

2021 MONTANA LEGISLATURE

WHITE PAPER

Montana Department of Environmental Quality

Air, Energy, & Mining Division: Hard Rock Mining Bureau

SB53: An act reducing permitting application requirements and agency permitting requirements for rock products mining that does not produce acid or other pollutants

Bill Number:	SB53
Bill Name:	Revise Metal Mine Reclamation Act to create different application requirements and permitting process for Rock Products Mining
Bill Sponsor:	Senator Jeff Welborn

Bill Summary

- This bill would revise the permitting requirements for certain rock products mining to reduce the amount of information needed in a permit application.
- This bill would further define the “rock products” operations that would be entitled to the reduced application process
- This bill would reduce the agency’s timeframe for completing an application review (from 90 days to 60 days) and responding to applicant’s deficiency responses (from 30 days to 20 days)
- This bill would establish that MEPA is not triggered unless a rock products applicant initially exceeds 15 acres of disturbed land.
- This bill would establish that, after initially being analyzed under MEPA, an amendment application review for rock products mining would not be subject to MEPA again unless the individual action created an additional 25 acres of disturbance.

Background

- Angular rocks are currently regulated under the Metal Mine Reclamation Act
- Rock Products include decorative rock, building stone, riprap, mineral aggregates, and other minerals collected by typical quarrying activities from the ground surface or just below the ground surface.
- Under the Metal Mine Reclamation Act, DEQ currently has 90 days to review an initial application and 30 days to review deficiency response.
- MEPA review is currently required for any new Operating Permit (> 6 acres)
- MEPA review is currently exempted for the following actions or permit revisions: changes in a permit boundary that increase disturbed acres that are insignificant in impact relative to the entire operation, provided that the increase is less than 25 acres or 10% of the permitted area, whichever is less.

Impacted Communities/Industries

- Of the 70 active hard rock mining operating permits in Montana, roughly ⅓ of those permits are for some form of rock products mining.

- Rock Product miners with Small Miner Exclusion Statements (SMES) that grow their operations to greater than 5 acres would also contribute to the number of potential mines that could potentially fit into this legislation

Recommended Agency Action

DEQ proposed the Rock Products legislation. As such, the legislation was sent to EQC for review and approval. EQC approved the legislative proposal.

Program Contacts

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