# APPLICATION FOR 5-YEAR RECLAMATION ONLY AMENDMENT

In accordance with MCA 82-4-434(3)(c)(i), an applicant may apply to extend the reclamation date for up to 5 years FOR RECLAMATION ONLY by submitting this form.

**Section A: Background Information**

1. The existing permit number for this site is:
2. Operator Name:
3. Site Name:
4. County:
5. Operator Address:

City:  State:  Zip Code:

Office Phone #:  Cell #:  Email:

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

1. **[ ]** certifies that the site is currently in compliance with the Opencut Mining Act and existing permit.

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

1. Reclamation must be:
2. Completed in accordance with the existing permit and as concurrent with the Opencut operations as feasible.
3. Completed on an area no longer needed for Opencut operations within one year after the cessation of such operations.
4. Completed on an area that the Operator no longer has the right to use for Opencut operations within one year after the termination of such right.
5. Completed by the Final Reclamation Date specified below.

Note: If reclamation is not completed within the term of the permit, after 30 days written notice the DEQ may order the Operator to cease operations, and if the Operator does not cease operations, may issue an order to reclaim, or may institute an action to enjoin further operation, and may sue for damages for breach of the conditions of the permit and for payment of the performance bond.

1. Typical minimum timeframes for revegetation are:
2. At least 2 additional years to establish vegetation and control noxious weeds on grassland and forest areas.
3. 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. Therefore, the DEQ recommends that the Operator be sure to allow sufficient time for successful vegetative growth.

**The Term (Final Reclamation Date) is:**  **Month December, 5**

Note: If the postmining land use will not be achieved by this date, the Operator must submit a full amendment application to extend the final reclamation date. Such an application should be submitted well in advance of the reclamation date to allow time for processing and approval of the amendment. This *5-Year Reclamation Only Amendment* form cannot be used again to extend the reclamation date of this permit.

**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 *5-Year Reclamation Only Amendment* 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 *5-Year Reclamation Only Amendment* and I acknowledge and certify that:

1. The attachments that follow my signature are incorporated into and enforceable as part of the *5-Year Reclamation Only Amendment*
2. has the legal right to conduct Opencut operations in the permit area described in the *5-Year Reclamation Only Amendment*
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 as necessary to determine whether Opencut operations are being conducted in compliance with the permit, Act, and rules [82-4-422(1)(d) and 425, MCA] & [ARM 17-24-206(3)].
4. I have read and understand all the information, representations, terms, requirements, and conditions set forth in this form and the existing *5-Year Reclamation Only Amendment*;
5. The information, representations, and statements provided or acknowledged on this form and in the *5-Year Reclamation Only Amendment* 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 *Dryland Opencut Mining Permit Application* and the *Opencut Mining Permit* approved by the DEQ, and communicate the same to any contractor or supervisor who directs Opencut operations under authority of the *5-Year Reclamation Only Amendment*.
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 necessarily mean that an Operator can legally mine the site without first obtaining permits from other agencies. DEQ recommends contacting the DEQ Water Protection Bureau at 406-444-5546 and Air Quality Bureau at 444-3490 to determine if a Storm Water or Sand and Gravel General Permit, or air quality permits are required for this Opencut operation.

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