

SENATE BILL NO. 229

INTRODUCED BY B. HAMLETT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE EXEMPTION FROM PERMITTING FOR AN ADDITIONAL OPENCUT MINE OPERATED BY A CURRENT PERMITHOLDER; AND AMENDING SECTION 82-4-431, MCA."

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

Section 1. Section 82-4-431, MCA, is amended to read:

"82-4-431. Permit for mining, processing, and reclamation required. (1) ~~An~~ Except as provided in subsection (2), an operator may not conduct an opencut operation that results in the removal of a total of 10,000 cubic yards or more of materials and overburden until the department has issued a permit to the operator. An operator may not, without a permit, remove materials or overburden from a site from which a total of 10,000 cubic yards or more of materials and overburden in the aggregate has been removed. An operator conducting a number of opencut operations, each of which results in the removal of less than 10,000 cubic yards of materials and overburden but that result in the removal of 10,000 cubic yards or more of materials and overburden in the aggregate, is subject to the provisions of this part, except as provided in this section.

(2) Except as provided in or conditioned under subsections (3) and (4), an operator who holds a permit under this part may conduct an opencut operation without first securing an additional permit or an amendment to an existing permit if the opencut operation meets the following criteria:

(a) the total amount of materials and overburden removed from the site does not exceed ~~5,000~~ 50,000 cubic yards and the total area from which the materials and overburden are removed does not exceed 5 acres; and

(b) the operator:

(i) submits appropriate site and opencut operation information; and

(ii) within 180 days of submitting the form, salvages all soil from the area to be disturbed, removes the materials, grades the affected land to 3:1 or flatter slopes, blends the graded land into the surrounding topography, replaces an appropriate amount of overburden and all soil, and reclaims to conditions present prior to mining all access roads used for the operation unless the landowner requests in writing that specific roads or

1 portions of the roads remain open. Roads left open at the landowner's request must be sized to support the use
2 of the road after opencut operations.

3 (iii) at the first seasonal opportunity, seeds or plants all affected land with vegetative species that meet
4 the requirements of 82-4-434.

5 (3) The department may refuse to approve an application for issuance of a permit under subsection (1)
6 or may prohibit the operator from conducting an opencut operation under subsection (2) if, at the time of
7 notification by the operator to the department, the operator has a pattern of violations or is in current violation of
8 this part, rules adopted under this part, or provisions of a permit.

9 (4) The department may require an additional bond as a condition for the conduct of an opencut
10 operation under subsection (2).

11 (5) Opencut operations described in subsection (2) may not occur:

12 (a) in ephemeral, intermittent, or perennial streams;

13 (b) in an area where the opencut operation will intercept surface water, ground water, or any slope that
14 is steeper than 3:1; or

15 (c) in any area where mining would be restricted by other laws.

16 (6) Sand and gravel opencut operations must meet applicable local zoning regulations adopted under
17 Title 76, chapter 2."

18 - END -