



ADMINISTRATIVE RULES OF MONTANA



17.24.322 GEOLOGIC INFORMATION AND COAL CONSERVATION PLAN

- (1) An application for a permit to mine coal must include a coal conservation plan to allow determination of whether failure to conserve coal may occur.
- (2) The plan must include:
 - (a) the results of all test borings, evaluations, observations, and analyses, including the following:
 - (i) a narrative interpretation of the results of all test borings or core samplings conducted on the area to be mined or otherwise affected, including the nature, depth, and thickness of all known strata, overburden, and all coal seams encountered;
 - (ii) a narrative identifying the total reserves in the permit area along with a description of the method of calculation;
 - (iii) geologic cross-sections accurately depicting the known geologic makeup beneath the surface of the area to be mined or otherwise affected. The cross-sections must depict the thickness and geological character of all known strata, beginning with the soil and including the stratum immediately below the lowest of all the potentially economically minable coal seams or the stratum containing any aquifer below this seam that may be adversely impacted by mining, whichever is deeper. (See ARM 17.24.304(5) and (7));
 - (iv) a map showing elevations and locations of test borings and coal sampling;
 - (v) upon request by the department, isopach maps of overburden, interburden, and all coal seams proposed to be mined;
 - (vi) an analysis and summary of the chemical properties of all coal seams to be disturbed including the content of sulfur (organic and inorganic) , trace mineral elements, sodium (as Na₂O) , moisture, and ash as well as the British thermal unit (BTU) content per pound;
 - (vii) all coal crop lines and the strike and dip of the coal to be mined within the proposed mine plan area;
 - (viii) location and extent of known workings of active, inactive, or abandoned underground mines, including mine openings to the surface within the proposed mine plan and adjacent areas; and
 - (ix) location and extent of existing or previously strip mined areas within the proposed mine plan area;

- (b) a description of the location, quantity, and quality of all coal to be left unmined, accompanied by a detailed explanation of the reasons why the coal will not be mined. This explanation must include coal that is to be left unmined in order to comply with the Act as well as that coal which is to be left unmined because of the method of operation or because the coal is not minable or marketable; and
 - (c) where applicable, a range diagram type drawing showing any coal fenders to be left in place, and a detailed narrative description of the changes in the mine plan that would be necessary to recover the same and any potential effects of such changes.
- (3) If it is determined by the department, based on the information provided pursuant to the provisions of (1) and (2) that an operator is or will be mining all of the minable and marketable coal, no further information need be submitted. If, however, the department determines that it needs further information to make a determination, it may require the operator to submit the following:
 - (a) a description of the type of equipment and operations to be used including, but not limited to:
 - (i) the prime equipment model, year, size and capacity;
 - (ii) the initial and depreciated cost of the prime equipment, including all earth moving equipment;
 - (iii) the capability of the equipment to move earth at a fixed rate;
 - (iv) the plan for the excavation and placement of overburden materials;
 - (v) the plan for the removal and transportation of coal; and
 - (vi) the anticipated plan of mining for a two-year period;
 - (b) a detailed cost and revenue analysis on a per ton basis of coal mining and market conditions including, at a minimum:
 - (i) the estimated cost of mining;
 - (ii) the estimated cost of reclamation;
 - (iii) the estimated cost of transportation per ton;
 - (iv) the estimated annual taxes;
 - (v) the estimated market value of coal to be extracted;
 - (vi) the estimated total gross yield to be received for coal extracted;
 - (vii) the estimated mining cost of coal to be left unmined; and
 - (viii) the estimated market value of coal to be left unmined; and
 - (c) any other relevant information the department may require.
- (4) For an operator with a federal resource recovery and protection plan, the department may review all applicable coal recovery information retained by the bureau of land management, in lieu of or in addition to the information requirements under (3).

- (5) Any operator or aggrieved person who believes that the department's decision to either require or not require the submission of the information contained in this rule may petition the board for a public hearing pursuant to the provisions of the Montana Administrative Procedure Act.

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; TRANS, from DSL, 1996 MAR p. 3042; AMD, 2004 MAR p. 2548, Eff. 10/22/04; AMD, 2024 MAR p. 255, Eff. 2/10/24.