

August 14, 2017

John Shanahan
Tintina Montana, Inc.
Black Butte Copper Project
PO Box 431
White Sulphur Springs, MT 59645

RE: Notice of Completeness and Compliance

Dear Mr. Shanahan,

On July 13, 2017, Tintina Montana, Inc., (Tintina), submitted responses to the June 8, 2017, letter issued by the Department of Environmental Quality (DEQ) in regard to Tintina's application for an operating permit for the Black Butte Copper Project. Tintina's response was received by DEQ on July 14, 2017. DEQ has completed its review of the responses pursuant to Section 82-4-337(1), Montana Code Annotated (MCA). DEQ appreciates the effort made by Tintina to respond to the deficiencies noted in the June 8th letter and to provide updated information and clarifications.

DEQ has determined that Tintina's application is complete and that the Black Butte Copper Project, as described in the application supplemented with Tintina's deficiency responses, satisfies the substantive requirements of the Metal Mine Reclamation Act. Therefore, DEQ is providing Tintina notice that the application is complete and compliant.

When an application is complete and compliant, Section 82-4-337(1)(d), MCA, requires DEQ to declare in writing that the application is complete and compliant, detail in writing the substantive requirements of the Metal Mine Reclamation Act and how the application complies with those requirements, and issue a draft permit. DEQ is in the process of finalizing its completeness and compliance determination, detailing the substantive requirements of the Metal Mine Reclamation Act, and detailing how application for the Black Butte Copper Project complies with those requirements. DEQ will issue the draft permit at the same time that the detailed writing is issued.

As a condition of issuing the draft permit, DEQ will require Tintina to obtain other permits required by law and not provided for in the Metal Mine Reclamation Act pursuant to Section 82-4-337(1)(d)(iv), MCA. The other permits may include an Air Quality permit, a public water supply permit, and potentially a surface water discharge (MPDES) permit. Potential federal permits needed include an underground injection control permit (EPA) if an MPDES is not applied for, and a wetlands permit (Army Corps of Engineers).

Pursuant to Section 82-4-337(1)(f), MCA, issuance of the draft permit as a final permit will be the proposed state action subject to review under the Montana Environmental Policy Act (MEPA). As you are aware, DEQ is in the process of selecting a third-party contractor to assist DEQ in preparing an environmental impact statement for the proposed Black Butte Copper Project. Tintina will also have to provide additional information in the context of the MEPA review relating to issues over which DEQ does not have statutory regulatory authority. Some examples of other issues that will be addressed in the environmental review include information related to water rights issues regulated by the Department of Natural Resource & Conservation (DNRC) and information provided by the Impoundment Review Panel and the Engineer of Record. The information provided by the Impoundment Review Panel and Engineer of Record was not needed for the compliance review because the proposed impoundment does not meet the definition of “tailings storage facility” set forth in Section 82-4-305(34), MCA, although Tintina has committed to following the substantive provisions of the Metal Mine Reclamation Act applicable to a “tailing storage facility” as so defined.

If you have any questions, please contact me at hrolfes@mt.gov or (406)444-3841.

Sincerely,



Herb Rolfes
Operating Permit Section Supervisor
Hard Rock Mining Bureau
Department of Environmental Quality
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(406)444-3841 or email at hrolfes@mt.gov

C: Alan Kirk, Geomin

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