



ADMINISTRATIVE RULES OF MONTANA



17.24.102 DEFINITIONS

As used in the Act and this subchapter, the following definitions apply:

- (1) "Act" means Title 82, chapter 4, part 3, MCA.
- (2) "Alternate land use" means, with regard to a mill facility, reclamation of a site to an alternative post-mining land use where the following conditions are met:
 - (a) The proposed post-milling land use is compatible with adjacent land use, and applicable landowner authorization.
 - (b) Retention of a structure is consistent with the proposed post-mining land use. This shall be documented through inclusion of a schedule showing how the proposed use will be achieved within a reasonable time after milling and will be sustained.
 - (c) Plans for alternate land use must be integrated with the requirements of ARM 17.24.169 for the grading and revegetation of the surrounding area.
 - (d) Plans must document, if appropriate, that financing, attainment, and maintenance of the alternative land use is feasible.
 - (e) The proposed use will:
 - (i) not present actual or probable hazard to public health or safety;
 - (ii) comply with the air and water quality acts; and
 - (iii) minimize adverse effects on fish, wildlife, and related environmental values.
- (3) "Alternate reclamation" means the return of lands disturbed by mining or mining-related activities to a postmining land use other than that which existed prior to mining. Alternate reclamation must be stable, must have utility and must comply with Title 75, chapters 2, 5, and 6, MCA.
- (4) "Beneficial use" means use of water as defined in 85-2-102, MCA.
- (5) "Bulkhead" means a door, fence or other construction which allows periodic entry to an adit or shaft, adequately secured and locked so that animals and unauthorized persons are denied entry.
- (6) "Collateral bond" means an indemnity agreement for a fixed amount, payable to the department, executed by the operator and supported by depositing with the department cash, negotiable bonds of the United States (not treasury certificates), state or municipalities, negotiable certificates of deposit or an irrevocable letter of credit of any bank organized or authorized to transact business in the United States or other surety acceptable to the department.

- (7) "Contingency plan" means, with regard to spilled process solution, a plan which includes, but is not limited to, steps for containment, neutralization, and removal, and identification of any associated training needs.
- (8) "Description of existing environment" means a description with appropriate maps of the condition of the proposed project area prior to exploration or operation. The description shall provide, but not be limited to, a discussion which characterizes each of the following:
- (a) geology;
 - (b) soils;
 - (c) vegetation including, but not limited to, canopy cover, diversity, use, and productivity;
 - (d) wildlife;
 - (e) hydrology (surface and ground water characteristics, quantity, quality, and use), including maps which identify springs, seeps, and water wells within one mile of the permit boundary and three miles down gradient unless a lesser distance is justified and agreed to by the department;
 - (f) air quality and climate;
 - (g) aquatic biology;
 - (h) land use and ownership;
 - (i) recreation;
 - (j) cultural/historic resources identified as a result of inventory and of file searches conducted by the State Historic Preservation Office;
 - (k) noise;
 - (l) transportation; and
 - (m) aesthetics.
- (9) "Disturbed and unreclaimed" means, as used in the definition of "small miner" in 82-4-303, MCA, land affected by mining activities, including reprocessing of tailing or waste material, that has not been restored to a continuing productive use, with proper grading and revegetative procedures to assure:
- (a) slope stability;
 - (b) minimal erosion;
 - (c) adequate vegetative ground cover (if in keeping with reclaimed use) ;
 - (d) that no mine discharge water, ground water or surface water passing through a disturbed area will pollute or contaminate any state waters.
- (10) "Exclusion" means a statement filed by a small miner pursuant to 82-4-305 , MCA.
- (11) "Expansion of a mill facility" means disturbance of an area not previously disturbed by the milling operation, and, in the case of a waste dump, tailing impoundment, or similar facility, a change in the design capacity that will result in an increase in land disturbance at an existing mill facility. When disturbance of an area not previously disturbed by the operation occurs at a dump,

impoundment, or similar facility, the department may regulate the previously disturbed area to the extent necessary to achieve reclamation of the expansion area.

- (12) "Exploration" includes pilot ore processing plants or sites and associated facilities constructed for the sole purpose of metallurgical or physical testing of ore materials, not to exceed 10,000 short tons, to aid in determining the development potential of an ore body.
- (13) "Facility" means any building, impoundment, embankment, waste or tailings disposal site, or other human-made structure associated with a particular activity. Mill facility means a mill and associated structures, disturbance, and development.
- (14) "Incremental bond area" is an area within the permit boundary, or plan for exploration or small miner activity, that has been identified for phases or increments of disturbance and the bond has been determined according to ARM 17.24.140.
- (15) "Mill" means any facility for ore, tailings, or waste rock processing and disposal. This term does not include smelting, or refining facilities, sample collection processes, and pilot testing performed pursuant to an exploration license.
- (16) "Permit area" is the area contained within a boundary, which includes any minimal area delineated around a disturbance area for the purposes of providing a buffer adjacent to all disturbances, and for the purposes of controlling public access to areas permitted under 82-4-335, MCA. Monitoring wells are not required to be within a contiguous permit boundary, but must be permitted. Other activities are to be included within the permit boundary as follows:
 - (a) Access roads must be included within the permit area from the point of departure with a public road to the mine site.
 - (b) Utilities are required to be permitted only within the permit area.
 - (c) Work camps are not required to be permitted. (However, they are regulated under Title 75, chapter 5, MCA.)
 - (d) If applicable, the applicant may propose incremental bond areas to reflect the anticipated progress of disturbance during mining or milling activities.
- (17) "Placer or dredge mining" includes, but is not limited to, mining by hydraulic giant, ground sluice, rocker or sluice box methods, the use of a dry land dredge, trommel or washing plant, and bucket type floating dredges, all as referred to in Mining Methods and Equipment Illustrated, Montana Bureau of Mines and Geology, Bulletin 63, 1967.
- (18) "Plan" means the information submitted to the department pertaining to a proposed or ongoing mining or milling related activity which utilizes narratives, engineering designs, maps, cross-sections, or other documentation which adequately describes the activity.
- (19) "Plan of operations" means the plans required under 82-4-335 through 82-4-337, MCA, including the reclamation plan defined in 82-4-303, MCA, plus the approved operating, monitoring and contingency plans required in an application for an operating permit.
- (20) "Pollute or contaminate any stream" means, as used in 82-4-305, MCA, to conduct any mining or reprocessing of tailing or waste in a manner that will result in deterioration of water quality as specified by standards listed in ARM Title 17, chapter 30, et seq., pursuant to the Montana Water Quality Act, Title 75, chapter 5, et seq., MCA. Any future revisions of these standards adopted in accordance with the provisions of the Montana Water Quality Act, as amended, apply to this definition.

- (21) "Reclamation" means the return of lands disturbed by mining, milling, or related activities to an approved postmining land use which has stability and utility comparable to that of the pre-mining landscape except for rock faces and open pits which may not be feasible to reclaim to this standard. Those rock faces and open pits must be reclaimed in accordance with 82-4-336 , MCA. The term "reclamation" does not mean restoring the landscape to its pre-mining condition. Reclamation, where appropriate, may include, but is not limited to:
- (a) neutralizing cyanide or other processing chemicals;
 - (b) closure activities for ore heaps, waste rock dumps, and tailing impoundments;
 - (c) closure activities for surface openings;
 - (d) grading, soiling and revegetating disturbed lands;
 - (e) removal of buildings and other structures that have no utility in regard to the approved postmine land use;
 - (f) other steps necessary to assure long-term compliance with Title 75, chapters 2 and 5, MCA; and
 - (g) other steps necessary to protect public health and safety at closure.
- (22) "Revision" means a change to an operating permit that is exempt under 82-4-342, MCA, from the requirement to prepare an environmental assessment or environmental impact statement.
- (23) "Significantly affect the human environment" means an affect on the human environment that meets the criteria of ARM 17.4.608.
- (24) "Surety bond" means a surety agreement for a fixed amount, payable to the department, executed by a corporation licensed to do business as a surety in Montana, and guaranteeing performance of the obligations of the Act, the rules and the appropriate permit, exclusion or license.

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

Implementing statute(s): 82-4-303, 82-4-305, 82-4-309, 82-4-310, 82-4-331, 82-4-332, 82-4-335, 82-4-336, 82-4-341, MCA

History: NEW, 1994 MAR p. 2952, Eff. 11/11/94; TRANS, from DSL, 1996 MAR p. 2852; AMD, 1999 MAR p. 640, Eff. 4/9/99; AMD, 2000 MAR p. 473, Eff. 2/11/00; AMD, 2002 MAR p. 3590, Eff. 12/27/02; AMD, 2022 MAR p. 1830, Eff. 9/24/22; AMD, 2024 MAR p. 1060, Eff. 5/11/24.