

Partial Bond Release and Comprehensive Bond Review for ES Stone and Structure, Inc.
(Hard Rock Mining Operating Permit No. 00163)

The Montana Department of Environmental Quality (DEQ) has received a request for bond release for ES Stone and Structure, Inc. (ES Stone). ES Stone is authorized to operate a multi-site rock product operation under Operating Permit No. 00163. ES Stone's facilities and associated disturbances are located at Site 1 in T06N, R19E, Sec. 16 and 17 approximately 5 miles southwest of Ryegate, MT, in Golden Valley County; Site 3 in T06N, R20E Sec. 23 and 24 approximately 4.5 miles southwest of Cushman, MT, in Golden Valley County; Site 5 in T19N, R04E, Sec. 31 approximately 5.4 miles west of Stockett, MT, in Cascade County; Site 6 in T08N, R15E, Sec. 34 and 35 and T07N, R15E, Sec. 02, 03, and 04 approximately 2.5 miles south of Harlowton, MT, in Wheatland County; Site 7 in T22N, R01E, Sec. 19, 20, 27, 28, 29, 30, 33 and 34 approximately 5.5 miles northwest of Vaughn, MT, in Cascade County; and Site 8 in T21N, R01R, Sec. 35 and T20N, R01E, Sec. 01, 02 and 11 approximately 2.1 miles south of Vaughn, MT, in Cascade County.

DEQ currently holds a reclamation bond in the amount of \$402,338. DEQ is proposing to release \$233,561 and retain \$168,777. The partial bond release was requested by ES Stone to decrease the number of bonded acres to account for undisturbed areas and for the partial completion of reclamation activities, which includes the removal of stockpiled rock product from Sites 1 and 5, the removal of waste rock from Sites 5 and 7, the backfilling and spreading of soil on trenched areas at Site 6, and the revegetation of areas at Sites 1, 3, 5, 6, 7, and 8.

In addition to the request for bond release, DEQ is conducting a comprehensive bond review for Operating Permit No. 00163. DEQ has determined that the current bonding level does not represent the present costs of compliance with the Metal Mine Reclamation Act, administrative rules adopted thereunder, and the operating permit. DEQ is proposing to increase the bond by \$402,014 (from \$168,777 to \$570,791). The bond increase is largely due to an increase in cost for removal of facilities, an increase in cost for earthwork activities, an increase in revegetation rates, updated indirect costs for mobilization, inflation, and administration, and an updated disturbance area for the next five years of mining.

The procedure for adjusting bonds as a result of a comprehensive bond review is set forth in Section 82-4-338(3), Montana Code Annotated (MCA). Pursuant to Section 82-4-338(5), MCA, DEQ may not release or decrease a reclamation bond until the public has been provided an opportunity for a hearing and a hearing has been held if requested. The permittee and the public will have until August 20th, 2026, to comment on the proposed changes to the bond amount. DEQ will issue a final bond determination after the comment period has expired. The permittee, or any person with an interest that may be adversely affected by DEQ's final bond determination, may obtain a contested case hearing before the Board of Environmental Review. A written request for a hearing must be filed with DEQ within 30 days of the issuance of the final bond determination, stating the reason for the request.

Requests for copies of the bond calculation associated with the comprehensive bond review, accommodations for persons with disabilities who need an alternative accessible format of

this notice, and any related questions should be directed to Millie Olsen, Hard Rock Mining Section Supervisor, Mining Bureau, Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901, by telephone at (406) 444-2461 or by e-mail at DEQHardRock@mt.gov. Requests for accommodation must be submitted no later than 5:00 P.M. on August 10th, 2026.