

1 the affected area;

2 (h) the source of the applicant's legal right to mine
3 the mineral on the land affected by the permit;

4 (f)(i) types of access roads to be built and manner of
5 reclamation of road sites on abandonment;

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

9 (h)(k) ground water and surface water hydrologic data
10 gathered from a sufficient number of sources and length of
11 time to characterize the hydrologic regime;

12 (i)(l) a plan detailing the design, operation, and
13 monitoring of impounding structures, including but not
14 limited to tailings impoundments and water reservoirs,
15 sufficient to ensure that the structures are safe and
16 stable;

17 (j)(m) a plan identifying methods to be used to monitor
18 for the accidental discharge of objectionable materials and
19 remedial action plans to be used to control and mitigate
20 discharges to surface or ground water; and

21 (k)(n) an evaluation of the expected life of any
22 tailings impoundment or waste area and the potential for
23 expansion of the tailings impoundment or waste site.

24 (4) Except as provided in subsection (6), the permit
25 provided for in subsection (1) for a large-scale mineral

1 development as defined in 90-6-302 must be conditioned to
2 provide that activities under the permit may not commence
3 until the impact plan is approved under 90-6-307 and until
4 the permittee has provided a written guarantee to the
5 department and to the hard-rock mining impact board of
6 compliance within the time schedule with the commitment made
7 in the approved impact plan, as provided in 90-6-307. If the
8 permittee does not comply with that commitment within the
9 time scheduled, the board, upon receipt of written notice
10 from the hard-rock mining impact board, shall suspend the
11 permit until it receives written notice from the hard-rock
12 mining impact board that the permittee is in compliance.

13 (5) When the department determines that a permittee has
14 become or will become a large-scale mineral developer
15 pursuant to 82-4-339 and 90-6-302(4) and provides notice as
16 required under 82-4-339, within 6 months of receiving the
17 notice, the permittee shall provide the board with proof
18 that he has obtained a waiver of the impact plan requirement
19 from the hard-rock mining impact board or that he has filed
20 an impact plan with the hard-rock mining impact board and
21 the appropriate county or counties. If the permittee does
22 not file the required proof or if the hard-rock mining
23 impact board certifies to the board that the permittee has
24 failed to comply with the hard-rock mining impact review and
25 implementation requirements in Title 90, chapter 6, parts 3

1 and 4, the board shall suspend the permit until the
2 permittee files the required proof or until the hard-rock
3 mining impact board certifies that the permittee has
4 complied with the hard-rock mining impact review and
5 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."

-End-

APPROVED BY COMM. ON
NATURAL RESOURCES

HOUSE BILL NO. 641

INTRODUCED BY KNOX, GRINDE, M. HANSON, WILLIAMS, TUNBY,

ELLIS, LARSON, TOOLE,

ZOOK, MCCAFFREE

A BILL FOR AN ACT ENTITLED: "AN ACT MODIFYING REQUIREMENTS FOR AN APPLICATION FOR A PERMIT UNDER THE METAL MINE RECLAMATION STATUTES; AND AMENDING SECTION 82-4-335, MCA."

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:

(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;

(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 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;

(g) the names and addresses of the present owners of



1 record and any purchasers under contracts for deed of all
 2 minerals in the land to-be-affected--by WITHIN the permit
 3 AREA and the present owners of record and any purchasers
 4 under contracts for deed of all minerals within one-half
 5 mile of any part of the affected PERMIT area, PROVIDED THAT
 6 THE DEPARTMENT IS NOT REQUIRED TO VERIFY THIS INFORMATION;

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

11 (i) types of access roads to be built and manner of
 12 reclamation of road sites on abandonment;

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

16 (k) ground water and surface water hydrologic data
 17 gathered from a sufficient number of sources and length of
 18 time to characterize the hydrologic regime;

19 (l) a plan detailing the design, operation, and
 20 monitoring of impounding structures, including but not
 21 limited to tailings impoundments and water reservoirs,
 22 sufficient to ensure that the structures are safe and
 23 stable;

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

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

3 (n) an evaluation of the expected life of any
 4 tailings impoundment or waste area and the potential for
 5 expansion of the tailings impoundment or waste site.

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

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

1 from the hard-rock mining impact board or that he has filed
2 an impact plan with the hard-rock mining impact board and
3 the appropriate county or counties. If the permittee does
4 not file the required proof or if the hard-rock mining
5 impact board certifies to the board that the permittee has
6 failed to comply with the hard-rock mining impact review and
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
11 complied with the hard-rock mining impact review and
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.

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

-End-

HOUSE BILL NO. 641

INTRODUCED BY KNOX, GRINDE, M. HANSON, WILLIAMS,

TUNBY, ELLIS, LARSON, TOOLE,

ZOOK, MCCAFFREE

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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:

(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;

(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 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;

(g) the names and addresses of the present owners of

1 record and any purchasers under contracts for deed of all
 2 minerals in the land to-be-affected--by WITHIN the permit
 3 AREA and--the--present--owners-of-record-and-any-purchasers
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 6 THE DEPARTMENT IS NOT REQUIRED TO VERIFY THIS INFORMATION;

7 (h) the source of the applicant's legal right to mine
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 20 monitoring of impounding structures, including but not
 21 limited to tailings impoundments and water reservoirs,
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3 (k)(n) an evaluation of the expected life of any
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 7 provided for in subsection (1) for a large-scale mineral
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 16 time scheduled, the board, upon receipt of written notice
 17 from the hard-rock mining impact board, shall suspend the
 18 permit until it receives written notice from the hard-rock
 19 mining impact board that the permittee is in compliance.

20 (5) When the department determines that a permittee has
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 22 pursuant to 82-4-339 and 90-6-302(4) and provides notice as
 23 required under 82-4-339, within 6 months of receiving the
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-End-