HOUSE BILL NO. 641

INTRODUCED BY KNOX, GRINDE, M. HANSON, WILLIAMS, TUNBY, ELLIS, LARSON, TOOLE, ZOOK, MCCAFFREE

	IN THE HOUSE
FEBRUARY 6, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
FEBRUARY 23, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 25, 1991	PRINTING REPORT.
FEBRUARY 26, 1991	SECOND READING, DO PASS AS AMENDED.
	ENGROSSING REPORT.
FEBRUARY 27, 1991	THIRD READING, PASSED. AYES, 100; NOES, 0.
	TRANSMITTED TO SENATE.
	IN THE SENATE
MARCH 4, 1991	IN THE SENATE INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
MARCH 4, 1991	INTRODUCED AND REFERRED TO COMMITTEE
MARCH 4, 1991 MARCH 23, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
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MARCH 23, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 23, 1991 MARCH 28, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN.
MARCH 23, 1991 MARCH 28, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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1	INTRODUCED BY KNOW - LANGE Mes Conver M. Harrow Miller Copy Joseph M. Copy
2	INTRODUCED BY Kurs - Lange Has Garage M. Ha non- 1 Lynn
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4	A BILL FOR AN ACT ENTITLED: "AN ACT MODIFYING REQUIREMENTS
5	FOR AN APPLICATION FOR A PERMIT UNDER THE METAL MINE
6	RECLAMATION STATUTES; AND AMENDING SECTION 82-4-335, MCA."
7	
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82-4-335, MCA, is amended to read:

*82-4-335. Operating permit -- limitation. (1) A person may not engage in mining, ore processing, or reprocessing of tailings or waste material, construct or operate a hard-rock mill, use cyanide ore-processing reagents, or disturb land in anticipation of those activities in the state without first obtaining an operating permit from the board. A separate operating permit is required for each complex.

- (2) A small miner who intends to use a cyanide ore-processing reagent shall obtain an operating permit for that part of his operation where the cyanide ore-processing reagent will be used or disposed of.
- (3) Prior to receiving an operating permit from the board, a person shall pay the basic permit fee of \$25 and shall submit an application on a form provided by the board, which must contain the following information and any other pertinent data required by rule:

1	(a)	name and	address	of the	operator	and,	if a
2	corporat.	ion or othe	r business	entity,	the name	and	address
3	of its	principal	officers,	partners	s, and the	like	and its
4	resident	agent for	service of	process	, if requi	red by	law;

- (b) minerals expected to be mined;
- (c) a proposed reclamation plan;

- (d) expected starting date of operations;
- (e) a map showing the specific area to be mined and the boundaries of the land which will be disturbed, topographic detail, the location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area, and the location of proposed access roads to be built, and:
 - (f) the names and addresses of the surface-and-mineral owners-of-all-lands-within-the-mining-area; to-the-extent known-to-the-applicant owners of record and any purchasers under contracts for deed of the surface of the area of land to be affected by the permit and the owners of record and any purchasers under contracts for deed of all surface area within one-half mile of any part of the affected area;
 - (g) the names and addresses of the present owners of record and any purchasers under contracts for deed of all minerals in the land to be affected by the permit and the present owners of record and any purchasers under contracts for deed of all minerals within one-half mile of any part of

the	affected	area.
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- (h) the source of the applicant's legal right to mine the mineral on the land affected by the permit;
- (f)(i) types of access roads to be built and manner of reclamation of road sites on abandonment;
- $\{g\}(\underline{j})$ a plan which will provide, within limits of normal operating procedures of the industry, for completion of the operation;
- $\{h\}_{(k)}$ ground water and surface water hydrologic data gathered from a sufficient number of sources and length of time to characterize the hydrologic regime;
- ### (1) a plan detailing the design, operation, and
 monitoring of impounding structures, including but not
 limited to tailings impoundments and water reservoirs,
 sufficient to ensure that the structures are safe and
 stable;
- (k+(n)) an evaluation of the expected life of any tailings impoundment or waste area and the potential for expansion of the tailings impoundment or waste site.
- (4) Except as provided in subsection (6), the permit provided for in subsection (1) for a large-scale mineral

- development as defined in 90-6-302 must be conditioned to provide that activities under the permit may not commence until the impact plan is approved under 90-6-307 and until the permittee has provided a written guarantee to the department and to the hard-rock mining impact board of compliance within the time schedule with the commitment made in the approved impact plan, as provided in 90-6-307. If the permittee does not comply with that commitment within the time scheduled, the board, upon receipt of written notice from the hard-rock mining impact board, shall suspend the permit until it receives written notice from the hard-rock mining impact board that the permittee is in compliance.
 - become or will become a large-scale mineral developer pursuant to 82-4-339 and 90-6-302(4) and provides notice as required under 82-4-339, within 6 months of receiving the notice, the permittee shall provide the board with proof that he has obtained a waiver of the impact plan requirement from the hard-rock mining impact board or that he has filed an impact plan with the hard-rock mining impact board and the appropriate county or counties. If the permittee does not file the required proof or if the hard-rock mining impact board certifies to the board that the permittee has failed to comply with the hard-rock mining impact review and implementation requirements in Title 90, chapter 6, parts 3

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- and 4, the board shall suspend the permit until the permittee files the required proof or until the hard-rock mining impact board certifies that the permittee has complied with the hard-rock mining impact review and implementation requirements.
- 6 (6) Compliance with 90-6-307 is not required for
 7 exploration and bulk sampling for metallurgical testing when
 8 the aggregate samples are less than 10,000 tons.
- 9 (7) A person may not be issued an operating permit if 10 that person's failure to comply with the provisions of this 11 part, the rules adopted under this part, or a permit or 12 license issued under this part has resulted in the 13 forfeiture of a bond unless that person meets the conditions 14 described in 82-4-360."

APPROVED BY COMM. ON NATURAL RESOURCES

1	HOUSE BILL NO. 641
2	INTRODUCED BY KNOK, GRINDE, M. HANSON, WILLIAMS, TUNBY,
3	ELLIS, LARSON, TOOLE,
4	ZOOK, MCCAFFREE
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT MODIFYING REQUIREMENTS
7	FOR AN APPLICATION FOR A PERMIT UNDER THE METAL MINE
8	RECLAMATION STATUTES; AND AMENDING SECTION 82-4-335, MCA."
9	
.0	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
.1	Section 1. Section 82-4-335, MCA, is amended to read:
2	*82-4-335. Operating permit limitation. (1) A person
13	may not engage in mining, ore processing, or reprocessing of
L 4	tailings or waste material, construct or operate a hard-rock
15	mill, use cyanide ore-processing reagents, or disturb land
16	in anticipation of those activities in the state withou
17	first obtaining an operating permit from the board.
18	separate operating permit is required for each complex.
19	(2) A small miner who intends to use a cyanid
20	ore-processing reagent shall obtain an operating permit fo
21	that part of his operation where the cyanide ore-processin
22	reagent will be used or disposed of.
23	(3) Prior to receiving an operating permit from th
24	board, a person shall pay the basic permit fee of \$25 an
25	shall submit an application on a form provided by the board

L	which must contain the following information and $% \left(\mathbf{r}\right) =\mathbf{r}^{2}$ any	othe:
2	pertinent data required by rule:	

- 3 (a) name and address of the operator and, if a 4 corporation or other business entity, the name and address 5 of its principal officers, partners, and the like and its 6 resident agent for service of process, if required by law;
 - (b) minerals expected to be mined;
 - (c) a proposed reclamation plan;

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- (d) expected starting date of operations;
- 10 (e) a map showing the specific area to be mined and the
 11 boundaries of the land which will be disturbed, topographic
 12 detail, the location and names of all streams, roads,
 13 railroads, and utility lines on or immediately adjacent to
 14 the area, and the location of proposed access roads to be
 15 builty-and;
 - (f) the names and addresses of the surface-and-mineral owners-of-all-lands-within-the-mining-area; to-the-extent known-to-the-applicant owners of record and any purchasers under contracts for deed of the surface of the area-of land to-be-affected-by WITHIN the permit AREA and the owners of record and any purchasers under contracts for deed of all surface area within one-half mile of any part of the affected PERMIT area, PROVIDED THAT THE DEPARTMENT IS NOT REQUIRED TO VERIFY THIS INFORMATION;
- 25 (g) the names and addresses of the present owners of

record and any purchasers under contracts for deed of all
minerals in the land to-be-affected--by WITHIN the permit

AREA and the present owners of record and any purchasers
under contracts for deed of all minerals within one-half
mile of any part of the affected PERMIT area, PROVIDED THAT

(h) the source of the applicant's legal right to mine the mineral on the land affected by the permit, PROVIDED THAT THE DEPARTMENT IS NOT REQUIRED TO VERIFY THIS INFORMATION;

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tg;(j) a plan which will provide, within limits of
normal operating procedures of the industry, for completion
of the operation;

 $\frac{h}{k}$ ground water and surface water hydrologic data gathered from a sufficient number of sources and length of time to characterize the hydrologic regime;

ti;(1) a plan detailing the design, operation, and
monitoring of impounding structures, including but not
limited to tailings impoundments and water reservoirs,
sufficient to ensure that the structures are safe and
stable;

(j)(m) a plan identifying methods to be used to monitor for the accidental discharge of objectionable materials and

remedial action plans to be used to control and mitigate discharges to surface or ground water; and

 ${\rm tk} + {\rm (n)}$ an evaluation of the expected life of any tailings impoundment or waste area and the potential for expansion of the tailings impoundment or waste site.

(4) Except as provided in subsection (6), the permit provided for in subsection (1) for a large-scale mineral development as defined in 90-6-302 must be conditioned to provide that activities under the permit may not commence until the impact plan is approved under 90-6-307 and until the permittee has provided a written guarantee to the department and to the hard-rock mining impact board of compliance within the time schedule with the commitment made in the approved impact plan, as provided in 90-6-307. If the permittee does not comply with that commitment within the time scheduled, the board, upon receipt of written notice from the hard-rock mining impact board, shall suspend the permit until it receives written notice from the hard-rock mining impact board that the permittee is in compliance.

(5) When the department determines that a permittee has become or will become a large-scale mineral developer pursuant to 82-4-339 and 90-6-302(4) and provides notice as required under 82-4-339, within 6 months of receiving the notice, the permittee shall provide the board with proof that he has obtained a waiver of the impact plan requirement

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- 1 from the hard-rock mining impact board or that he has filed an impact plan with the hard-rock mining impact board and 2 3 the appropriate county or counties. If the permittee does not file the required proof or if the hard-rock mining 4 5 impact board certifies to the board that the permittee has failed to comply with the hard-rock mining impact review and 6 7 implementation requirements in Title 90, chapter 6, parts 3 8 and 4, the board shall suspend the permit until the 9 permittee files the required proof or until the hard-rock 10 mining impact board certifies that the permittee has complied with the hard-rock mining impact review and 11 12 implementation requirements.
- 13 (6) Compliance with 90-6-307 is not required for 14 exploration and bulk sampling for metallurgical testing when 15 the aggregate samples are less than 10,000 tons.

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20 21 (7) A person may not be issued an operating permit if that person's failure to comply with the provisions of this part, the rules adopted under this part, or a permit or license issued under this part has resulted in the forfeiture of a bond unless that person meets the conditions described in 82-4-360."

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10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 82-4-335, MCA, is amended to read:
12	"82-4-335. Operating permit limitation. (1) A person
13	may not engage in mining, ore processing, or reprocessing or
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15	mill, use cyanide ore-processing reagents, or disturb land
16	in anticipation of those activities in the state without
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18	separate operating permit is required for each complex.
19	(2) A small miner who intends to use a cyanido
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23	(3) Prior to receiving an operating permit from the
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25	shall submit an application on a form provided by the board

which must contain the following information and any other
pertinent data required by rule:
(a) name and address of the operator and, if a
corporation or other business entity, the name and address
of its principal officers, partners, and the like and its
resident agent for service of process, if required by law;
(b) minerals expected to be mined;
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boundaries of the land which will be disturbed, topographic
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(f) the names and addresses of the surface-andmineral
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7	(h) the source of the applicant's legal right to mine
8	the mineral on the land affected by the permit, PROVIDED
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15	of the operation;
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17	gathered from a sufficient number of sources and length of
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 - (6) Compliance with 90-6-307 is not required for exploration and bulk sampling for metallurgical testing when the aggregate samples are less than 10,000 tons.

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2	pertinent data required by rule:
3	(a) name and address of the operator and, if a
4	corporation or other business entity, the name and address
5	of its principal officers, partners, and the like and its
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7	(b) minerals expected to be mined;
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24	<pre>f[†]/(m) a plan identifying methods to be used to monitor</pre>

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remedial action plans to be used to control and mitigate discharges to surface or ground water; and

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