

DEQ PERMITS FOR WIND ENERGY PLANTS

(Last updated 2019)

There are no permits administered by DEQ that are specifically for wind plants as energy facilities. However, certain other permits will be necessary, depending on the locations of the roads, turbines and power lines. The ones most likely to be needed are described below, followed by a more extensive list of permits that might be needed.

A wind plant will need to follow permitting requirements for the storm water discharges associated with construction activity if more than one acre of land is disturbed.

Information on this permit is available here:

<http://deq.mt.gov/water/StormWater/stormsystems>. If you need more information, contact Water Protection Bureau at 444-5546. This process does not require DEQ prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS).

Construction activity impinging on streams or wetlands or occurring on floodplains may be regulated. A list of the potential permits may be found at

<http://deq.mt.gov/Water/permits/Discharges>. The Stream Permitting guide at <http://dnrc.mt.gov/licenses-and-permits/stream-permitting> is a useful starting point for determining what permits are needed. Often, thoughtful design and careful construction plans for a plant can reduce or eliminate the need to obtain these permits.

A project may need to apply for a Major Facility Siting Act certificate if it requires a new electric transmission line with a design capacity of more than 69 kilovolts and over 10 miles in length. Lines may be exempted for a variety of reasons, including length and capacity of line, upgrading lines in existing corridors, right-of-way agreements with property owners and other considerations. For all exemptions, see [75-20-104 MCA](#) or contact Craig Jones (444-0514) for further information.

An open cut mining permit would be necessary if a project takes gravel from the site for construction. However, if the project hires a contractor, it is possible that they would already have the necessary permits. For more information, see the [Opencut Mining Program](#).

Other agencies also may require permits for wind development. Some issues likely to be significant are bird and bat concerns, under the jurisdiction of US Fish and Wildlife Service; zoning issues, under the local government; and granting of a lease to use state lands, under the Montana Department of Natural Resources and Conservation. You should contact these and other agencies to learn what concerns they have if any.

The list of all DEQ permits that might be relevant to a wind plant, depending on location, is shown below. A list of permits other agencies may require can be found [here](#).

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY PERMITS AND APPROVALS

Permit/Approval Name	Nature of Permit	Authority
Section 401 Water Quality Certification	Provides a review of potential adverse water quality impacts potentially associated with discharges of dredged or fill materials in wetlands and other waters of the U.S.	Section 401 of the Clean Water Act
Montana Joint Application: Short-term Water Quality standard for Turbidity (318 authorization)	Authorizes short-term surface water quality standards for turbidity.	Montana Water Quality Act (75-5-101, MCA)
MPDES Water Quality Discharge Permit	Permits construction and industrial activities that would result in the discharge of wastewater to waters of the state.	Montana Water Quality Act (75-5-401 et seq., MCA)
General Permit for Discharges Associated with Construction Activity	Submit Notice of Intent for coverage under General Permit to authorize storm water discharges to surface waters of the state associated with the construction activities.	Montana Water Quality Act (75-5-401 et seq., MCA)
General Permit for Storm Water Discharges Associated with Industrial Activity	Permits storm water discharges from qualifying industrial activities.	Montana Water Quality Act (75-5-401 et seq., MCA)
Underground Storage Tank Construction Permit	Permits for construction of underground tank or underground piping supporting fuel storage backup generator.	Montana Underground Storage Tank Act (75-5-501 et seq., MCA)
Public Water Supply and Wastewater System Approval	Review of engineering plans and specifications for a new public water supply or public wastewater system that regularly serves 25 or more	75-6-112, MCA: Plan Review and Approval

	persons daily for any 60 or more days in a calendar year.	
Montana Joint Application: 310 Permit	Permits construction activities in or near perennial streams on public and private lands.	Montana Natural Streambed and Land Preservation Act (75-7-101 et seq., MCA)
Certificate of Compliance	Authorizes construction and operation of certain transmission lines with a design capacity greater than 69 kV.	Major Facility Siting Act (75-20-101 et seq., MCA)
Montana Joint Application: Floodplain Development Permit	Allows construction activities within a designated 100-year floodplain.	Montana Floodplain and Floodway Management Act (76-5-401 through 406, MCA)
Opencut Mining Permit (if new gravel sources are needed for the project)	Permit to excavate 10,000 cubic yards or more total aggregate from one or more pits regardless of surface ownership.	Open Cut Mining Act (84-4-401 et seq., MCA)