



ADMINISTRATIVE RULES OF MONTANA

17.24.189 SMALL MINER METAL LEACHING SOLVENT OR REAGENT PROCESSING FACILITIES PERFORMANCE STANDARDS AND BONDING

- (1) The small miner shall notify the department of completion dates for each of the following phases of construction, and the department shall inspect and file a report on each of these phases:
 - (a) foundation preparation;
 - (b) compaction testing;
 - (c) liner placement;
 - (d) installation of leakage detection control systems; and
 - (e) installation of monitoring wells.
- (2) In addition to the applicable performance standards of ARM 17.24.188 and 17.24.101, and 82-4-305 , MCA, the following are required prior to bond release:
 - (a) neutralization of cyanide or other metal leaching solvent or reagent-containing tailing and solutions to those levels considered acceptable under applicable water quality standards;
 - (b) submittal of construction reports for tailings, ponds, and other appropriate facilities related to cyanide or other metal leaching solvent or reagent processing, on a monthly basis;
 - (c) submittal of as-built designs for those facilities identified under ARM 17.24.187(1) (e) , (k) , (l) and (o) , within one month of completion of construction activities.
- (3) Bonding for cyanide or other metal leaching solvent or reagent-processing facilities must cover the actual cost of reclamation to the department and the additional estimated cost to the department which may arise from management, operation, and maintenance of the site upon temporary or permanent insolvency or abandonment, until full bond liquidation can be effected. Bonds must be reviewed and, if necessary, adjusted at least once every five years, tied to either the rate of inflation based on the consumer price index, a change in activities, or both, as appropriate.
- (4) Bond must be filed in the form of a surety, payable to the state of Montana or to the state and the appropriate federal agency, a cash deposit, an assignment of certificate of deposit, letter of credit, or other surety acceptable to the department.

Authorizing statute(s): 82-4-321, MCA

Implementing statute(s): 82-4-305(7), 82-4-335, MCA

History: NEW, 1991 MAR p. 445, Eff. 4/12/91; TRANS, from DSL, 1996 MAR p. 2852; AMD, 2000 MAR p. 473, Eff. 2/11/00.