



ADMINISTRATIVE RULES OF MONTANA



17.24.1265 DEPARTMENT ELIGIBILITY REVIEW

- (1) In making a permit eligibility determination, the department shall rely upon the information supplied by the applicant pursuant to ARM 17.24.1264(1), information from AVS, and any other available information to review. The department shall review:
 - (a) the organizational structure and ownership or control relationships of the applicant and the operator;
 - (b) the permit histories of applicant and the operator;
 - (c) the previous mining experience of the applicant and the operator; and
 - (d) the history of compliance with Surface Mining Control and Reclamation Act and the Montana Strip and Underground Mine Reclamation Act (the Act), implementing rules, any permits issued thereunder, and any other applicable air or water quality laws, by the applicant, the operator, operations the applicant owns or controls, and operations the operator owns or controls.
- (2) If the applicant and the operator have no previous mining experience, the department may conduct an additional review to determine if someone else with mining experience controls the mining operation.
- (3) Based on the reviews pursuant to (1) and (2), the department shall determine whether the applicant is eligible for a permit under (4).
- (4) Except as provided in ARM 17.24.405(6)(h), the applicant is not eligible for a permit if approval is prohibited by 82-4-227(11) or (12), MCA.
- (5) After approving a permit under ARM 17.24.405, the department may not issue the permit until:
 - (a) the applicant updates and certifies all information required by ARM 17.24.303(1)(g), (h), and (i) and ARM 17.24.1264(1); and
 - (b) the department obtains and reviews an updated compliance history report from AVS to determine if there are any unabated or uncorrected violations which affect permit eligibility under (5) and (6). The department shall request this report no more than five business days before issuance under ARM 17.24.405.
- (6) If the applicant is ineligible for a permit under this rule, the department shall send written notification of the decision to the applicant, stating the reason for the finding of ineligibility and giving notice of the applicant's right to challenge the decision under ARM 17.24.1266.

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

Implementing statute(s): 82-4-227, MCA

History: NEW, 2012 MAR p. 737, Eff. 4/13/12; AMD, 2024 MAR p. 260, Eff. 2/10/24.