

Other State Permits

Montana Department of Environmental Quality

Montana Environmental Policy Act, Analysis of Impacts (§ 75-1-102, MCA)

MEPA requires DEQ to prepare an environmental impact statement prior to taking state action for any projects that significantly affect the quality of the human environment.

Metal Mine Reclamation Act, Operating and Reclamation Plans (§ 82-4-303, MCA)

Mining must comply with state environmental laws and administrative rules. The MMRA has established reclamation standards for lands disturbed by mining, generally requiring that they be reclaimed to comparable stability and utility as that of adjacent areas. Reclamation must provide sufficient measures to ensure public safety and to prevent the pollution of air or water and the degradation of adjacent lands.

Montana Water Quality Act, Montana Pollutant Discharge Elimination System

(§ 75-5-101, MCA)

Establishes effluent limits and treatment standards, and regulates point source discharges of pollutants into state surface waters or to groundwater hydrologically connected to state surface waters through MPDES permits. State water quality standards, including the nondegradation standards, specify the allowable changes in surface water or groundwater quality. An MPDES permit may also authorize discharges of construction storm water and would require the development of a storm water pollution prevention plan.

Montana Public Water Supply Act (§ 75-6-101, MCA)

Regulates public water supply and sewer systems that regularly serve at least 25 persons daily for a period of at least 60 calendar days a year. DEQ must approve plans and specifications for water supply wells in addition to water systems or treatment systems and sewer systems.

Montana Clean Water Act, Section 401 (§ 75-5-401, MCA)

Federal permits related to discharges to state waters must also obtain certification from the state that discharges comply with state water quality standards. On January 19, 2017, DEQ certified that the Project would not violate water quality standards under Section 401.

Clean Air Act of Montana, Air Quality Permit (§ 75-2-Parts 1-4, MCA)

An Air Quality permit is required for the construction, installation, and operation of facilities and equipment that may cause or contribute to air pollution.

Montana Hazardous Waste Act (§ 75-10-401, MCA)

Solid Waste Management Act (§ 75-10-201, MCA)

The acts regulate the storage and disposal of hazardous and solid wastes.

Montana Hard Rock Mining Impact Board

Hard Rock Mining Impact Act, Hard Rock Mining Impact Plan (§ 2-15-1822, MCA)

This Act is overseen by the Hard Rock Mining Impact Board (HRMIB), which is part of the Montana Department of Commerce. The HRMIB consists of five members: (1) a representative of the hard-rock mining industry; (2) a representative of a major financial institution in Montana; (3) a person who, at the time of appointment, is an elected school district trustee; (4) a person who, when appointed, is an elected county commissioner; and (5) a member of the public-at-large. A Hard Rock Mining Impact Plan is submitted to the HRMIB for consideration and approval. If a local government (i.e., city, county, etc.) disagrees with any portion of the Hard Rock Mining Impact Plan, the governing body may file an objection with the HRMIB during a 90-day review period.

Montana Department of Transportation

Construction Permit (§ 61-1-1 et seq., MCA)

The Montana Department of Transportation (MDT) is responsible for approving road approaches onto state-owned highways. A construction permit may be required for modifying the approach onto Highway 89 from County Road 119.

Approach Permit (§ 61-1-1 et seq., MCA)

The MDT is responsible for approving road approaches onto state-owned highways. An approach permit may be required for load out areas if accessing them via a highway.

Heavy or Oversize Loads Permit (§ 61-1-1 et seq., MCA)

The MDT is responsible for safe operation of state-owned highways, including US Highway 89 near the Project area and the roadways as part of the proposed haul routes. Appropriate permits for heavy or oversize loads (if any) may be required.

Montana Department of Natural Resources and Conservation

Montana Water Use Act, Beneficial Water Use Permit (§ 85-2-311, MCA)

The Montana Department of Natural Resources and Conservation (DNRC) is responsible for administering water rights in Montana, and would decide on issuance of a beneficial water use permit. A beneficial water use permit would be required before constructing new infrastructure for appropriations of groundwater or surface water.

MCA = Montana Code Annotated; NA = not applicable