

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW
OF THE STATE OF MONTANA

In the matter of the adoption of New) NOTICE OF ADOPTION
Rule I pertaining to administrative)
requirements for limited opencut) (RECLAMATION)
operations)

TO: All Concerned Persons

1. On December 26, 2013, the Board of Environmental Review published MAR Notice No. 17-351 regarding a notice of proposed adoption, no public hearing contemplated, of the above-stated rule at page 2367, 2013 Montana Administrative Register, Issue Number 24.

2. The board has adopted New Rule I (17.24.226) as proposed, but with the following changes, stricken matter interlined, new matter underlined:

17.24.226 ADMINISTRATIVE REQUIREMENTS FOR LIMITED OPENCUT OPERATIONS (1) remains as proposed.

(2) The operator must submit a completed limited opencut operation form and the following information to the department prior to commencing the opencut operation:

(a) remains as proposed.

(b) the location, in ~~the a~~ format required by acceptable to the department, of the limited opencut operation site;

(c) through (4) remain as proposed.

3. The following comments were received and appear with the board's responses:

COMMENT NO. 1: The proposed rule in (2)(b) provides that the operator shall describe "the location, in the format required by the department, of the limited opencut operation site," while (2)(d) requires the operator to provide "the location, in a format acceptable to the department, of the operator's nearest limited opencut operation to the proposed limited opencut operation site." The use of the words "required by" in (2)(b) and "acceptable to" in (2)(d) may be confusing.

RESPONSE: The Opencut Program intends to strike the words "required by" and replace them with "acceptable to" in (2)(b) of the proposed rule. Doing so will eliminate the discrepancy in language between (2)(b) and (2)(d) and any confusion that could arise from the use of different terms. The change does not alter the meaning of the rule.

4. No other comments or testimony were received.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ John F. North
JOHN F. NORTH
Rule Reviewer

By: /s/ Robin Shropshire
ROBIN SHROPSHIRE
Chairman

Certified to the Secretary of State, March 31, 2014.