

## Montana Transmission Siting Information

### General Information:

Montana's siting process is centralized in the Department of Environmental Quality (DEQ), under the Major Facility Siting Act of 2003 (MFSA). [70-25 MCA](#). The MFSA supersedes all siting decisions by other government entities, state or local. [75-20-103 MCA](#). Montana has a consolidated process for all facility siting that includes transmission lines. Transmission facilities covered by the MFSA include:

- Transmission lines 69kV and higher.
- Lines less than 230kV and less than 109 miles in length are exempt.
- Lines that are 69 to 115kV of which 75% of the land owners owning at least 75% of the land have agreed to grant an easement. [75-20-104\(8\) MCA](#). Such a project must file a notice and hold public hearing pursuant to [75-20-207 MCA](#) and [75-20-208 MCA](#). 100% renewable facilities that choose to be sited under ERSEC, regardless of their capacity. [RCW 80.50.060\(1-2\)](#).

### Siting Entities:

- Montana DEQ.

### Authorizations Needed:

Certificate of Compliance. [75-20-201 MCA](#).

Applicable permits for environmental impact. [75-20-216\(3\) MCA](#).

### Preemption of local siting authority:

A Certificate of Compliance supersedes all other laws and rules of any state or local agency or regulation. [75-20-103 MCA](#). Local concerns and standards are taken into consideration. The location of any new transmission lines must conform to applicable state and local laws and regulations but the DEQ can override those laws when it finds that, as applied to the proposed facility, the law or regulation is unreasonably restrictive in view of the existing technology, cost, need of consumers. [75-20-301\(e\) MCA](#).

### General Siting Process<sup>1</sup>:

The siting process begins with the submission of an application. The application must include, among other things, a showing of need, reliability analysis, cost-benefit analysis, justification for location, and alternate site analysis. [75-20-211\(1\)\(a\)\(iii\) MCA](#), [75-20-301\(3\) MCA](#). In addition, the application must provide proof that notice of the application was given to persons residing in a county in which any portion of the line is proposed to be located. [75-20-211\(4\) MCA](#).

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<sup>1</sup> Note that detailed information on the siting process can be found in the [Circular 1](#).

Within 30 days of receipt of the application, the DEQ must inform the applicant that the application is or is not complete. If the application is not complete, the applicant must refile. Within 15 days of refiling, the DEQ must again inform the applicant of the completeness of the application. Once the application is complete, the DEQ has 9 months to conduct its review. The review consists of two parts that occur simultaneously. The DEQ must review the application and project plans to make sure they conform with the statutory criteria. Simultaneously, the DEQ must draft and issue all related permits that are not covered by MFSA. These must be issued prior to the release of the DEQ report. Once the 9 months are up the DEQ must issue its report. Thirty days after the report is issued, the DEQ must issue, or deny, the Certification. If the transmission line project meets the criteria listed in [75-20-301\(3\) MCA](#) the DEQ **shall** issue the Certificate. [75-20-301\(3\) MCA](#).

The DEQ's decision may be appealed to the Board of Environmental Review. All appeals must be filed within 30 days of the issuance of the certification. [75-20-223 MCA](#). Decisions of the Board may be appealed to the district courts.

An expedited review process of 90 days is available for facilities that are unlikely to have a significant environmental impact. [75-20-231 MCA](#).

### **Application Requirements:**

Generally, applicant must demonstrate that “the facility or alternative incorporates all reasonable, cost-effective mitigation of significant environmental impacts; and that unmitigated impacts, including those that cannot be reasonably quantified or valued in monetary terms, will not result in: (i) a violation of a law or standard that protects the environment; or (ii) a violation of a law or standard that protects the public health and safety.” [75-20-301\(3\) MCA](#). Applicants must also include a statement of need for transmission lines. [75-20-211\(1\)\(a\)\(iii\) MCA](#).

### **Federal Issues:**

The DEQ may time their processes to match federal timelines for projects subject to joint state and federal law.