

ENVIRONMENTAL QUALITY

CHAPTER 20

MAJOR FACILITY SITING

Subchapter 2

Geothermal Investigation Reports

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Subchapter 2

Geothermal Investigation Reports

17.20.201 DEFINITIONS Unless the context requires otherwise, in this subchapter:

(1) "Act" means the Montana Major Facility Siting Act, Title 75, chapter 20, MCA, as amended.

(2) "Department" means the department of environmental quality.

(3) "Environmental impact" means a change, adverse or beneficial, in the natural, cultural, or social setting created by some specific action.

(4) "Geothermal exploration plan" means the plan, actual or tentative, which a person has for the gathering of geological data by boring of test holes or other underground exploration, investigation, or experimentation related to possible future development of a facility employing geothermal resources for the ensuing 10 years after submission to the department under this subchapter.

(5) "Person" means any individual, association, partnership, corporation, governmental agency, political subdivision, or any other entity or organization engaged in or proposing to engage in the gathering of geological data by boring of test holes or other underground exploration, investigation, or experimentation, related to the possible future development of a utility facility employing geothermal resources.

(6) "Underground exploration, investigation, or experimentation" means any physical activity conducted on or below the surface of the earth resulting in disturbance of the earth including, but not limited to, the boring of test holes, the construction of roads, and the gathering of well log information.

(7) "Utility facility" as defined by 75-20-104(10)(d), MCA, means any use of geothermal resources, including the use of underground space in existence or to be created, for the creation, use, or conversion of energy.

(8) "Well log" means an electrical, radiation, sonic, thermal, or other routine log run by mechanical means in a well or bore hole or any other log, survey, analysis, or report run or made. (History: 75-20-1001, MCA; IMP, 75-20-1001, MCA; NEW, Eff. 10/5/74; TRANS, from DNRC, 1996 MAR p. 2863; AMD, 2005 MAR p. 252, Eff. 2/11/05.)

17.20.202 GEOTHERMAL EXPLORATION PLANS (1) Every person shall submit a geothermal exploration plan on April 1, 1975, and each year thereafter.

(2) Two copies along with an electronic copy acceptable to the department of the geothermal exploration plan shall be submitted to the Department of Environmental Quality, P.O. Box 200901, Helena, MT 59620-0901.

(3) The geothermal exploration plan shall be typed, printed, or otherwise legibly reproduced on 8½" x 11" paper. Maps, drawings, charts, or other documents bound in a geothermal exploration plan shall be cut or folded to 8½" x 11" size. Maps, drawings, or charts may accompany a geothermal exploration plan as separate exhibits.

(4) Typed or offset material shall have a 1½" margin on the binding side and a 1" margin on all other sides.

(5) All pages in a geothermal exploration plan shall be consecutively numbered. Maps, drawings, or charts accompanying the geothermal exploration plan as exhibits shall be identified as "Exhibit _" and, if comprising more than one sheet, shall be numbered "sheet __ of __."

(6) Within each geothermal exploration plan shall be included:

(a) any plans to gather geological data by boring of test holes or other underground exploration, investigation, or experimentation, related to possible future development of geothermal resources;

(b) the approximate dates for gathering geological and hydrogeological data by boring of test holes or other underground exploration, investigation, or experimentation, related to possible future development of geothermal resources shall be listed;

(c) a statement of the proposed activities to be conducted and the methods utilized;

(d) the general location, a description of the area involved, and the size and type of all drill holes, bore holes, or wells to be drilled, instruments, and all other equipment used.

(7) Any change in plans which would result in some action prior to the filing of the next geothermal exploration plan shall be reported to the department within 60 days. (History: 75-20-1001, MCA; IMP, 75-20-1001, MCA; NEW, Eff. 10/5/74; TRANS, from DNRC, 1996 MAR p. 2863; AMD, 2005 MAR p. 252, Eff. 2/11/05.)

17.20.203 INITIAL FIELD REPORTS (1) Sixty days before the boring of test holes or the initiation of other underground exploration, investigation, or experimentation, related to the possible future development of geothermal resources, every person shall submit an initial field report to the department.

(2) Within each initial field report shall be included:

(a) a description of the area involved in the investigation shown on a suitable map, and the probable location of test holes, sample sites, access roads, staging areas, areas where trees or soil are to be removed, and all other such activities. A suitable map would be one with a scale of 1:24,000, except in unusual cases or situations the department may recommend the scale;

(b) a summary of environmental impacts which would be created by the planned activities and a description of any plans to lessen, eliminate, or enhance such environmental impacts;

(c) a description of activities and methods which will be employed in the investigation. (History: 75-20-1001, MCA; IMP, 75-20-1001, MCA; NEW, Eff. 10/5/74; TRANS, from DNRC, 1996 MAR p. 2863.)

17.20.204 PERIODIC FIELD REPORTS (1) Sixty days after the initiation of the boring of test holes or the initiation of other underground exploration, investigation, or experimentation, related to the possible future development of geothermal resources, and at 60-day intervals for the duration of the investigation, every person shall submit a periodic field report to the department.

(2) Each periodic field report for its reporting period shall include:

(a) the location of holes drilled or underground experiments performed;

(b) the number, depth, and diameter of all hole(s) drilled;

(c) the kinds of well logs taken;

(d) the kinds of measurements taken (such as heat flow measurements);

(e) the casing installed, removed, or altered in any way;

(f) the methods of closing, plugging, or abandoning of any holes;

(g) the kinds of sampling, such as coring or cuttings taken;

(h) any other methods or activities which the department may require.

(History: 75-20-1001, MCA; IMP, 75-20-1001, MCA; NEW, Eff. 10/5/74; TRANS, from DNRC, 1996 MAR p. 2863.)

17.20.205 FINAL FIELD REPORTS (1) Within 60 days after cessation of such investigation, every person shall submit a final field report to the department.

(2) The final field report shall be typed, printed, or otherwise legibly reproduced on 8½"x11" paper. Maps, drawings, charts, or other documents bound in a final field report shall be cut or folded to 8½"x11" size. Maps, drawings, or charts may accompany a final field report as separate exhibits.

(3) Typed or offset material shall have a 1½" margin on the binding side and a 1" margin on all other sides.

(4) All pages in a final field report shall be consecutively numbered. Maps, drawings, or charts accompanying the final field report as exhibits shall be identified as "Exhibit ____" and, if comprising more than one sheet, shall be numbered "sheet ____ of ____."

(5) Within each final field report shall be included a summary of the previous periodic field reports for the entire investigation.

(6) If the investigation ceases 60 days after the initiation of the investigation the periodic field report and the final field report may be the same. (History: 75-20-1001, MCA; IMP, 75-20-1001, MCA; NEW, Eff. 10/5/74; TRANS, from DNRC, 1996 MAR p. 2863.)

17.20.206 GEOLOGICAL REPORTS (1) Within nine months of the initiation of the investigation or six months of the completion of the investigation, whichever comes first, and at intervals of six months for the duration of the investigation, every person shall submit a geological report to the department.

(2) The geological report shall be typed, printed, or otherwise legibly reproduced on 8½"x11" paper. Maps, drawings, charts, or other documents bound in a geological report shall be cut or folded to 8½"x11" size. Maps, drawings, or charts may accompany geological reports as separate exhibits.

(3) Typed or offset material shall have a 1½" margin on the binding side and a 1" margin on all other sides.

(4) All pages in a geological report shall be consecutively numbered. Maps, drawings, or charts accompanying the geological report as exhibits shall be identified as "Exhibit ____" and, if comprising more than one sheet, shall be numbered "sheet ____ of ____."

(5) Within each geological report shall be included:

(a) a summary of all well logs;

(b) results of all measurements of geologic properties;

(c) data relating to the geologic structure, temperature, and composition of rocks and fluids as determined by the investigation;

(d) any other geologic data generated by the investigation which may be requested by the department. (History: 75-20-1001,

MCA; IMP, 75-20-1001, MCA; NEW, Eff. 10/5/75; TRANS, from DNRC, 1996 MAR p. 2863.)

17.20.207 CONFIDENTIALITY (1) The pertinent technical data submitted pursuant to ARM 17.20.204 through 17.20.206 shall be for the exclusive use of the department and other state agencies involved in geothermal research or regulation, and shall remain confidential for a period of two years following commencement of operations for the drilling of an actual well for testing a potential geothermal resource or six months following completion of a well capable of producing a geothermal resource, unless approved in writing for release earlier by the person who submitted such data or unless such data are entitled to protection under the Uniform Trade Secrets Act, Title 30, chapter 14, part 4, MCA.

(2) A person furnishing documents that the person believes are entitled to protection as trade secrets shall notify the department before or at the time the person furnishes the documents to the department. If the department determines that the information is protected, it shall maintain the documents as confidential. If the department determines that the documents are not entitled to protection, it shall notify the person and maintain the documents as confidential for a period reasonably necessary for the person to obtain a court order requiring the department to maintain confidentiality, or to retrieve the documents from the department. (History: 75-20-1001, MCA; IMP, 75-20-1001, MCA; NEW, Eff. 10/5/74; TRANS, from DNRC, 1996 MAR p. 2863; AMD, 2005 MAR p. 252, Eff. 2/11/05.)