NEW, 1984 MAR p. 1844, Eff. 12/28/84; TRANS, from DNRC, 1996 MAR p. 2863.)

17.20.1802 CONTENTS OF NOTICE TO AMEND A CERTIFICATE

(1) The certificate holder shall provide drawings, analyses, maps, and other information at a level of detail equivalent to that required in an application to describe any proposed change to a facility in a notice for amendment to a certificate. Material pertaining to a proposed amendment to a certificate that was previously submitted in an application or during the board's hearing on the facility may be referenced. (History: 75-20-105, MCA; IMP, 75-20-219, MCA; NEW, 1984 MAR p. 1844, Eff. 12/28/84; TRANS, from DNRC, 1996 MAR p. 2863.)

17.20.1803 CERTIFICATE AMENDMENT PURSUANT TO CHANGE IN DEPARTMENT OF ENVIRONMENTAL QUALITY OR BOARD OF ENVIRONMENTAL REVIEW PERMIT

(1) An amendment affecting, amending, altering or modifying a decision, opinion, order, certification or permit issued by the department of environmental quality or board of environmental review under the applicable statutes administered by those agencies in accordance with 75-20-219, MCA, shall be adopted by the department and incorporated as a certificate amendment, as follows:

(a) within 10 days of the issuance of an amendment by the department or board, the certificate holder shall serve the department with a certified copy of the amendment;

(b) the department shall issue a notice of proposed action to modify the certificate to fully and completely incorporate the amendment authorized by the department or board;

(c) upon the timely filing of a request for hearing, the board shall hold a show-cause hearing why the proposed action should not be taken. A request for hearing may be made by any person affected by the proposed action;

(d) a person requesting a show-cause hearing shall file with the board all testimony, evidence and exhibits in writing that it intends to present at the hearing within 15 days after filing a request for hearing. Failure to comply with this rule shall be deemed a waiver of a person's request for hearing and of rights to participate in the hearing, if any;

(e) if no show-cause hearing is requested or required, the department shall take the proposed action as set forth in the notice pursuant to (1)(b);

(f) a show-cause hearing, if any, shall be limited to issues over which the board has jurisdiction. (History: 75-20-105, MCA; IMP, 75-20-219, MCA; NEW, 1984 MAR p. 1844, Eff. 12/28/84; TRANS, from DNRC, 1996 MAR p. 2863; AMD, 2005 MAR p. 252, Eff. 2/11/05.)

17.20.1804 DECISIONS ON CERTIFICATE AMENDMENTS (1) In order for the department to determine that an amendment to a certificate should be granted or modified, the department must find and determine that the amendment will not materially alter the findings required by subchapter 16 that were the basis for granting the certificate.

(2) In making the findings required by (1), the department shall limit itself to consideration of the effects that the proposed change or addition to the facility contained in the notice for the certificate amendment may produce. (History: 75-20-105, MCA; IMP, 75-20-219, MCA; NEW, 1984 MAR p. 1844, Eff. 12/28/84; TRANS, from DNRC, 1996 MAR p. 2863; AMD, 2005 MAR p. 252, Eff. 2/11/05.)

