



ADMINISTRATIVE RULES OF MONTANA



17.24.226 ADMINISTRATIVE REQUIREMENTS FOR LIMITED OPENCUT OPERATIONS

- (1) An operator holding an opencut permit may conduct a limited opencut operation (LOO) that meets the criteria in 82-4-431(2), MCA, without first obtaining an additional permit or an amendment to an existing permit when, prior to commencing the limited opencut operation, the operator completes and submits to the department appropriate site and opencut operation information on a limited opencut operation form provided by the department.
- (2) The operator must submit a completed limited opencut operation form and the following information to the department prior to commencing the opencut operation:
 - (a) the operator's complete name and address;
 - (b) the location, in a format acceptable to the department, of the limited opencut operation site;
 - (c) the locational coordinates of the approximate center of the limited opencut operation site;
 - (d) the location, in a format acceptable to the department, of the operator's nearest limited opencut operation to the proposed limited opencut operation site;
 - (e) plans to expand or continue the limited opencut operation in accordance with 82-4-431, MCA;
 - (f) the landowner's name and address;
 - (g) driving directions to access the site from the nearest public road;
 - (h) a description of the pre-mine condition of the limited opencut operation site and the pre-mine condition of any private access roads to the limited opencut operation site;
 - (i) an aerial or topographic map of the limited opencut operation site; and
 - (j) certification by the operator that the information provided to the department in the limited opencut operation form is complete and accurate.
- (3) The department's receipt of a limited opencut operation form initiates the timeframes set forth in 82-4-431, MCA, for either:
 - (a) salvaging soil, removing materials, and reclaiming the limited opencut operation site; or
 - (b) applying for a permit to continue or expand the opencut operation.
- (4) A person conducting a limited opencut operation must comply with the requirements of 82-4-431(2), MCA. The amount of materials and overburden removed from the site cannot exceed 10,000 cubic yards and the total area from which the materials and overburden are removed

cannot exceed five acres. This limitation does not include the volume of soil and overburden that is stripped and stockpiled on the limited opencut operation site for site reclamation.

- (5) An operator may not commence a limited opencut operation within 300 feet of a permitted operation until the operator submits a written statement to the department that:
- (a) no part of the proposed limited opencut operation is on land affected by the permitted operation;
 - (b) both operations can be reclaimed according to their respective requirements under the Act and this subchapter; and
 - (c) the principal amount of the new reclamation bond or other security, if required, is sufficient to cover the estimated costs of reclamation of the limited opencut operations under the Act and this subchapter.

Authorizing statute(s): 82-4-422, MCA

Implementing statute(s): 82-4-431, MCA

History: NEW, 2014 MAR p. 679, Eff. 4/11/14; AMD, 2016 MAR p. 513, Eff. 3/19/16; AMD, 2022 MAR p. 2009, Eff. 10/8/22.