

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Rep. Dick Knox, Chairman, on March 10, 1995,
at 3:00 pm.

ROLL CALL

Members Present:

Rep. Dick Knox, Chairman (R)
Rep. Bill Tash, Vice Chairman (Majority) (R)
Rep. Bob Raney, Vice Chairman (Minority) (D)
Rep. Aubyn A. Curtiss (R)
Rep. David Ewer (D)
Rep. Daniel C. Fuchs (R)
Rep. Hal Harper (D)
Rep. Karl Ohs (R)
Rep. Paul Sliter (R)
Rep. Robert R. Story, Jr. (R)
Rep. Jay Stovall (R)
Rep. Lila V. Taylor (R)
Rep. Cliff Trexler (R)
Rep. Douglas T. Wagner (R)

Members Excused: Rep. Jon Ellingson (D)
Rep. Scott Orr (R)
Rep. Emily Swanson (D)

Members Absent: Rep. Carley Tuss

Staff Present: Michael Kakuk, Environmental Quality Council
Alyce Rice, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 252, SB 362, SB 186
Executive Action: SB 186 Be Concurred In
SB 153 Be Concurred In As Amended
SB 231 Be Concurred In
SB 288 Be Concurred In

Tape 1, Side A

HEARING ON SB 252Opening Statement by Sponsor:

SEN. LARRY TVEIT, Senate District 50, Fairview, said SB 252 clarifies the water quality laws to recognize and provide for ground water mixing zones on the property owned or controlled by the discharger. Basically, all the bill does is establish that mixing zones for ground water will be at the discharger's property boundary. The mixing zones may be extended beyond the property in accordance with the rules adopted by the Board of Health and Environmental Sciences (BHES). The bill was introduced to correct policy changes that could have had a devastating potentially effect on industrial, municipal and agricultural entities that have discharges to ground water.

Proponents' Testimony:

Larry Brown, Agricultural Preservation Association, said SB 252 is a step in the right direction in terms of keeping potential contamination or pollution to ground water in perspective. Mr. Brown urged the committee to support SB 252.

Raymond Lazuk, Hydrologist, Golden Sunlight Mines, said SB 252 expands upon the concept of mixing zones which was initially introduced in SB 401. In many cases mixing zones will be the only means for a discharger to comply with Montana's strict water quality standards. The fundamental problem with the present rules is that the size of the allowable mixing zone is based exclusively on dilution and fails to recognize the availability and utility of other natural processes such as dispersion, absorption, biological degradation and other mechanisms which would actually help improve the discharge water qualities. By requiring that mixing zones have the smallest practicable size, SB 401 effectively eliminated the application of other beneficial processes. SB 252 is not a license to discharge pollutants into ground water. Others rules such as the Montana Ground Water Pollution Control System in the Nondegradation Policy Act actually control these activities. The present mixing zone rules literally force a landowner or manager to jump through the myriad of highly technical hoops. There appears to be a general lack of technical understanding by many as to what water resource related bills are about. SB 252 is intended to improve water quality by allowing for a level of water treatment that is usually unobtainable with conventional water treatment plant options. Mr. Lazuk urged the committee to let common sense and scientific fact prevail and support SB 252.

Tammy Johnson, Citizens United for a Realistic Environment, supported SB 252.

John Bloomquist, Montana Stockgrowers Association, supported SB 252.

John Fitzpatrick, Pegasus Gold Corporation, said SB 252 will simply bring Montana back to the policy that served it well for 12 years. The bill is technically sound and administratively feasible for the department to administer.

Peggy Trenk, Western Environmental Trade Association, said businesses want consistency when they come to the state. They want to live within the regulatory requirements but they would like to know when they make an investment they aren't going to get changed midstream.

Gail Abercrombie, Montana Petroleum Association, supported SB 252.

Mike Murphy, Montana Water Resources Association, supported SB 252.

Russ Ritter, Montana Resources of Butte, supported SB 252.

Opponents' Testimony:

Jim Jensen, Montana Environmental Information Center, referred to a comment by a proponent to SB 252 who stated that businesses want everything just right in Montana or else they won't do business in the state. Mr. Jensen read a clipping from the Billings Gazette, dated March 20, 1995, stating that Montana's jobless rates were down again and that the number of nonagricultural jobs in the state grew by 5.3 percent to 338,200 in the past year, with increases in every industry. EXHIBIT 1 Mr. Jensen asked the committee if the bills and laws on the books in Montana were such a burden on industry, could every single sector of Montana's economy be expanded with the exception of agriculture. Montana's strong environmental laws are not causing problems with industry or loss of jobs. SB 252 will allow ground water to be polluted.

George Ochenski, Trout Unlimited, opposed SB 252 for the same reasons as the previous opponent.

Jeff Barber, Northern Plains Resource Council. Written testimony. EXHIBIT 2

Willa Hall, League of Women Voters, said water doesn't stop at boundaries and it is very difficult to clean up ground water once it has been polluted.

Debbie Smith, Sierra Club, said SB 252 would allow the mixing zones to extend to the property owner's boundary line which means the more property that is owned, the more the property owner can pollute. It is inequitable to a property owner that owns ten acres and may wish to discharge the same amount of pollutants as a property owner that owns 1,000 acres. The bill is not logical and does not make scientific sense. Ms. Smith urged the committee to table SB 252.

Steve Kelly, Friends of the Wild Swan, said the most common sense approach to ground water pollution is prevention. SB 252 does nothing to prevent pollution, it simply spreads the problem to a wider area. **Mr. Kelly** urged the committee to table SB 252.

Tape 1, Side B

Paul Roos, Outfitter, opposed SB 252.

Janet Ellis, Montana Audubon Legislative Fund, opposed SB 252.

Informational Testimony: None

Questions From Committee Members and Responses:

REP. BOB RANEY asked **John Arrigo, Hydrologist, DHES**, who the ground water belongs to and how easy it is to predict throughout a year what the flow and direction of the water is. **Mr. Arrigo** said under Montana's water use laws the ground water belongs to the state. Residents can apply for a right to use that water. Estimating mixing zones is extremely complicated. It depends upon the character of the water-bearing material beneath the surface, the characteristics of the particular pollutant and it depends upon different processes that happen in the subsurface which involves chemistry, biology and physics. **REP. RANEY** asked **Mr. Arrigo** if he could predict the direction of ground water flow. **Mr. Arrigo** said with an adequate well monitoring network the direction of ground water flow and rate can accurately be predicted. **REP. RANEY** asked **Mr. Arrigo** if the bill was as much as saying that science is not the controlling factor anymore because of an arbitrary boundary line. **Mr. Arrigo** said it is a policy decision, not a scientific decision, that dictates the amount of pollution that will be allowed depending on the amount of land owned.

REP. HAL HARPER said many of the biggest polluters are mining and industrial operations. In most cases they are surrounded by agricultural operations. He asked **Mr. Murphy** why the agricultural community wasn't concerned. **Mr. Murphy** said the agricultural community is concerned about the potential for pollution and the ground water zones could affect their property. **REP. HARPER** asked **Mr. Murphy** how a rancher would know if pollution was getting into his irrigation stream or into the water for the stock without the ability to request a monitoring well or the ability to question a permit. **Mr. Murphy** said if a landowner felt that there was a potential for a permit to jeopardize his property he would have the right to file an objection and have a hearing. **REP. HARPER** asked **Mr. Murphy** how he would be able to show any detrimental effect until the pollution had actually showed up in his water. **Mr. Murphy** said it would be almost impossible.

REP. ROBERT STORY asked **Mr. Pilcher** if mixing zones could exceed the property boundary under the present statutes. **Mr. Pilcher**

said the department does not consider the property boundary in the scientific calculation of the mixing zone in conjunction with the ground water permit at the present time.

REP. RANEY asked Mr. Pilcher if a person was concerned that his spring creek with clean, pure water and the fish in it, were going to become polluted from some operation going on above him, what kind of protection would he have. Mr. Pilcher said the department provides a public notice when a permit is requested and the public has an opportunity for comment. If someone expressed a concern, the department would review the proposal, consider the concern and make a determination as to whether the person's property was going to be impacted.

Tape 2, Side A

CHAIRMAN KNOX asked Mr. Pilcher if the department had the ability, as a condition of the permit, to require monitoring wells around the perimeter of a mining operation. Mr. Pilcher said any permit the department would issue, monitoring requirements would be included with wells at selected strategic locations to help track projected pollution.

Closing by Sponsor:

SEN. TVEIT said SB 252 has enough safeguards to ensure that the state's water quality will be maintained. SEN. TVEIT urged the committee to support SB 252.

HEARING ON SB 362

Opening Statement by Sponsor:

SEN. LARRY TVEIT, Senate District 50, Fairview, said SB 362 exempts certain activities from ground water discharge permit requirements. The Department of Health and Environmental Sciences (DHES) took into account in their rules, the protection provided by other permitting agencies and exempted them from double permitting. A recent legislative audit pointed out that the statutory authority for agencies other than the DHES to have jurisdiction over ground water protection permitting was not clear. The audit report recommended clarification, in statute, the authority of the DHES to grant deferral to other permitting agencies for ground water protection. The report also recommended eliminating the exceptions and in essence, create double permitting. Double permitting is costly and time consuming for the state.

Proponents' Testimony:

Gail Abercrombie, Montana Petroleum Association, said she attended the meeting when the Legislative Auditor's office reviewed the performance audit of the Water Quality Division.

Ms. Abercrombie distributed part of the report that included exclusions from permit requirements. EXHIBIT 3 The audit report recommended that rule modification be initiated to eliminate the exclusions. SB 362 will help avoid double permitting and unnecessary costs.

Jerome Anderson, Attorney, Shell Western Exploration and Exploration, Inc., supported SB 362.

Dennis Iverson, Northern Montana Oil and Gas Association, said the association is made up of very small operators and the additional permit burden would be very costly to them. It would also be an unreasonable burden on the department.

John Bloomquist, Montana Stockgrowers Association, supported SB 362.

John Shontz, Montana Association of Realtors, supported SB 362.

John Fitzpatrick, Pegasus Gold Corporation, encouraged the committee to support SB 362.

Mike Murphy, Montana Water Resources Association, supported SB 362.

Tape 2, Side B

Steve Pilcher, Department of Health and Environmental Sciences, said the department thought it was doing the right thing by preceding with rules that would allow it to issue permits to all facilities but it has become clear that it is not going to have the resources. The department is willing to consider a trial run of allowing other agencies to consider ground water impacts. The department is somewhat concerned about other agencies' commitments to enforcing the water quality laws. The exemption in the bill is for the permit requirement only. It does not relieve anyone from compliance with Montana's water laws. It just changes the entity that is looking out for that interest. DHES is not relieved of the responsibility of initiating and pursuing any enforcement action. If a facility or activity is excluded from a ground water permit, it is not excluded from all water permits that are appropriate. The bill hasn't made this clear. Mr. Pilcher distributed amendments to SB 362 that would clarify that the exemption pertains to ground water permits only. EXHIBIT 4

Opponents' Testimony:

Jeff Barber, Northern Plains Resource Council, said that it looked like every agency in the state would be regulating ground water discharge if SB 362 passed. No other state agency has any rules for adopting mixing zones. He urged the committee to table SB 362.

Willa Hall, League of Women Voters, opposed SB 362.

Jim Jensen, Montana Environmental Information Center, said that enforcement actions of violations of water quality standards will be taken by a different agency than the one that issued the permit. That doesn't make good regulatory sense or good business sense.

Debbie Smith, Sierra Club, said even though other agencies have permit requirements and other requirements that effect water, no agency has other than DHES has any authority to enforce and protect the water quality standards that it sets. Other agencies don't have the authority to set up mixing zones.

Steve Kelly, Friends of the Wild Swan, said there should be a lead agency and it should be the DHES. The department has the expertise and the intention of enforcing the standards. It has everything but the money. There is no guarantee that other agencies have the money to assume these added responsibilities.

J. V. Bennett, Montana Public Information Resource Group, opposed SB 362 and urged the committee to table SB 362.

Paul Roos, Outfitter, said he was concerned about all the bills that deal with water quality and asked the committee to consider them together and carefully. Many of the bills are one-sided and short-sighted.

Informational Testimony: None

Tape 3, Side A

Questions From Committee Members and Responses:

REP. DANIEL FUCHS said there seemed to be a lot of concern by the committee about public health and asked Mr. Pilcher if he felt there was reason for concern. Mr. Pilcher said his concerns were addressed earlier when he expressed concern about the commitment, resources and ability of other agencies to address water quality problems at the same level that the state agency having specific water pollution control responsibility would do. The amendment is intended to provide some clarification and avoid a confrontation in the future, when someone mistakenly thinks that because of the bill he is excluded from having to obtain any other water permit.

REP. BOB RANEY asked Bob Robinson, Director, DHES, how the reorganization of some of the departments would affect water quality enforcement. Mr. Robinson said he supported the reorganization of the natural resources agencies. It will bring together the environmental regulatory activities with mining permitting, major facility siting and some of the activities in the Department of Natural Resources. It will force coordination between the various permitting functions in those departments.

Closing by Sponsor:

SEN. TVEIT urged the committee to support SB 362.

HEARING ON SB 186Opening Statement by Sponsor:

SEN. TOM BECK, Senate District 28, Deer Lodge, said SB 186 expands the authority of the Department of State Lands (DSL) to reclaim abandoned hard rock and opencut mine sites, authorizes the filing of liens and limits redisturbance of reclaimed sites. Current law exempts small miners from reclamation requirements. The bill provides that these exemptions would not apply to sites that have been reclaimed with public money. This would prevent sites reclaimed by the state from becoming recontaminated. SB 186 allows the department to enter the site to determine what reclamation is needed and to undertake any necessary work when an owner of a mine is not known, cannot be located or will not give permission after giving notice to the owner. The bill also provides for a lien on the reclaimed property for either the amount of the public money actually spent on the reclamation or or for the increase in the value of the property, whichever is less. Public funds would eventually be replenished. Hazards would be eliminated and the property would become more marketable.

Proponents' Testimony:

Bud Clinch, Commissioner, Department of State Lands (DSL), said an inventory of abandoned hard rock mines in Montana revealed there were 6,000 sites. A packet on hard rock mines was distributed to the committee. EXHIBIT 5. Mr. Clinch reviewed the contents of the packet. Mr. Clinch said a lot of the abandoned mine claims have a very distorted history of claim entitlement and it makes it extremely difficult for secure permission to move in and do adequate reclamation. In some instances, after doing the reclamation, the department found it had no control over keeping the owner from selling the property for a profit. In one instance, the claim was sold and the subsequent owner decided to re-mine the property. He dug up the reclamation and is mining under a small miner's exemption. SB 186 does not allow a small miner's exemption for the site once the department spends money on reclamation. In order for it to be mined again, it would have to be fully permitted and fully bonded. As a result the state's reclamation efforts wouldn't be in vain. Mr. Clinch showed slides of abandoned mines.

Tape 3, Side B

John Fitzpatrick, Pegasus Gold Corporation, supported SB 186.

Jim Jensen, Montana Environmental Information Center, urged the committee to support SB 186.

Tammy Johnson, Citizens United for a Realistic Environment, supported SB 186.

Jeff Barber, Northern Plains Resource Council, supported SB 186.

Steve Kelly, Friends of the Wild Swan, supported SB 186.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. KARL OHS asked Mr. Clinch what would happen if the mines listed as abandoned became active. Mr. Clinch said the mines listed as abandoned have been abandoned for a long time and the department didn't perceive that there would be any active mining. Before any reclamation would be done on any of the mines, they would be checked out thoroughly to make sure no mining was being done.

REP. ROBERT STORY asked Mr. Clinch to explain the small miner's exemption. Mr. Clinch said under the Metal Mine Reclamation Act there is what is referred to as the small miner's exemption which means that if an individual keeps his disturbance under five acres and does not use a hazardous material such as cyanide, there is no bonding required for reclamation.

Closing by Sponsor:

SEN. BECK urged the committee to support SB 186.

EXECUTIVE ACTION ON SB 186

Motion/Vote: REP. DANIEL FUCHS MOVED SB 186 BE CONCURRED IN. Voice vote was taken. Motion carried unanimously.

EXECUTIVE ACTION ON SB 153

Motion: REP. KARL OHS MOVED SB 153 BE CONCURRED IN.

Tape 4, Side A

Discussion:

REP. OHS distributed and explained an amendment to SB 153.
EXHIBIT 6

Motion/Vote: REP. OHS MOVED THE AMENDMENT TO SB 153. Voice vote was taken. Motion carried unanimously.

Motion/Vote: REP. BILL TASH MOVED SB 153 BE CONCURRED IN AS AMENDED. Voice vote was taken. Motion carried 14 to 3. REP. DANIEL FUCHS, REP. DOUG WAGNER and REP. SCOTT ORR voted no.

EXECUTIVE ACTION ON SB 231

Motion/Vote: REP. PAUL SLITER MOVED SB 231 BE CONCURRED IN. Voice vote was taken. Motion carried 12 to 5. REP. HAL HARPER, REP. DAVID EWER, REP. BOB RANEY, REP. EMILY SWANSON and REP. JON ELLINGSON voted no.

EXECUTIVE ACTION ON SB 288

Motion: REP. PAUL SLITER MOVED SB 288 BE CONCURRED IN.

Discussion:

REP. HAL HARPER said SB 288 will aid large corporations and will make it more difficult for a citizen to force an agency to do an EIS.

REP. BOB RANEY said the Department of State Lands testified that citizens had brought eight suits against the department and the citizens had won five of them. SB 288 will make it so difficult the citizens won't be able to get involved.

Vote: Voice vote was taken. Motion carried 9 to 8. REP. BOB RANEY, REP. EMILY SWANSON, REP. JON ELLINGSON, REP. HAL HARPER, REP. DAVID EWER, REP. DANIEL FUCHS, REP. CLIFF TREXLER, and REP. PAUL SLITER voted no.


HOUSE NATURAL RESOURCES COMMITTEE

March 10, 1995

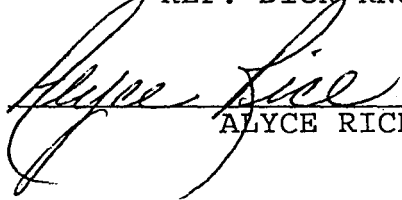
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ADJOURNMENT

Adjournment: 6:35 pm



REP. DICK KNOX, Chairman



ALYCE RICE, Secretary

DK/ar

HOUSE OF REPRESENTATIVES

Natural Resources

ROLL CALL

DATE 3-10-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Dick Knox, Chairman	✓		
Rep. Bill Tash, Vice Chairman, Majority	✓		
Rep. Bob Raney, Vice Chairman, Minority	✓		
Rep. Aubyn Curtiss	✓		
Rep. Jon Ellingson			✓
Rep. David Ewer	✓		
Rep. Daniel Fuchs	✓		
Rep. Hal Harper	✓		
Rep. Karl Ohs	✓		
Rep. Scott Orr			✓
Rep. Paul Sliter	✓		
Rep. Robert Story	✓		
Rep. Jay Stovall	✓		
Rep. Emily Swanson			✓
Rep. Lila Taylor	✓		
Rep. Cliff Trexler	✓		
Rep. Carley Tuss		✓	
Rep. Doug Wagner	✓		



HOUSE STANDING COMMITTEE REPORT

March 13, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 186 (third reading copy -- blue) be concurred in.

Signed: _____

Dick Knox
Dick Knox, Chair

Carried by: Rep. Grady

Committee Vote:
Yes 17, No 0.

580854SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 13, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 153 (third reading copy -- blue) be concurred in as amended.

Signed: _____

Dick Knox
Dick Knox, Chair

Carried by: Rep. Ohs

And, that such amendments read:

1. Title, lines 10 and 11.

Strike: "MODIFYING" on line 10 through "SYSTEMS" on line 11

Insert: "CLARIFYING CERTAIN DEFINITIONS IN THE OPERATOR
CERTIFICATION LAWS"

2. Page 3, lines 7 through 9.

Strike: subsection 5 in its entirety

Renumber: subsequent subsections

3. Page 3, line 23.

Strike: "or" through "SCHOOL"

4. Page 3, lines 27 and 28.

Strike: "or" on line 27 through "SCHOOL" on line 28

-END-

Committee Vote:

Yes 4, No 3.

580855SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 13, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 231 (third reading copy -- blue) be concurred in.

Signed: _____

Dick Knox

Dick Knox, Chair

Carried by: Rep. Knox

Committee Vote:

Yes 2, No 5.

580857SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 13, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 288 (third reading copy -- blue) be concurred in.

Signed: _____

Dick Knox
Dick Knox, Chair

Carried by: Rep. Curtiss

Committee Vote:
Yes 9, No 8.

580857SC.Hbk

I GIVE MY PROXY TO
EMILY SWANSON ON 3/8/95
IN NATURAL RESOURCES TO VOTE
ME AS FOLLOWS;

SB 200: IN FUTURE
C O

3/10/95
NATURAL RESOURCES

I LEAVE MY PROXY
WITH REP. WATNER
TO VOTE WITH
HIM ON ALL BILLS,
AMENDMENTS AND
MOTIONS.

Sf Dr

For Friday, 3/10/95, any executive action in
House Natl. Resources Comm I vote with
Bob Raney. Thank you.
- Shirley Swanson

FOR FRIDAY 3/10/95, I VOTE WITH
BOB RANEY ON ANY EXECUTIVE ACTION IN
NATURAL RESOURCES.

Jim Ellings

City/State

■ CONSTRUCTION LEADS

-State jobless rates down again

HELENA (AP) — Montana had 17,100 more jobs in January than it did a year earlier, while the unemployment rate fell to the second lowest January level in a quarter century, the Labor Department reported Thursday.

The number of nonagricultural jobs in the state grew by 5.3 percent to 338,200 in the past year, with increases in every industry.

The jobless rate dipped to 6.1 percent, the lowest of any January since 1990 when the rate was 5.9 percent. Before then, the lowest unemployment rate was 5.5 percent in 1971.

Construction led the way in more jobs with the addition of 2,100 — a 19 percent improvement over January 1994. Only agriculture had fewer people working than a year ago, experiencing a decline of 4,600.

Besides construction, other indus-

tries making big gains in the past year were manufacturing with 900 more jobs and mining with an increase of 200. Transportation, communication and utility businesses added 900 jobs, while financial, insurance and real estate firms grew by 500.

Over half the new jobs in the past year — about 9,400 — were in the usually low-paying service and trade businesses.

Still, the numbers are encouraging, said Bob Rafferty, head of research and analysis for the department.

"That's a lot of strength," he said before adding a note of caution. "How long we are going to hold that job increase, I don't know."

Rafferty said he was concerned about the effect of rising interest rates on consumer spending and construction.

Even declines in those economic fac-

tors could be offset by continued growth in Montana's population, he said.

January's unemployment rate meant an estimated 26,400 Montanans were out of work, about 1,300 fewer than a year earlier.

The highest county unemployment rates were Glacier, 15.6 percent; Sanders, 14.4 percent; Mineral, 14.3 percent; Lincoln, 13.8 percent; and Big Horn, 12.9 percent.

The lowest county rates were Powder River, 1.9 percent; Daniels, 2 percent; Liberty, 2.3 percent; Gallatin, 2.7 percent; and Chouteau, 3 percent.

Among the most-populous counties, Flathead had the highest unemployment rate at 7.9 percent; followed by Silver Bow, 5.9 percent; Cascade, 5.7 percent; Lewis and Clark, 5.3 percent; Missoula, 5.2 percent; Yellowstone, 4.8 percent; and Gallatin, 2.7 percent.

Northern Plains Resource Council

EXHIBIT 2

DATE 3-10-95

SB 252

Mr. Chairman, members of the committee, my name is Jeff Barber. I am testifying today on behalf of the Northern Plains Resource Council in opposition to SB252.

Mixing zones were established by the legislature in 1993 with the adoption of SB401. Mixing zones are, by definition an area where water quality standards can be legally violated. The theory behind mixing zones is that, if you are discharging effluent to state waters, your discharge will most likely be violating water quality standards at the end of the pipe. To realistically regulate discharges, an area must be delineated which will give the discharge time to mix with the receiving waters, thus a mixing zone.

As adopted by SB401, mixing zones are supposed to be "the smallest practicable size". This size is determined by the department and is based on a variety of factors including the size of the receiving waters, what is being discharged, the current quality of the receiving waters, etc. The size of the mixing zone, therefore, is based on a scientific determination. Because mixing zones are legalized water pollution, they should be as small as possible in order to limit the amount of pollution in our water.

SB252 says that, for ground water, mixing zones no longer have to be the smallest practicable size, but can now extend to the dischargers property boundary. This is a bad idea for a couple of reasons.

First, it takes science out of the picture. The size of a mixing zone would only be limited by the controlled property boundary. In response to concerns that a discharger could buy more property and increase the size of a mixing zone, the Senate amended the "controlled property" definition so it is limited to the controlled property "at the time that the permit was issued". This still does not eliminate the problem, however. A discharger could still buy up more downstream property and apply for another adjacent mixing zone which would have the same effect. This possibility is particularly disconcerting in the case of the mining industry that has the right to condemn land for its operations.

The mining industry will have you believe that this bill is simply a return to the practices of old, that traditionally they have been able to pollute water up to their property boundaries. I would submit that the last thing this legislature wants to do is allow the mining industry to return to its past practices. We have all seen the consequences of their past actions and it has taken decades of work by the citizens of this state to get the mining companies to respect common resources such as water.



WATER QUALITY

16.20.1012

existing quality is higher than the established ground water quality standards for its classification must be maintained at that high quality in accordance with 75-5-303, MCA, and ARM Title 16, chapter 20, subchapter 7. (History: Sec. 75-5-301, 75-5-303, MCA; IMP, Sec. 75-5-303, MCA; NEW, 1982 MAR p. 1937, Eff. 10/29/82; AMD, 1994 MAR p. 2136, Eff. 8/12/94.)

16.20.1012 EXCLUSIONS FROM PERMIT REQUIREMENTS (1) For the purposes of this subchapter, the following are not subject to the permit requirements of ARM 16.20.1013 through 16.20.1021:

- (a) discharges or activities regulated under the federal UIC program;
- (b) solid waste management systems licensed pursuant to ARM 16.14.501, et seq.;
- (c) natural persons disposing of their own normal household wastes on their own property;
- (d) hazardous waste management facilities permitted pursuant to ARM 16.44.601, et seq.;
- (e) water injection wells, reserve pits and produced water pits employed in oil and gas field operations and approved pursuant to ARM 36.22.1005, 36.22.1226 through 36.22.1234, and 16.20.916;
- (f) agricultural irrigation facilities;
- (g) stormwater disposal or stormwater detention facilities;
- (h) subsurface disposal systems for sanitary wastes serving individual residences;
- (i) subsurface disposal systems reviewed and approved by the department pursuant to Title 50, chapters 50, 51 and 52, MCA and systems reviewed and approved by the department or local authorities under Title 76, chapters 3 and 4, MCA;
- (j) existing treatment works reviewed and approved by the department prior to October 29, 1982;
- (k) facilities approved by the department pursuant to ARM 16.20.401;
- (l) in-situ mining of uranium facilities controlled under MIMUCS;
- (m) mining operations subject to operating permits or exploration licenses in compliance with the Strip and Underground Mine Reclamation Act, 82-4-201, et seq., MCA, or the Metal Mine Reclamation Act, 82-4-301, et seq., MCA;
- (n) projects reviewed under the provisions of the Major Facility Siting Act, Title 75, chapter 20, MCA.

(2) Notwithstanding the exclusions set forth in section (1) of this rule, all sources are subject to the provisions of ARM 16.20.1001 through 16.20.1003, 16.20.1010, 16.20.1011 and 16.20.1025. Furthermore, any excluded source which the department determines may be causing or is likely to cause violations

16.20.1013 HEALTH AND ENVIRONMENTAL SCIENCES

of groundwater quality standards may be required to submit monitoring information pursuant to 75-5-602, MCA. (History: Sec. 75-5-401, MCA; IMP, Sec. 75-5-401, 75-5-602, MCA; NEW, 1982 MAR p. 1937, Eff. 10/29/82.)

16.20.1013 PERMIT APPLICATIONS (1) The owner or operator of any existing source not excluded under ARM 16.20.1012 discharging pollutants into state groundwaters shall file an MGWPCS permit application within one year of October 29, 1982.

(2) The owner or operator of any source with an MGWPCS permit who proposes any modification, subsequent to October 29, 1982, which the department determines may result in violation of existing permit conditions shall file a new completed MGWPCS permit application no less than 180 days prior to the day on which it is desired to commence operation of the modified discharge.

(3) The owner or operator of any proposed source not excluded under ARM 16.20.1012 which may discharge pollutants into state groundwaters shall file a completed MGWPCS permit application no less than 180 days prior to the day on which it is desired to commence operation of the source.

(4) All applications for an MGWPCS permit must be submitted on forms obtained from the department and must contain the following information as deemed necessary by the department:

- (a) A specific site plan, indicating topography;
- (b) Location of treatment works and disposal systems;
- (c) Location of adjacent state surface waters;
- (d) List of surface owners and lessees of land within one mile of the proposed source;
- (e) Location of water supply wells and springs within one mile;
- (f) Description of waste or process solutions to be contained on site; and
- (g) Information describing existing groundwater quality and uses within one mile of the site.

(5) The department may require the submission of additional data and information with any MGWPCS permit application where warranted by the potential impacts of a source including but not limited to the following:

(a) Specific design conditions and process descriptions, proposed alternatives, soil conditions, descriptions in areas proposed for location of treatment ponds and land disposal, geological conditions, groundwater characteristics, local hydrogeology, discussion of potential for and measures to be taken for emergency and accidental spills, chemical and physical characteristics of process water and wastewater, nature of proposed pond sealants and linings.

(b) For industrial wastes, waste flow diagrams showing

EXHIBIT 4
DATE 3-10-95
SB 362

Amendments to Senate Bill No. 362
Third Reading Copy

Requested by _____
For the House Committee on Natural Resources

Prepared by Department of Health and Environmental Sciences
March 10, 1995

1. Page 2, lines 2 and 3..

Following: "requirements"

Strike: "authorized under subsection (1)"

Insert: "described in Title 16, chapter 20, subchapter 10,
Administrative Rules of Montana"

2. Page 3, line 16.

Following: "Except for"

Strike: "the discharges"

Insert: "the permit exclusions"

DATE 3-10-95
SB 186

MONTANA DEPARTMENT OF STATE LANDS
HARD ROCK MINE PRIORITY SITES

<u>Site</u>	<u>Mining District/ County</u>	<u>Priority Ranking</u>	<u>Remarks</u>	<u>Reclamation Status</u>
Corbin Flats	Colorado/Jefferson	1	700,000 cubic yards tailings, high in arsenic, lead, copper, and zinc. Spring Creek flows directly through tailings.	discussions between DHES and private owner
Joslyn Street	Helena/Lewis & Clark	2	4900 cubic yards tailings, high in arsenic and lead. Very near Helena residential area.	discussions between DHES and private owner
Red Mountain	Rimini/Lewis & Clark	3	13,300 cubic yards tailings, high in arsenic, lead, and mercury. Seeps directly into Ten Mile Creek.	no action
National Extension	Rimini/Lewis & Clark	4	7,530 cubic yards tailings, high in arsenic and lead. Discharge adit into Beaver Creek and Ten Mile Creek.	no action
Emery	Rimini/Powell	5	21,400 cubic yards tailings, 244,625 cubic yards waste rock, high in arsenic, copper, lead, and zinc. Near residences.	no action
Red Water	Rimini/Lewis & Clark	6	7,000 cubic yards waste rock and discharging adits, both high in arsenic, lead, and zinc. Seeps into Ten Mile Creek.	no action

Curlw 504/43/66	Curlw/Ravalli	7	41,000 cubic yards tailings, high in arsenic, lead, and zinc. In site of housing developments.	no action
Piegan Goster Mill Eureka	Marysville/Lewis & Clark	8	335,820 cubic yards tailings, high in lead and zinc. Piegan Creek flows through the site.	no action
Block P Tailings Nations Exiguation Comet	Hughesville/Cascade	9	625,000 cubic yards tailings, high in arsenic, lead, and iron. Galena Creek highly contaminated.	discussions between USFS and private owner
504/43/66 Vosburg	High Ore/Jefferson	10	500,000 cubic yards tailings, high in arsenic, copper, lead, and zinc. High Ore Creek flows through tailings.	no action
504/43/66 Vosburg	Winston/Broadwater	34	42,000 cubic yards tailings, high in arsenic, lead, and zinc. Discharging adits into Badger Creek.	discussions between USFS and DSL, Reclamation Summer '95

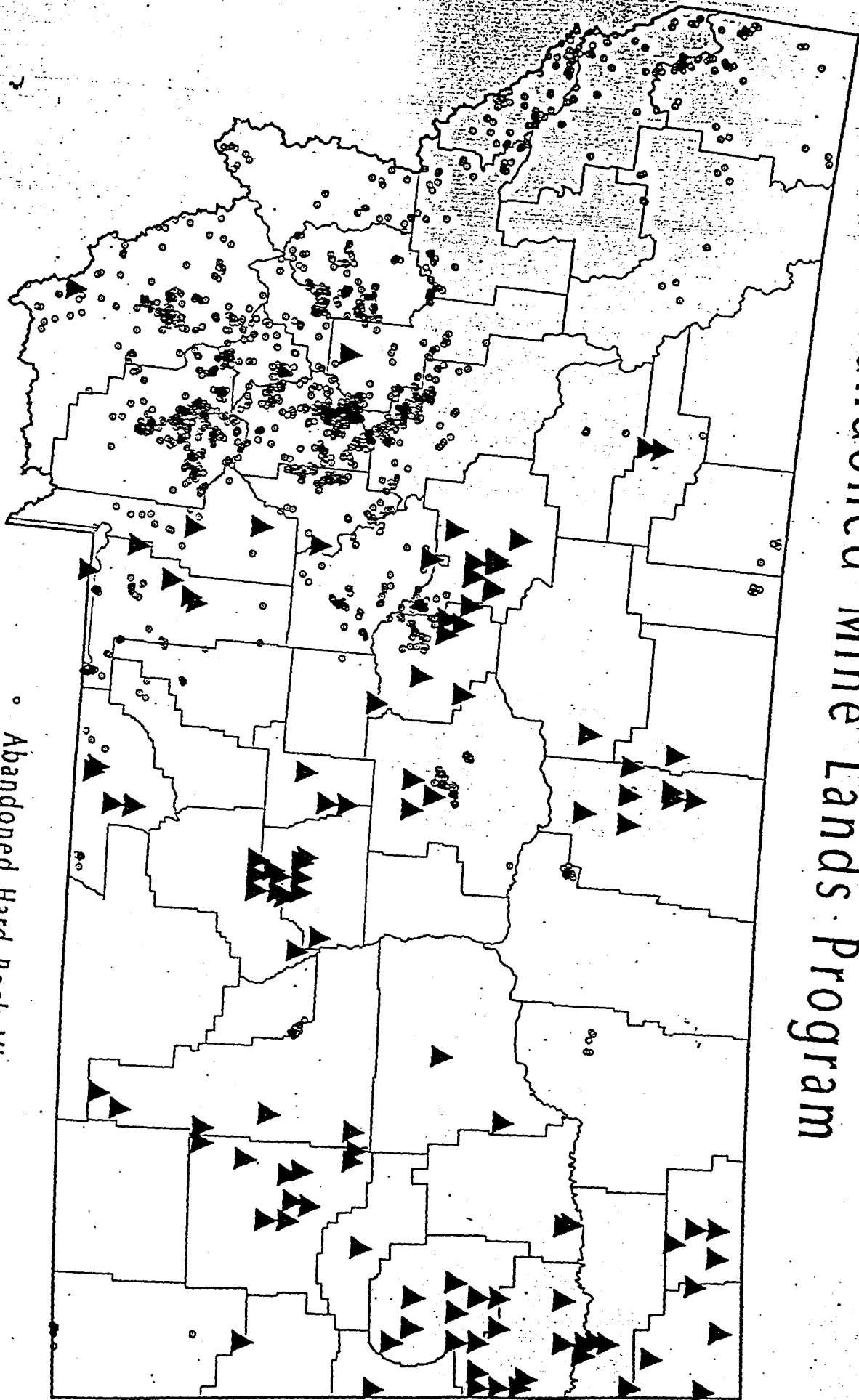
504/43/66
Vosburg

504/43/66
Vosburg

504/43/66
Vosburg

Abandoned Mine Lands Program

○ Abandoned Hard-Rock Mine Sites
▲ Consolidated Coal Projects



ABANDONED HARDROCK MINES PRIORITY SITES LIST
(Ranked by AIMSS Score)

PA NUMBER	SITE NAME	COUNTY	DISTRICT	AIMSS RANK
22-004	CORBIN FLATS	Jefferson	Colorado	1
25-501	JOSLYN STREET TAILINGS	Lewis & Clark	Helena	2
25-019	RED MOUNTAIN	Lewis & Clark	Rimini	3
25-287	NATIONAL EXTENSION	Lewis & Clark	Rimini	4
39-004	EMERY	Powell	Emery	5
25-007	RED WATER	Lewis & Clark	Rimini	6
41-003	CURLEW	Ravalli	Curlew	7
25-172	PIEGAN GLOSTER MILL	Lewis & Clark	Marysville	8
07-090	BLOCK P TAILINGS	Cascade	Hughesville	9
22-009	COMET	Jefferson	High Ore	10
39-003	CHARTER OAK	Powell	Elliston	11
25-067	SPRING HILL TAILINGS	Lewis & Clark	Helena	12
20-003	DOUGLAS CREEK TAILINGS	Granite	Philipsburg	13
23-001	BLOCK P MINE	Judith Basin	Hughesville	14
22-001	ALTA	Jefferson	Colorado	15
22-007	WASHINGTON	Jefferson	Colorado	16
22-074	ENTERPRISE	Jefferson	Basin	17
20-019	SCRATCH ALL	Granite	Philipsburg	18
25-175	EMPIRE MILLSITE	Lewis & Clark	Marysville	19
04-012	PARK (MARIETTA)	Broadwater	Indian Creek	20
22-073	CRYSTAL MINE	Jefferson	Cataract	21
15-012	FLATHEAD MINE COMPLEX	Flathead	Hog Heaven	22
25-365	GOLDSIL MILLSITE	Lewis & Clark	Marysville	23
31-090	NANCY LEE MILLSITE - SLOWEY	Mineral	Keystone	24
25-006	PEERLESS JENNY/KING	Lewis & Clark	Rimini	25
04-008	EAST PACIFIC	Broadwater	Winston	26
25-339	FRANKLIN	Lewis & Clark	Scratchgravel	27
23-046	EDWARDS	Judith Basin	Hughesville	28
22-244	NELLIE GRANT	Jefferson	Clancy	29
20-009	COMBINATION MILL	Granite	Combination	30
07-103	CARPENTER CREEK TAILINGS	Cascade	Neihart	31
25-008	VALLEY FORGE/SUSIE	Lewis & Clark	Rimini	32
07-135	SILVER DYKE ADIT	Cascade	Neihart	33
04-014	VOSBURG	Broadwater	Winston	34
25-102	ARMSTRONG MINE	Lewis & Clark	Rimini	35
22-008	BULLION	Jefferson	Basin	36
47-028	HIGHLAND	Silver Bow	Basin Creek	37
34-000	GREAT REPUBLIC SMELTER	Park	New World	38
25-030	LOWER TENMILE MILL	Lewis & Clark	Rimini	39
29-013	BOAZ MINE	Madison	Norris/Red Bluff	40
20-073	WENGER NO. 2	Granite	Philipsburg	41
25-005	TENMILE MINE	Lewis & Clark	Rimini	42
30-004	CUMBERLAND	Meagher	Castle Mountain	43
31-082	NANCY LEE MILLSITE	Mineral	Keystone	44
07-137	SILVER DYKE TAILINGS	Cascade	Neihart	45
25-280	UPPER VALLEY FORGE	Lewis & Clark	Rimini	46
32-017	LINTON MINE AND MILLSITE	Missoula	Crammer Creek	47

ABANDONED HARDROCK MINES PRIORITY SITES LIST
(Ranked by AIMSS Score)

PA NUMBER	SITE NAME	COUNTY	DISTRICT	AIMSS RANK
27-005	SNOWSHOE MINE	Lincoln	Libby	48
20-209	MAXVILLE TAILINGS/LONDONDERRY	Granite	Maxville	49
25-179	BALD BUTTE MILLSITE	Lewis & Clark	Marysville	50
20-062	TROUT	Granite	Philipsburg	51
25-275	MONTE CRISTO	Lewis & Clark	Rimini	52
22-072	BUCKEYE	Jefferson	Basin	53
22-502	ELKHORN CREEK TAILINGS	Jefferson	Elkhorn	54
20-002	BI-METALLIC/OLD RED	Granite	Philipsburg	55
01-005	ERMONT MILL	Beaverhead	Ermont	56
22-005	GREGORY	Jefferson	Colorado	57
29-073	THISTLE MINE/TAILINGS	Madison	Rochester	58
22-046	MIDDLE FORK WARM SPRINGS	Jefferson	Alhambra	59
29-035	GARNET GOLD	Madison	Pony	60
47-035	MARY EMMEE/CLINTON	Silver Bow	Elk Park	61
07-085	QUEEN OF THE HILLS	Cascade	Neihart	62
07-134	NEIHART TAILINGS	Cascade	Neihart	63
45-010	MONTRO GOLD	Sanders	Plains	64
20-110	GRANITE MOUNTAIN	Granite	Philipsburg	65
29-451	BUCKEYE	Madison	Sheridan	66
29-082	MAMMOTH TAILINGS	Madison	South Boulder	67
22-003	BLUEBIRD	Jefferson	Colorado	68
20-004	FOREST ROSE	Granite	Dunkleburg	69
39-006	LILY/ORPHAN BOY	Powell	Elliston	70
23-045	WRIGHT LODGE	Judith Basin	Hughesville	71
07-138	SILVER DYKE MILL	Cascade	Neihart	72
20-025	BROOKLYN	Granite	South Boulder	73
29-474	SE SW SEC 26 (KEYNOTE)	Madison	Sheridan	74
23-056	HARRISON	Judith Basin	Hughesville	75
22-031	JOSEPHINE	Jefferson	Basin	76
04-130	SUNRISE/JANUARY	Broadwater	Winston	77
25-262	QUEENSBURY	Lewis & Clark	Rimini	78
29-373	MISSOURI	Madison	Washington	79
07-121	DACOTAH	Cascade	Neihart	80
22-002	BERTHA	Jefferson	Colorado	81
01-031	GOLD LEAF/ PRISCILLA	Beaverhead	Bannack	82
32-005	WARD LODGE MINE	Missoula	Woodman	83
12-004	GOLD COIN	Deer Lodge	Silver Lake	84
20-012	NONPAREIL	Granite	South Boulder	85
16-018	KARST ASBESTOS	Gallatin	Bozeman	86
22-337	CARMODY	Jefferson	Elkhorn	87
25-115	BIG OX MILLSITE	Lewis & Clark	Marysville	88
39-010	ONTARIO MILLSITE	Powell	Elliston	89
20-005	ALGONQUIN	Granite	Philipsburg	90
29-136	PROSPECT	Madison	Virginia City	91
29-179	BROADWAY/VICTORIA	Madison	Silver Star	92
29-118	PACIFIC	Madison	Virginia City	93
29-008	MAMMOTH	Madison	South Boulder	94

ABANDONED HARDROCK MINES PRIORITY SITES LIST
(Ranked by AIMSS Score)

PA NUMBER	SITE NAME	COUNTY	DISTRICT	AIMSS RANK
25-197	NE NW SECTION 13	Lewis & Clark	Stemple	95
45-005	BROKEN HILL	Sanders	Blue Creek	96
27-006	CHERRY CREEK MILL	Lincoln	Libby	97
01-170	TUNGSTEN MILLSITE	Beaverhead	Lost Creek	98
04-010	KLEINSCHMIDT	Broadwater	Winston	99
25-322	BLACKFOOT TAILINGS	Lewis & Clark	Lincoln	100
07-157	REBELLION (UPPER & LOWER)	Cascade	Neihart	101
07-082	HARTLEY	Cascade	Neihart	102
22-102	ARGENTINE	Jefferson	Colorado	103
29-095	U.S. GRANT	Madison	Virginia City	104
39-020	SURE THING	Powell	Elliston	105
22-075	EVA MAY	Jefferson	Cataract	106
07-079	BROADWATER	Cascade	Neihart	107
22-500	OLD BASIN MILLSITE	Jefferson	Basin	108
25-258	WOODROW WILSON	Lewis & Clark	Rimini	109
25-024	DRUMLUMMON MINE/MILL/TAILS	Lewis & Clark	Marysville	110
01-169	OLD ELKHORN	Beaverhead	Elkhorn-South	111
20-111	TRUE FISSURE	Granite	Philipsburg	112
22-111	QUEEN/TOURMALINE QUEEN	Jefferson	Elkhorn	113
23-059	TIGER	Judith Basin	Hughesville	114
22-027	ELKHORN QUEEN	Jefferson	Elkhorn	115
04-081	BULLION KING	Broadwater	Indian Creek	116
25-061	BALD MOUNTAIN	Lewis & Clark	Marysville	117
07-087	EVENING STAR MINE AND MILLSITE	Cascade	Neihart	118
29-034	BOSS TWEED	Madison	Pony	119
31-073	DILLON MILLSITE	Mineral	Iron Mountain	120
34-079	BLACK WARRIOR	Park	New World	121
22-029	GREY EAGLE	Jefferson	High Ore	122
01-143	LOWER AND UPPER CLEVE	Beaverhead	Hecla	123
22-132	BOULDER CHIEF	Jefferson	Cataract	124
20-186	SILVER KING	Granite	Antelope Creek	125
20-071	LITTLE GEM	Granite	Philipsburg	126
04-013	ST. LOUIS	Broadwater	Indian Creek	127
25-103	BEATRICE	Lewis & Clark	Rimini	128
34-004	MCLAREN TAILINGS	Park	New World	129
04-121	KEATING TAILINGS	Broadwater	Radersburg	130
22-106	CRESENT/ALSACE	Jefferson	Cataract	131
34-006	LOWER GLENGARRY	Park	New World	132
34-010	MCLAREN MINE	Park	New World	133
07-156	BIG SEVEN MINE	Cascade	Neihart	134
31-010	IRON MOUNTAIN MILLSITE	Mineral	Iron Mountain	135
22-036	BASIN MILLSITE	Jefferson	Basin	136
29-038	STRAWBERRY MINE	Madison	Pony	137
29-436	LAKE SHORE MINE	Madison	Sheridan	138
01-138	TRUE BLUE	Beaverhead	Hecla	139
14-008	GILT EDGE TAILINGS	Fergus	Warm Springs	140
04-501	CHARTAM	Broadwater	Winston	141

ABANDONED HARDROCK MINES PRIORITY SITES LIST
(Ranked by AIMSS Score)

PA NUMBER	SITE NAME	COUNTY	DISTRICT	AIMSS RANK
39-022	JULIA	Powell	Elliston	142
07-111	SILVER BELT	Cascade	Neihart	143
22-170	ROCKER/ADA	Jefferson	Cataract	144
04-050	GOLDEN AGE	Broadwater	Winston	145
01-006	APEX MILLSITE	Beaverhead	Bannack	146
25-208	SWANSEA TAILINGS/MINE	Lewis & Clark	Stemple	147
22-049	ALHAMBRA HOT SPRINGS	Jefferson	Alhambra	148
07-084	MOLTON	Cascade	Neihart	149
14-090	PRESTER JOHN	Fergus	Warm Springs	150
07-112	FAIRPLAY	Cascade	Neihart	151
30-078	SW NE S10	Meagher	Smith River	152
45-002	JACK WAITE	Sanders	White Pine	153
04-009	OHIO	Broadwater	Radersburg	154
39-044	ANNA P./ HATTIE M.	Powell	Elliston	155
23-500	DANNY T.	Judith Basin	Hughesville	156
22-336	SOURDOUGH	Jefferson	Elkhorn	157
29-061	EMMA	Madison	Rochester	158
29-354	LATEST OUT	Madison	Sheridan	159
07-094	BON TON	Cascade	Hughesville	160
22-316	LADY LEITH (NE NW S6)	Jefferson	Basin	161
31-001	NANCY LEE MINE	Mineral	Keystone	162
22-077	MORNING GLORY	Jefferson	Cataract	163
22-028	CRAWLEY CAMP	Jefferson	Colorado	164
32-033	MORSE & KENNEDY	Missoula	Elk Creek	165
25-227	ASTOR	Lewis & Clark	Stemple	166
29-383	UNCLE SAM	Madison	Sheridan	167
47-037	RISING SUN	Silver Bow	Elk Park	168
32-019	WALLACE CREEK MILLSITE	Missoula	Clinton	169
47-081	MIDDLE FORK MILLSITE	Silver Bow	Moose Creek	170
22-054	SOLAR SILVER	Jefferson	Alhambra	171
01-034	INDIAN QUEEN	Beaverhead	Birch Creek	172
29-476	NW SE SECTION 26	Madison	Sheridan	173
07-110	ROCHESTER	Cascade	Neihart	174
29-121	EASTON	Madison	Virginia City	175
32-011	LOST CABIN MINE	Missoula	Ninemile	176
04-006	CUSTER MILLSITE	Broadwater	Winston	177
39-012	GOLDEN ANCHOR	Powell	Elliston	178
31-072	BELLE OF THE HILLS	Mineral	Iron Mountain	179
23-022	MARCELLINE	Judith Basin	Hughesville	180
23-035	BELT PATENT MINE/TAILINGS	Judith Basin	Hughesville	181
01-144	TRAPPER	Beaverhead	Hecla	182
20-175	BANNER TAILINGS	Granite	Moose Lake	183
25-259	PETER	Lewis & Clark	Rimini	184
25-020	SEVEN-UP PETE	Lewis & Clark	Lincoln	185
22-296	JACK CREEK TAILINGS	Jefferson	Basin	186
31-077	LITTLE ANACONDA MINE	Mineral	Keystone	187
39-062	MOUNTAIN VIEW	Powell	Elliston	188

ABANDONED HARDROCK MINES PRIORITY SITES LIST
(Ranked by AIMSS Score)

PA NUMBER	SITE NAME	COUNTY	DISTRICT	AIMSS RANK
29-078	GOLDSCHMIDT/STEINER	Madison	Sheridan	189
07-163	RIPPLE MINES	Cascade	Neihart	190
22-245	GENERAL GRANT	Jefferson	Clancy	191
22-284	TACOMA	Jefferson	Elkhorn	192
07-100	COMPROMISE	Cascade	Neihart	193
29-083	B & H	Madison	Tidal Wave	194
23-058	MOULTON	Judith Basin	Hughesville	195
31-003	TARBOX-MINERAL KING	Mineral	Packer Creek	196
20-176	MILLERS MINE	Granite	Frog Pond	197
34-090	FISHER CREEK NO.1	Park	New World	198
29-033	ATLANTIC/PACIFIC	Madison	Pony	199
25-317	WILD CAT	Lewis & Clark	Marysville	200
32-042	NUGGET MINE	Missoula	Ninemile	201
25-503	MONITOR CREEK TAILINGS	Lewis & Clark	Rimini	202
07-167	LEXINGTON	Cascade	Neihart	203
48-005	BENBOW MILLSITE	Stillwater	Stillwater	204
22-293	DORIS	Jefferson	Basin	205
20-081	ARGO	Granite	Alps	206
22-039	PERRY PARK	Jefferson	Basin	207
12-070	SILVER LAKE MILLSITE	Deer Lodge	Silver Lake	208
39-018	KIMBALL	Powell	Elliston	209
04-138	MILLER MOUNTAIN	Broadwater	Confederate	210
39-008	MONARCH	Powell	Elliston	211
07-120	STALLABRASS	Cascade	Neihart	212
34-009	LITTLE DAISY	Park	New World	213
07-144	EMMA	Cascade	Neihart	214
20-018	RUMSEY	Granite	Philipsburg	215
49-002	YAGER/DAISY	Sweet Grass	Independence	216
29-293	BROADGAUGE MINE	Madison	Sheridan	217
23-042	NE SE S7 / LUCKY STRIKE	Judith Basin	Hughesville	218
25-212	SE SW SECTION 10	Lewis & Clark	Stemple	219
22-501	TRUMLEY HEAP LEACH	Jefferson	Elkhorn	220
34-007	GOLD DUST	Park	New World	221
32-001	COPPER CLIFF	Missoula	Copper Cliff	222
01-262	CLARA	Beaverhead	Wisdom	223
20-027	JACKSON PARK	Granite	Dunkleburg	224
29-102	KEARSAGE MINE	Madison	Virginia City	225
22-358	WICKES SMELTER	Jefferson	Colorado	226
29-098	BELLE MINE	Madison	Virginia City	227
32-010	JOE WALLIT MINE	Missoula	Ninemile	228
07-129	MAUD S.	Cascade	Neihart	229
45-009	HOLLIDAY MINE	Sanders	Trout Creek	230
31-021	SALTESE CONSOLIDATE	Mineral	Packer Creek	231
01-270	MARTIN	Beaverhead	Wisdom	232
32-027	FROGS DINER	Missoula	Copper Cliff	233
34-018	ALLISON	Park	Emigrant	234
20-194	ANT	Granite	Antelope Creek	235

ABANDONED HARDROCK MINES PRIORITY SITES LIST
(Ranked by AIMSS Score)

PA NUMBER	SITE NAME	COUNTY	DISTRICT	AIMSS RANK
25-504	BEAR GULCH MINE	Lewis & Clark	Rimini	236
29-010	SMUGGLER	Madison	Sheridan	237
39-014	HARD LUCK MINE	Powell	Elliston	238
47-029	CLIPPER	Silver Bow	Melrose	239
22-032	MANTLE EAST	Jefferson	Cataract	240
14-017	CUMBERLAND	Fergus	Warm Springs	241
20-134	FREE COIN/RED CLOUD	Granite	Garnet	242
29-282	DRY GULCH (SOUTH)	Madison	Tidal Wave	243
29-399	GRUBSTAKE	Madison	Norris/Red Bluff	244
25-500	JAY GOULD MINE/MILL	Lewis & Clark	Stemple	245
04-015	ARGO MINE AND MILLSITE	Broadwater	Hellgate	246
12-003	CHAMPION	Deer Lodge	Orofino	247
25-167	BELMONT	Lewis & Clark	Marysville	248
20-023	WASA	Granite	Dunkleburg	249
20-065	ALPS	Granite	Alps	250
14-010	TAIL HOLT	Fergus	Warm Springs	251
07-142	SHERMAN NO. 2 (SOUTHWEST)	Cascade	Neihart	252
47-027	OLD GLORY	Silver Bow	Melrose	253
25-116	BIG OX MINE	Lewis & Clark	Marysville	254
41-009	BLUEBIRD	Ravalli	Pleasant View	255
22-359	IRON	Jefferson	Elkhorn	256
29-079	RED PINE	Madison	Sheridan	257
29-394	SE SE SECTION 25	Madison	Washington	258
39-023	TELEGRAPH	Powell	Elliston	259
25-010	VICTORY/EVENING STAR	Lewis & Clark	Orphir	260
29-105	APEX	Madison	Virginia City	261
30-067	BIGLER MINE	Meagher	Beaver Creek	262
34-085	UPPER ALICE E.	Park	New World	263
41-004	MONTANA PRINCE	Ravalli	Frog Pond	264
04-020	DIAMOND HILL	Broadwater	Indian Creek	265
30-007	BELLE OF THE CASTLES	Meagher	Castle Mountain	266
20-180	OLD DOMINION MINE	Granite	Moose Lake	267
39-024	THIRD TERM	Powell	Elliston	268
01-094	SILVER KING	Beaverhead	Hecla	269
01-216	LAST CHANCE # 1	Beaverhead	Lemhi Pass	270
07-080	VILIPA	Cascade	Neihart	271
20-191	LORI NO. 13	Granite	Antelope Creek	272
45-047	LOWER LETTERMAN	Sanders	Plains	273
12-002	CABLE	Deer Lodge	Silver Lake	NR
29-075	WATSECA	Madison	Rochester	NR
29-500	CMC PONY MILL	Madison	Pony	NR

NR - Not Ranked

- Reclamation without litigation and delay.
- Makes the law for different mine types consistent. (DLS already has parallel authority in the Coal law.)
- Lien amount the LESSER of reclamation cost or increase in property value.
- Addresses safety concerns from open shafts, etc.
- Returns water useless for irrigation, livestock or domestic purposes to a useful condition.
- Makes property marketable again.
- Replenishes public money.
- Once public money spent to reclaim, no small miner exemption from reclamation requirements. (Public won't pay to reclaim same property again.)
- Appraisal for property value increase by a qualified independent appraiser.
- Uses federal funds Montana would not receive for any other purpose.

**NELLIE GRANT
Case Study**

The Nellie Grant Mine is located approximately 13 air miles southwest of Helena. The project site lies on patented mining claims within the Helena National Forest. The Nellie Grant Mine is located at the headwaters of Lump Gulch, a tributary to Prickly Pear Creek.

The original mining claims staking out the Nellie Grant Mine property were established in the late 1880's when the first gold, silver and lead ore was mined. Primary minerals at the site include pyrite, sphalerite, galena, quartz and chalcedony. The minesite contains two minor shafts, one major shaft and one adit. The major shaft has a total depth of 280 feet.

The Nellie Grant Mine was operated from the early 1880's through the 1890's when operations ceased due to a dramatic decrease in 1948 to 1951 and from 1958 to 1961. The mine was last operated from 1978 to 1982 by Sparrow Resources Ltd. Sparrow Resources, of Clancy, Montana bought the Nellie Grant Mine in 1978 and installed and operated a ball mill until 1982 when the company declared bankruptcy and forfeited their reclamation bond. Subsequent enforcement actions failed because the responsible party was traced to a mail box in Vancouver B.C.

The present owner was awarded the site by the district court judge when he sued for back wages.

DSL received a RIT grant of \$84,000 to partially reclaim the Nellie Grant. In 1992 and 1993 the following reclamation was performed:

- 1) Remove and dispose of 55 gallon drums of hazardous waste.
- 2) Remove and dispose of asbestos containing materials.
- 3) Develop and implement site surface and groundwater monitoring plan.
- 4) Backfill shafts with calcium carbonate (limerock) in the hopes of improving water quality and reducing human health and safety hazards.
- 5) Cover backfilled shaft locations with steel grates in case of future backfill subsidence.
- 6) Demolish mill building and dispose of in licensed landfill facility.

The following table describes the expenditure of the RIT grant:

TOTAL PROJECT COST

Riedel Environmental Services, Inc.	\$17,492.81
Chen-Northern, Inc.	\$ 7,749.52
Asbestos Removal Supplies	\$ 41.72
Asbestos Landfill Dumping Fee	\$ 72.00
Newspaper Advertisements	
Montana Standard	\$ 80.00
Independent Record	\$ 120.00
Great Falls Tribune	\$ 100.00
Boulder Monitor	\$ 100.00
Montgomery Construction Contract	\$57,300.00
<u>Total Cost to Date</u>	<u>\$83,056.05</u>
Original Grant Amount =	\$ 49,900.00
Amount Spent to Date =	\$ 83,056.05
Funds Remaining =	\$ 1,743.95

The remaining \$1,843.95 will be used by the Abandoned Mine Reclamation Bureau to pay for surface and groundwater sample laboratory fees during the two year sampling period.

These costs were not recovered from the owner.

The site is still discharging contaminated water into adjacent USFS property and surface water and DSL estimates an additional \$400,000 must be spent to fully reclaim the site.

The current owner can not afford to clean up the site.

The site was recently advertised for sale, but during the title search it was found to be owned by someone else.

This legislation would:

1. Allow the state to acquire the land.
2. Reclaim the site now.
3. Put a lien on the property for the lesser of the cost of reclamation or the increased property value.
4. Prevent a Small Mine Exemption from being given for remining the site.

40 ACRES +/-

Patented mining claim
Frohner Basin, Jefferson
County, also known as
the Nellie Grant Mine.

Possible terms.

\$110,000

LANNING
AND
ASSOCIATES

1818 No. Main
443-4969

Non Pareil Site

Township 8 North, Range 12 West
Section 32: SW¼SW¼;

Non Pareil

Lot No. 51; M.S. 1985; Patent No. 22709

Iron Clad

Iron Clad Lode Lot No. 50; M.S. 1982; Patent No. 22710

BLM files: Patent; Dated 4-5-1893;

United States of America to Charles S. Warren, John H. Huffman, Nicholas J. Bidenberg and Peter F. Scherr. The Non Pareil Lode Mining Claim Lot No. 1985.

BLM files: Patent; Dated 4-5-1893;

United States of America to John H. Huffman, Nicholas J. Bidenberg and Peter F. Scherr. The Iron Clad Lode Mining Claim.

BOOK C DEEDS, PAGE 536; Dated 12-1-1887; Recorded 12-5-1887;

Grant Deed; H.J. Bielenberg & Ann__ Bielenberg, his, John H. Huffman, Charles T. Warren & Mattie H. Warren, his wife and Peter F. Scherr & Rose Scherr, his wife, to Deer lodge Mining and Reductinon Company.

Non Pareil Lode Mining Claim, located 10-14-1886, recorded Bk I, Pg 450 Deer Lodge County.

Iron Chad Lode Mining Claim, located 10-14-1886, recorded Bk I, Pg 451 Deer Lodge County.

BOOK 3 MISC., PAGE 65; Dated 11-1-06; Recorded 12-27-06;

Mining Lease; Deer Lodge Mining & Reduction Company, a Montana, corporation, to W.P. Prichard of Seattle, Washington. "particularly the Non Pareil and the Iron Clad lode mining claims..." Term of 16 Months from the first day of November 1906, expiring at non on the first day of March 1908. Signed by John Bielenberg, President and H.H. Zenor, Secretary.

BOOK 3 MISC., PAGE 90; Dated 2-25-08; Recorded 3-9-08;

Mining Lease; Deer Lodge Mining & Reduction Company, a Montana, corporation, to W.P. Prichard of Seattle, Washington. "particularly the Non Pareil and the Iron Clad lode mining claims..." Term of 1 year from the first day of March 1909, expiring at non on the first day of March 1908. Signed by John Bielenberg, President and Charles S. Warren, Acting Secretary.

BOOK 11 MISC., PAGE 348; Dated 1-14-52; Recorded 3-14-52;
Lease Agreement and Option To Purchase; Nonpariel Mining Company to Earl T. Ellis.
The Nonpariel and Iron Clad Mining Claims. Term of 5 years. Signed by Warren M.
Trask, President, Claude N. Bielenberg, Sec.Treas., Arthur C. Scherr and Howard
Sherr.

BOOK 11 MISC. PAGE 350; Dated 2-18-52; Recorded 3-14-52;
Lease And Modification Agreement; Nonpariel Mining Company, a Montana
Corporation, to Earl T. Ellis. Ellis "desires to secure a Defense Minerals Exploration
Administration development project to explore and develop the avbove mentioned
mining claims" (Nonpariel and Iron Clad) extend lease for 10 years. Signed by Warren
M. Trask, Pres. and Claude N. Bielenberg, Secy.

BOOK 11 MISC., PAGE 378; Dated 6-21-52; Recorded 6-24-52;
Assignment; Earl T. Ellis assigns to Lucky Lead Mines Inc., a Montana Corporation,
219 Radio Central Bldg, Missoula, Montana. All his interest to Lease Agreement And
Option To Purchase with the Nonpariel Mining Company dated January 14, 1952 and
the Lease And Modification Agreement dated February 18, 1952, on the Nonpariel and
Iron Clad Lode Mining Claims.

BOOK 31 DEEDS, PAGE 177; Dated 5-10-37; Recorded 1-15-46;
Grant Deed; Claude N. Bielenbert, M.W. Trask, George A. Cartier, Arthur Scherr,
Howard Scherr, Clara Evans and Arthur Hitz, constituting the Board of Directors of
Deer Lodge Mining and Reduction Company, formerly a Montana corporation, to
Nonpariel Mining Company, a Montana corporation.
The Iron Clad lode, M.S.1982
The Nonariel Lode, M.S. 1985

BOOK 44 DEEDS, PAGE 85; Dated 4-5-72; Recorded 7-11-72;
Quit Claim Deed; Non Pariel Mining Company, a Montana corporation, signed by R.M.
Bielenberg as President and Mary Bielenberg, as Secretary, to R.M. Bielenberg.
Non Pariel MS 276
Iron Clad MS 2764

ROLL 14 MICRO, PAGE 182; Dated 5-20-81; Recorded 7-24-81;
Quit Claim Deed; R.M. Bielenberg to Boulder Creek, Inc.
Non Pareil Lode, Survey #1985
Iron Clad Lode, Survey #1982

ROLL 15 MICRO, PAGE 624; Dated 7-2-81; Recorded 2-26-82;
Quit Claim Deed; Boulder Creek, Inc. to Ripple Resources, Inc.
Non Pariel Lode, Survey #1985, Lot 51
Iron Clad Lode, Survey #1982, Lot 50

ROLL 23 MICRO, PAGE 62; Dated 1-16-86; Recorded 2-10-86;
Quit Claim Deed; Boulder Creek, Inc., a Montana corporation, to Melvin J. Young, 410
Wilson, Blackfoot, Id 83221 and Leland J. Johnson, 154 E. 13th Street, Idaho Falls,
Idaho 83401.

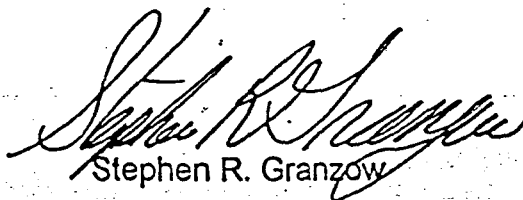
Iron Clad M S 2764 Lode Survey 1982
Non pariel MD2763 Lode Survey 1985

SURFACE AND MINERAL OWNERSHIP:

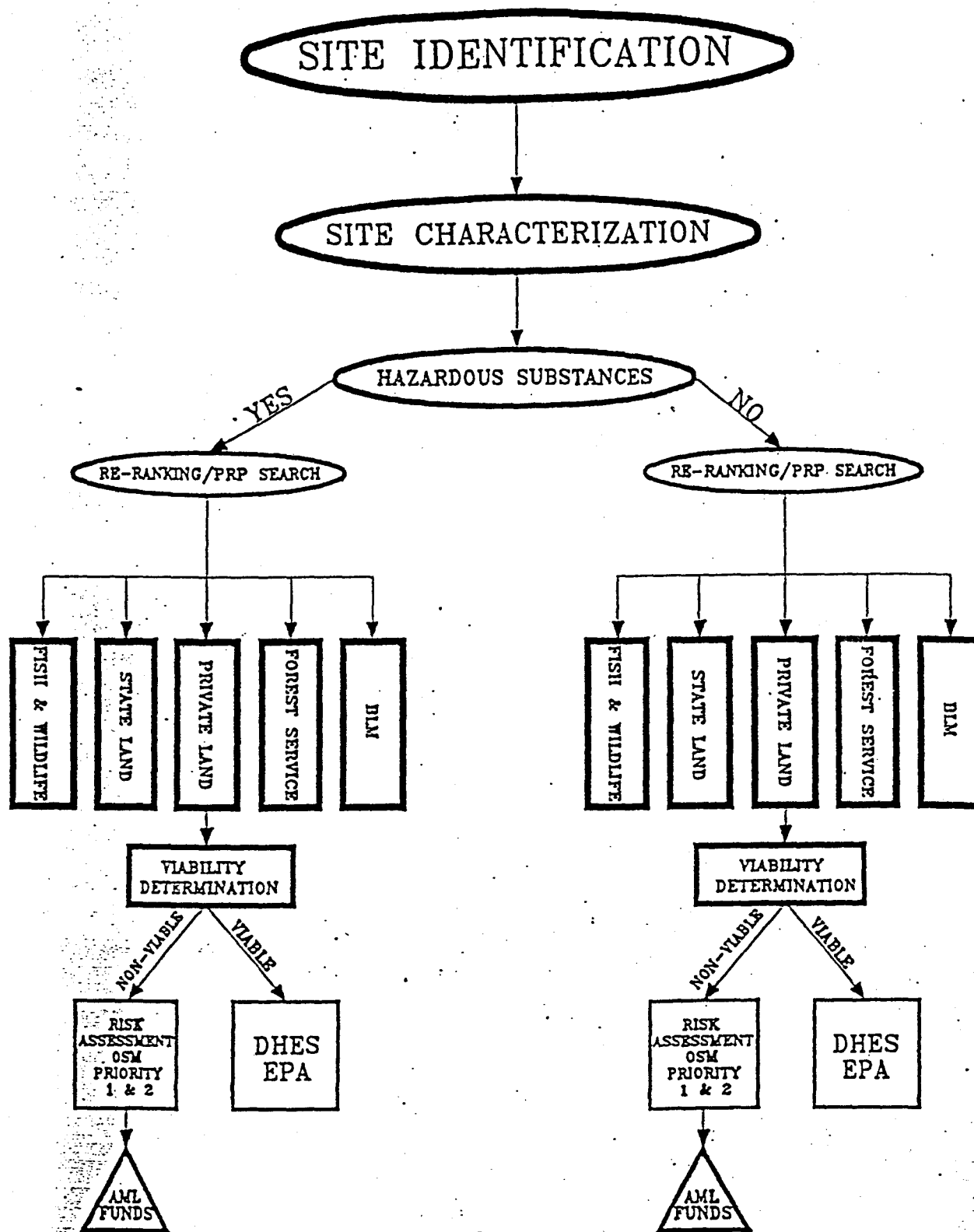
Ripple Resouces, Inc.
Suite 300
1190 Melville Street
Melleville, BC V6E 01 3W1

Note: The Non Pariel and Iron Clad claims were sold twice. Once to Ripple
Resources, Inc. on 7-2-81 and again on 1-16-86 to Melvin J. Young and Leland J.
Johnson. The county is assessing Ripple Resources, Inc for the taxes.

Ripple Resources Inc. and Boulder Resources, Inc. are not registered with the State of
Montana.



Stephen R. Granzow



EXHIBIT

6

DATE 3-10-97

SB 153

Amendments to Senate Bill No. 153
Third Reading Copy

Requested by Rep. Ohs
For the Committee on Natural Resources

Prepared by Michael S. Kakuk
March 13, 1995

1. Title, lines 10 and 11.

Strike: "MODIFYING" on line 10 through "SYSTEMS" on line 11

Insert: "CLARIFYING CERTAIN DEFINITIONS IN THE OPERATOR
CERTIFICATION LAWS"

2. Page 3, lines 7 through 9.

Strike: subsection 5 in its entirety

Renumber: subsequent subsections

3. Page 3, line 23.

Strike: "or" through "SCHOOL"

4. Page 3, lines 27 and 28.

Strike: "or" on line 27 through "SCHOOL" on line 28

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Natural Resources
DATE 3-10-95

COMMITTEE

BILL NO. SB 252SPONSOR(S) Senator Sweet

PLEASE PRINT

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Peggy Trenk	WETA	SB 252		X
Larry Brown	Ag Producers Assoc	SB 252		X
John Fitzpatrick	Pegasus Gold	252		X
Herva Simpson		252	X	
Gail Abercrombie	MT Petroleum Assoc			X
Wills Hall	LWV	252	X	
Diane J. Williams	LWV	252	X	
Raymond Lazuk	Golden Sunlight Mines	SB 252		X
MIKE MURPHY	MT. WATER RES. ASSN	SB 252		X
Jeff Barber	NPRC	SB 252	X	
Jim Jensen	MEIC	252	X	
Mike Eber	SPJV			X
Steve Kelly	FOWS		X	

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. SB252
 DATE 3/10/95 SPONSOR(S) Senator Lait

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Tom Tangen	SPJV.	252		✓
John Bloomquist	mt. Stockgrowers	252		✓
Tamara J. Johnson	CURE			—
Mary Ann Nielsen	LWU	252	X	
Deborah Smith	Silva Club	252	X	
Janet Ellis	MT Audubon	252	X	
Bob Witham	MT MINING	252		✓
Allen Berkley	Columbia Falls Aluminum	252		✓
Russ Ritt	MT Resources	252		✓
George Ochenski	TROUT UNLIMITED	252	✓	
Iad Dale	Self	252		✓
FRANK CROWLEY	ASARCO NEW BUTTE MINING	252		✓
J. Shontz	MT Assoc DEPENDS	252		X

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 ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. SB 252
 DATE 3-10-95 SPONSOR(S) Senator Smith

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
DEWITT IVERSAN	NMDSA	SB 252		<input checked="" type="checkbox"/>
J.V. Bennett	Mont PIRG	SB 252	<input checked="" type="checkbox"/>	

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. SB 362
DATE 3-10-95 SPONSOR(S) Senator Weir

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
John Blomquist	MT. Stakeholders	✓	
Laura J. Johnson	CURE	✓	
Janet Ellis	MT Audubon	✓	X
Deborah Smith	Sierra Club		X
J.V. Bennett	MontPIRG		X
Bob Williams	MT MINING	✓	
Russ Rutter	MT Resources	✓	
FRANK CROWEY	ASARGO NEW BUTTE MINE	✓	
J. Shortt	MT Assoc Realtors	X	
DENNIS IVERSON	NMCGA	SB 362 ✓	
Steve Pilcher	DHER	SB 362 ✓	

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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Natural Resources

COMMITTEE

BILL NO. SB 362

DATE 3-10-95

SPONSOR(S)

Senator Sweet

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Larry Brown	Ag Pres. Assoc.	X	
John Fitzpatrick	Pegasus Gold	X	
Herva Simpson	Mont. League of Women Voters		X
Gail McCrombie	MT Petroleum Assoc	X	
Willa Hall	LWVMT		X
Diane J. Williams	LWV		X
Raymond Lutz	Golden Sunlight Mines	X	
MIKE MURPHY	MT. WATER RES ASSN	X	
Jeff Barber	NPRC		X
Jim Gunn	MEAC		X
Mike Schum	SPJV	X	
Tom Tangen	SPJV.	X	
Steve Kelly	FOWS		X
JEROME ANDRESEN	SABH WESTERN DEP INC.	✓	

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. SB 186
 DATE 3-10-95 SPONSOR(S) Senator Beck

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
BUD CLINCH	DSL	SB 186		X
John Fitzpatrick	Pegasus Gold	SB 186		X
Herva Simpson	self	SB 186	error	X
Jim Jensen	MEIC	186		X
Tammy Johnson	CURE	186		X
Janet Ellis	MT Audubon	186		X
Debrah Smith	Silver Chb	186		X
Russ [unclear]	MT Resources	186		X
Tad Dale	Self	186		X
Frank Crowley	ASAC New Butte Mining	186		✓

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 ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.