



ADMINISTRATIVE RULES OF MONTANA



17.24.314 PLAN FOR PROTECTION OF THE HYDROLOGIC BALANCE

- (1) Each permit application must contain a detailed description, supported by appropriate maps, data, and other graphics, of the measures to be taken during and after the proposed mining activities to minimize disturbance of the hydrologic balance on and off the mine plan area and to prevent material damage to the hydrologic balance outside the permit area in accordance with subchapters 4 through 9. The measures must minimize disturbance of the hydrologic balance sufficiently to sustain the approved postmining land use and the performance standards of subchapters 5 through 12 and must provide protection of:
 - (a) the quality of surface and ground water systems, within both the proposed mine plan and adjacent areas, from the adverse effects of the proposed strip or underground mine operations;
 - (b) the rights of present users of surface and ground water; and
 - (c) the quantity of surface and ground water within both the proposed mine plan area and adjacent areas from adverse effects of the proposed mining activities, or to provide alternative sources of water in accordance with ARM 17.24.304 (1)(e) and (f) and 17.24.648, where the protection of quantity cannot be ensured.
- (2) The description must include:
 - (a) a plan for the control, in accordance with ARM 17.24.631 through 17.24.652, of surface and ground water drainage into, through and out of the proposed mine plan area;
 - (b) a plan for the treatment, where required, of surface and ground water drainage from the area to be disturbed by the proposed operations, and proposed quantitative limits on pollutants in discharges subject to ARM 17.24.633 or other applicable state or federal laws. The plan must include design specifications, drawings, method of operation and control, and quality of discharge of the treatment facilities;
 - (c) a plan for the restoration of the approximate recharge capacity of the mine plan area in accordance with ARM 17.24.644; and
 - (d) plans for monitoring and semi-annual reporting of ground and surface water quality and quantity data collected and analyzed in accordance with ARM 17.24.304(1)(e) and (f), 17.24.645, and 17.24.646.
- (3) The application must also include a determination pursuant to (1) and (2) of the probable hydrologic consequences of the proposed mining operation, on the proposed mine plan area and adjacent areas, with respect to the hydrologic balance. This determination must:

- (a) be based on appropriate information on environmental resources addressed in ARM 17.24.304 and other relevant information;
 - (b) list and summarize all probable hydrologic consequences of the proposed mining operation including:
 - (i) whether adverse impacts may occur to the hydrologic balance;
 - (ii) whether acid-forming or toxic-forming materials that could result in the contamination of surface or ground water supplies are present;
 - (iii) whether the proposed operation may proximately result in contamination, diminution or interruption of an underground or surface source of water within the proposed permit or adjacent areas which is used for domestic, agricultural, industrial or other legitimate purpose; and
 - (iv) what impact the proposed operation will have on:
 - (A) sediment yields from the disturbed area;
 - (B) acidity, total suspended and dissolved solids, and other important water quality parameters of local impact;
 - (C) flooding or streamflow alteration;
 - (D) ground water and surface water availability; and
 - (E) other characteristics as required by the department; and
 - (c) explain to what extent each hydrologic consequence can be mitigated by measures taken pursuant to (1) and (2).
- (4) Whenever this determination in (3) indicates that adverse impacts to the hydrologic balance on or off the permit area may occur, the department shall require submission of supplemental information to evaluate such impacts and to evaluate plans for remedial and long-term reclamation activities.
- (5) The department shall provide an assessment of the cumulative hydrologic impacts of the proposed operation and all anticipated mining upon surface and ground water systems in the cumulative impact area. The cumulative hydrologic impact assessment must be sufficient to determine, for purposes of a permit decision, whether the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. The department may allow the applicant to submit data and analyses relevant to the cumulative hydrologic impact assessment with the permit application.

Authorizing statute(s): 82-4-205, MCA

Implementing statute(s): 82-4-222, MCA

History: NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; AMD, 1994 MAR p. 2957, Eff. 11/11/94; TRANS, from DSL, 1996 MAR p. 3042; AMD, 2012 MAR p. 737, Eff. 4/13/12; AMD, 2024 MAR p. 255, Eff. 2/10/24.