Which Opencut Permit Application is Required?

08/31/2021

Call DEQ Opencut at 406-444-4970 to request a 07/19 version of the permit application as the site must be amended under Pre-HB599 requirements. Alternatively, an existing permitted site can obtain a new permit under HB599, which requires public notice (follow “New Permit” flow below).

Amending a pre HB599 permit (i.e. footer date of 07/19 or earlier)

Amending a permit issued on a Standard or Rural permit form (i.e. footer date of 05/21 or later)

Amending a Standard Permit

Amending Rural Permit

Increasing the acreage by 50% or more?

Not Increasing Acreage by 50% of more

10 or more Occupied Dwelling Units Within ½ mile of Permit Boundary

Yes

Increasing Acreage by 50% or more

Yes

Amend under 2019 Law
Note: Reclamation Date or PMLU cannot be changed

Are there 10 or more Occupied Dwelling Units within ½ mile of the Proposed Permit Boundary?
MCA 82-4-403(7) “Occupied dwelling unit” means a structure with permanent water and sewer facilities that is used as a home, residence, or sleeping place by at least one person who maintains a household that is lived in as a primary residence

Fewer than 10 Occupied Dwelling Units within ½ mi Of Permit Boundary

Yes

Would Opencut operations affect water resources, including surface water, intermittent or perennial streams, ground water or water conveyance facilities?

Standard Opencut Mining Permit Application

Rural Opencut Mining Permit Application

START

Which Opencut application does an Operator Need?

Is Operator:
- Obtaining a New Permit?
- Amending a pre HB599 permit (i.e. footer date of 7/19 or earlier on existing permit)?
- Amending a Standard or Rural permit (i.e. footer date of 05/21 or later on existing permit)

Complete and Submit:
- Application to Change Postmining Land Use form

Complete and Submit:
- Application to Change Reclamation Date form

Check box A1-1a on the application & complete the Standard or Rural Application

Change PMLU only

Change Reclamation Date Only

Only Changing the Postmining Land Use (PMLU)?

No

No

No

Amend PMLU/Rec Date & other Parameters

- Changing the PMLU and/or Reclamation Date AND other Parameters of the Permit?
- Amending under 2019 law?
(Cannot change PMLU or Reclamation Date)

Amend under 2019 Law

New Permit or Amendment

New Permit or Amendment

PUBLIC NOTICE FLOW

Application to Change Permit

Application to Change Permit

Amend under 2019 Law

Note: Reclamation Date or PMLU cannot be changed

Amend PMLU/Rec Date & other Parameters

- Changing the PMLU and/or Reclamation Date AND other Parameters of the Permit?
- Amending under 2019 law?
(Cannot change PMLU or Reclamation Date)

Amend under 2019 Law

Note: Reclamation Date or PMLU cannot be changed

Amend PMLU/Rec Date & other Parameters

- Changing the PMLU and/or Reclamation Date AND other Parameters of the Permit?
- Amending under 2019 law?
(Cannot change PMLU or Reclamation Date)

Amend under 2019 Law

Note: Reclamation Date or PMLU cannot be changed

Amend PMLU/Rec Date & other Parameters

- Changing the PMLU and/or Reclamation Date AND other Parameters of the Permit?
- Amending under 2019 law?
(Cannot change PMLU or Reclamation Date)

Amend under 2019 Law

Note: Reclamation Date or PMLU cannot be changed
Limited Opencut Operation (LOO)

In addition to the Standard and Rural Opencut Mining Operation Applications, a Limited Opencut Operation (LOO) is available for Opencut operations where:

- Operator has an existing Opencut permit;
- Operator intends to remove 10,000 cy of material or less;
- The site has not had 10,000 cy of material removed and operations at the proposed LOO will not exceed 10,000 cy of material removed (combined from past and proposed opencut operations);
- Opencut operations would not exceed 5-acres; and
- Opencut operations would not affect surface water, groundwater, a water conveyance facility, or take place on any slope steeper than 3:1.

Note: A LOO can be converted to a Rural or Standard permit as long as the appropriate application is submitted within 6-months of obtaining the LOO and permitted within 1-year MCA 82-4-431(2)(a)(iii)(B)