# APPLICATION TO CHANGE RECLAMATION DATE

Prior to the expiration of a permit, MCA § 82-4-431(6)(b) allows an operator to file an application to extend the reclamation date pursuant to MCA § 82-4-434(4)(a). This form is for applications to extend the reclamation date only. If an operator holding an existing permit wishes to amend items in addition to the reclamation date, the operator must submit a Standard or Rural form, not this form.

For a site permitted, or for which an amendment was approved in 2010 or later, an operator holding an existing permit may use this form to apply to extend the reclamation date and provide an updated landowner consultation form and bond, if applicable. MCA § 82-4-431(6)(b)(v)(A).

Note: For a site permitted, or for which an amendment was approved prior to 2010, the same process applies. However, the Department of Environmental Quality (“DEQ”) may use its discretion to grant or deny the operator’s application. MCA § 82-4-431(6)(b)(v)(B).

**Section A: Background Information**

1. The existing permit number for this site is:
2. The current permit’s existing reclamation date is: **Month** **Year** (**Note: If the reclamation date has expired, this form cannot be used. The Operator must re-permit the site**).
3. Operator Name:
4. Site Name:
5. County:
6. Operator Address:

City:  State:  Zip Code:

Office Phone #:  Cell #:   Email:

1. An updated Landowner Consultation form has been completed and is attached to this form.
2. A revised Reclamation Bond Spreadsheet (RBS) has been prepared and submitted on the most current version.
   1. Exception Government entity- no bond required
3. Bond has been submitted or Bond not required (no increase in cost according to revised RBS)
   1. Exception Government entity - no bond required

**Section B: Reclamation Timeframe** MCA § 82-4-434(2)(i) & 82-4-434(4)

1. Reclamation must be completed:
2. under the terms of permit and as concurrent with the Opencut operations as feasible.
3. on an area no longer needed for Opencut operations within one year after operations have ceased.
4. for each area, that the Operator no longer has the right to use for Opencut operations, within one year after the termination of such right.
5. by the Final Reclamation Date specified below.

Note: If reclamation is not completed within the term of the permit, after 30 days written notice, DEQ may order the Operator to cease operations. If the Operator does not cease operations, MCA § 82-4-434 authorizes DEQ to pursue remedies, including but not limited to, issuing an order to reclaim, or instituting an action to enjoin further operation, and/or suing for damages for breach of the conditions of the permit and for payment of the performance bond.

The Operator should specify the final reclamation date based on various business and environmental factors, including:

* The estimated demand for mine materials, the expected rate of production, and the volume and grade of permitted mine material.
* The time required to establish productive vegetation comparable to that growing on similar undisturbed land nearby. Typical minimum timeframes for revegetation are:

1. At least 2 additional years to establish vegetation and control noxious weeds on grassland and forest areas.
2. At least 1 additional year for the first successful harvest on cropland.

Final reclamation of the site is complete when the postmining land use has been achieved, including successful revegetation or crop harvest, and noxious weed control. To avoid delays in bond release, the Operator should plan for sufficient time for successful vegetative growth.

**The Term (Final Reclamation Date) is:**  Month **December,** Year

**Section C: Certification**

The person signing below represents that (check one box):

I am an officer, or an employee, of the Operator and I am duly authorized to bind the Operator identified on page 1 of the *Application to Change Reclamation Date* as a corporation, limited partnership, limited liability company, or other corporate entity in good standing and authorized to do business in Montana, and in this capacity, I acknowledge and certify that:

or

I am the Operator identified on page 1 of the *Application to Change Reclamation Date* and I acknowledge and certify that:

1. The attachments that follow my signature are incorporated into and enforceable as part of the *Application to Change Reclamation Date*;
2. has the legal right to conduct Opencut operations in the permit area described in the *Application to Extend Reclamation Date*;
3. consents to and acknowledges that the DEQ and its representatives may access the site to inspect the permit area at any reasonable time, and that while the DEQ attempts to provide reasonable notice of an inspection to  when practicable under the circumstances, inspections may be conducted without prior notice.
4. I have read and understand all the information, representations, terms, requirements, and conditions set forth in *Application to Change Reclamation Date*;
5. The information, representations, and statements provided or acknowledged in the *Application to Change Reclamation Date* are, to the best of my knowledge and belief, true and correct; and,
6. agrees to abide by and comply with the Opencut Mining Act, Montana Code Annotated sections 82-4-401 through 82-4-446, and Administrative Rules of Montana 17.24.201 through 17.24.226, and all representations, terms, requirements, and conditions set forth in the *Application to Change Reclamation Date* and the *Opencut Mining Permit* approved by the DEQ, and as amended. Operator further agrees that any contractor or supervisor who directs Opencut operations under authority of Operator’s *Opencut Mining Permit* will abide by same.
7. understands that obtaining an Opencut Mining Permit does not relieve  **’s** obligation to comply with any other applicable federal, state, county, or local regulations, or ordinances and permits, licenses, and approvals for the operation. Obtaining an Opencut permit does not mean that an Operator can legally mine the site without first obtaining permits from other agencies. For this opencut operation, DEQ recommends contacting the DEQ Water Protection Bureau, at 406-444-5546, to determine if a Storm Water or Sand and Gravel General Permit is required and DEQ Air Quality Bureau, at 444-3490, to determine if an air quality permit is required.

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| By: |  |  |  |
|  | **Signature** |  | **Legibly print or type name** |
|  |  |  |  |
|  | **Title** |  | **Date** |