

House BILL NO. *475*

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INTRODUCED BY *Cobb*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO INCLUDE IN ENVIRONMENTAL IMPACT STATEMENTS FOR NEW OR EXPANDED HARD-ROCK MINING OPERATIONS A REASONABLE ASSESSMENT OF THE FEASIBILITY OF USING MICROBIAL TECHNOLOGY AS AN ALTERNATIVE TO TRADITIONAL METHODS OF MINERAL EXTRACTION, MINERAL RECOVERY, AND RELATED MANAGEMENT OF ENVIRONMENTAL RISK; AMENDING SECTIONS 82-4-302 AND 82-4-322, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82-4-302, MCA, is amended to read:

"82-4-302. Purpose. (1) The purposes of this part are to provide:

(a) that the usefulness, productivity, and scenic values of all lands and surface waters involved in mining and mining exploration within the boundaries and lawful jurisdiction of the state will receive the greatest reasonable degree of protection and reclamation to beneficial use;

(b) authority for cooperation between private and governmental entities in carrying this part into effect;

(c) for the recognition of the recreational and aesthetic values of land as a benefit to the state of Montana; ~~and~~

(d) priorities and values to the aesthetics of our landscape, waters, and ground cover; and

(e) for the encouragement of technological innovation in the mining industry in the interest of enhancing management of related environmental risks.

(2) Although both the need for and the practicability of reclamation will control the type and degree of reclamation in any specific instance, the basic objective will be to establish, on a continuing basis, the vegetative cover, soil stability, water condition, and safety condition appropriate to any proposed subsequent use of the area."

Section 2. Section 82-4-322, MCA, is amended to read:

1 **"82-4-322. Investigations, research, and experiments.** (1) The department ~~shall have~~ has the
2 authority to conduct or authorize investigations, research, experiments, and demonstrations in reclamation
3 and to collect and disseminate nonconfidential information relating to mining.

4 (2) In any environmental impact statement prepared pursuant to Title 75, chapter 1, part 2, for any
5 new or expanded operating permit, the department shall include adequate consideration of whether the use
6 of microbial technology in any portion of the proposed operation would appreciably accomplish the same
7 objectives or results as traditional methods to extract and recover minerals and to manage related
8 environmental risks.

9 (3) For purposes of this section, "microbial technology" means the use of certain types of bacteria
10 to assist in extraction and recovery of minerals or in management of related environmental risks."

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12 NEW SECTION. Section 3. Applicability. [This act] does not apply to any operation that has
13 received from the department of environmental quality a certification of a completed application prior to [the
14 effective date of this act].

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16 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0475, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

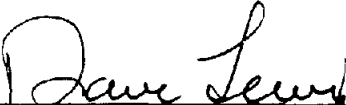
This bill requires the Department of Environmental Quality to consider and assess the use of microbial technology for use in the extraction and recovery of minerals and management of environmental risk for new or expanded hard rock mines.

ASSUMPTIONS:

1. The bill defines an area of alternatives to be considered in the preparation of an EIS for major permit amendments or new operating permits for hard rock mines.
2. The requirements of the bill will not require the additional expenditure of state funds since the analysis of this technology would be covered under fees paid by project sponsors for the preparation of an EIS.

FISCAL IMPACT:

None.

 2-11-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

JOHN COBB, PRIMARY SPONSOR DATE

Fiscal Note for HB0475, as introduced

HB 475