



ADMINISTRATIVE RULES OF MONTANA



17.24.303 LEGAL, FINANCIAL, COMPLIANCE, AND RELATED INFORMATION

- (1) Each application must contain, in any format prescribed by the department, the following information:
 - (a) the name, permanent and temporary post office addresses, telephone numbers, and, as applicable, social security numbers and employer identification numbers of the applicant, applicant's resident agent, and the person who will pay the abandoned mine reclamation fee pursuant to 30 USC 1232;
 - (b) the location and area of land to be affected by the operation, with a description of access to the area from the nearest public highway;
 - (c) the names and addresses of legal and equitable owners of record, lessees, and purchasers under contract for deed of the surface of the area of land to be affected by the permit and the owners of record and purchasers under contract for deed of all surface area within one-half mile of any part of the affected area;
 - (d) the names and addresses of the present owners of record and purchasers under contract for deed of all subsurface minerals in the land to be affected and land contiguous to the land to be affected;
 - (e) the names and addresses of any persons who are engaged in strip or underground mining on behalf of the applicant and any person who will conduct such operations should the permit be granted;
 - (f) a statement of whether the applicant is a corporation, partnership, single proprietorship, association or other business entity;
 - (g) for each person who owns or controls the applicant under the definition of "owned or controlled" and "owns or controls" in ARM 17.24.301, as applicable:
 - (i) the person's name, address, social security number, and employer identification number;
 - (ii) the person's ownership or control relationship to the applicant, including percentage of ownership and location in organizational structure;
 - (iii) the title of the person's position, date position was assumed, and, when submitted under ARM 17.24.413(4), date of departure from the position;
 - (iv) each additional name and identifying number, including employer identification number, federal or state permit number, and mine safety and health administration number with date of issuance, under which the person owns or controls, or previously

owned or controlled, a coal mining and reclamation operation in the United States within the five years preceding the date of the application; and

- (v) the application number or other identifier of, and the regulatory authority for, any other pending coal mining operation permit application filed by the person in any state in the United States;
- (h) for any surface coal mining operations that the applicant or the applicant's operator owned or controlled within the five-year period preceding the date of the submission of the application, and for any surface coal mining operation the applicant or the applicant's operator owns or controls on that date, the applicant must provide the:
 - (i) permittee's and operator's name and address;
 - (ii) permittee's and operator's taxpayer identification numbers;
 - (iii) federal or state permit number and corresponding Mine Safety and Health Administration number;
 - (iv) regulatory authority with jurisdiction over the permit; and
 - (v) permittee's and operator's relationship to the operation, including percentage of ownership and location in the organizational structure;
- (i) for any coal mining operation owned or controlled by either the applicant or by any person who owns or controls the applicant, the operation's:
 - (i) name; address; identifying numbers, including employer identification numbers, federal or state permit number, and mine safety and health administration number; date of issuance of the mine safety and health administration number; and the regulatory authority; and
 - (ii) ownership or control relationship to the applicant, including percentage of ownership and location in organizational structure;
- (j) the name of the proposed mine and the mine safety and health administration identification number for the mine and all sections, if any;
- (k) a list of all lands, interests in lands, options, or pending bids on interests held or made by the applicant for lands which are contiguous to the area to be covered by the permit;
- (l) a statement of whether the applicant or any person associated with the applicant holds or has held any prospecting or uranium operating permits under the Act and an identification of those permits;
- (m) a certified statement of whether the applicant, operator, any subsidiary, affiliate, or persons controlled by or under common control with the applicant or operator, is in compliance with 82-4-251, MCA, and, if known, whether any officer, partner, director, or any individual owning of record or beneficially, alone or with associates, ten percent or more of any class of stock of the applicant is subject to any of the provisions of 82-4-251, MCA, and whether any of the foregoing parties or persons have ever had a strip mining or underground mining license or permit issued by any other state or federal agency revoked or have ever forfeited a strip mining or underground mining bond or a security deposited in lieu of a bond and, if so, a detailed explanation of the facts involved in each case must be attached including:

- (i) identification number and date of issuance of the permit and, when applicable, date and amount of bond or similar security;
 - (ii) identification of the authority that suspended or revoked a permit or forfeited a bond and the stated reasons for that action;
 - (iii) the current status of the permit, bond, or similar security involved;
 - (iv) the date, location, and type of any administrative or judicial proceedings initiated concerning the suspension, revocation, or forfeiture; and
 - (v) the current status of these proceedings;
- (n) for any violation of a provision of 30 USC 1201, et seq., or of any law, rule, or regulation of the United States, or of any state law, rule, or regulations enacted pursuant to federal law, rules, or regulations pertaining to air or water environmental protection incurred in connection with any coal mining operation, a list of all violation notices received by the applicant during the three-year period preceding the application date, and a list of all unabated cessation orders and unabated air and water quality violation notices received prior to the date of the application by any coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant. For each violation notice or cessation order reported, the list must include the following information, as applicable:
 - (i) any identifying numbers for the operation, including the federal or state permit number and mine safety and health administration number, the dates of issuance of the violation notice and mine safety and health administration number, the name of the person to whom the violation notice was issued, and the name of the issuing regulatory authority, department, or agency;
 - (ii) a brief description of the violation alleged in the notice;
 - (iii) the date, location, and type of any administrative or judicial proceeding initiated concerning the violation, including, but not limited to, proceedings initiated by any person identified in this section to obtain administrative or judicial review of the violation;
 - (iv) the current status of the proceedings and of the violation notice; and
 - (v) the actions, if any, taken by the person identified in this section to abate the violation;
- (o) copies of the documents upon which the applicant bases his or her legal right to enter and begin mining operations in the permit area and whether that right is the subject of pending litigation. The applicant may request confidentiality on any proprietary information within such documents;
- (p)
 - (i) whenever the private mineral estate to be strip mined has been severed from the private surface estate, an applicant shall also submit:
 - (A) a copy of the written consent of the surface owner for the extraction of mineral by strip mining methods;
 - (B)

- (I) a copy of the conveyance that expressly grants or reserves the right to extract mineral by those methods; or
 - (II) if the conveyance does not expressly grant the right to extract the mineral by strip mining methods, documentation that under Montana law the applicant has the legal right to extract the mineral by those methods;
- (ii) nothing in this section may be construed to authorize the department to adjudicate property rights disputes;
- (q) a statement of available information on whether the proposed permit area is within an area designated unsuitable for coal mining operations or under study for designation in an administrative proceeding and if the applicant claims the exemption based on substantial legal and financial commitments made before January 4, 1977, and information supporting the applicant's claim;
- (r) if mining within 300 feet of an occupied dwelling is proposed, the waiver of the owner of the dwelling;
- (s) a statement of the anticipated or actual starting and termination date of each phase of mining and the anticipated number of acres of land to be affected for each phase of mining and over the total life of the permit;
- (t) either a certificate of liability insurance or evidence that the self-insurance requirements of 82-4-222(5), MCA, are satisfied (see also ARM 17.24.1125);
- (u) a list of all other licenses and permits needed by the applicant to conduct the proposed mining. This list must identify each license and permit by:
 - (i) type of permit or license;
 - (ii) name and address of issuing authority;
 - (iii) identification numbers of applications for those permits or licenses or, if issued, the identification numbers of the permits or licenses; and
 - (iv) if a decision has been made, the date of approval or disapproval by each issuing authority;
 - (v) the name and address of the public office where the applicant will file a copy of the application for public inspection;
- (w) the name, address, and telephone number of the resident agent who will accept service of process on behalf of the applicant;
- (x) a copy of the proposed newspaper advertisement of the application and proof of publication of the notice after it is published as required in ARM 17.24.401(3); and
- (y) a map of the mine plan area showing the areas upon which strip or underground mining occurred:
 - (i) prior to August 3, 1977;
 - (ii) after August 3, 1977, and prior to May 3, 1978;
 - (iii) after May 3, 1978, and prior to April 1, 1980;

(iv) after April 1, 1980, and before January 13, 1989; and

(v) after January 13, 1989, and before October 22, 2004.

(z) The map of the mine plan area must also designate the areas from which coal removal had not commenced as of October 22, 2004.

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, 1990 MAR p. 936, Eff. 5/18/90; AMD, 1994 MAR p. 2957, Eff. 11/11/94; AMD, 1995 MAR p. 30, Eff. 1/13/95; TRANS, from DSL, 1996 MAR p. 2852; AMD, 1999 MAR p. 811, Eff. 4/23/99; AMD, 1999 MAR p. 2768, Eff. 12/3/99; AMD, 2004 MAR p. 2548, Eff. 10/22/04; AMD, 2012 MAR p. 737, Eff. 4/13/12; AMD, 2024 MAR p. 255, Eff. 2/10/24.