

OPENCUT STAKEHOLDERS GROUP **APRIL 21 @ 1:00 PM**

In Attendance: Whitney Bausch – DEQ, JJ Conner – DEQ, Carly Dorshorst – DEQ, Rob Koelzer – Schellinger, Mike Newton – Fisher Sand and Gravel, Sonja Nowakowski – DEQ, Jennifer Skartveit – DEQ, Joe Smith – Knife River, Kenley Stone – DEQ, Frank Tabish – LHC, Dan Walsh – DEQ

Via Zoom or Telephone: Bryan Allison – DEQ, Michael Bacon – Dawson County, JD Buck – MT DOT, Stephen Coe – WET, Greg Davis – Hydrometrics, Stacy Hill – Riverside Contracting, Lee McKenna – DEQ, Brian Nickel – Knife River, Melody Smith – American Colloid Company, Joe Sylvester – WYO-BEN, Steve Wade – MCA

INTRODUCTIONS – JJ Conner welcomed and thanked everyone for attending. Everyone introduced themselves, including those online. JJ let everyone know that DEQ Opencut would try to do a better job at getting the Agenda for future meetings out earlier. Whitney explained Meeting Expectations and how to comment or raise hands for those online.

DEQ UPDATES AND DISCUSSION

Staffing and Workload

- Whitney introduced herself as the new Opencut Section Supervisor.
 - Opencut is hoping to be hiring a new scientist in the coming weeks.
- JJ gave an additional Staffing Update
 - Jana Gruber is no longer with Opencut. Jordan Maynard is currently training in the Bonding position.

April Open House in Bozeman

- JJ gave a recap of the Bozeman Open House. Explaining the Open Houses are designed to provide Public Outreach. Opencut also participated in one in Billings and more may come in the future.

Annual Production Reports (APR) – JJ explained that the APR's were mailed January 3, 2022.

- Second Notices for those who did not respond were mailed on March 15, 2022 for those who had not yet responded.
- Third Notices will be going out on May 2, 2022 to those who still have not responded.
- Operators not responding to the Third Notice may be sent to Enforcement.

Opencut Rule Making Process – JJ gave an update on the Rule Making Process.

- A diversified small working group met three times to work on the proposed rules.
- In order to meet the Oct 1 deadline Opencut will now follow the rulemaking process (Montana Administrative Procedures Act (MAPA))
- Rules will be presented to the Stakeholders Group and Public for review as part of the MAPA process.

The following link is for the Adoption of an Administrative Rule flowchart:

https://sosmt.gov/Portals/142/ARM/ARM_flow_chart.pdf?dt=1526399982123

Technology Update

- JJ gave an update on FACTS and GIS
 - FACTS will be the New Database for Opencut starting later this year
 - Operators will be able to upload their boundaries, no more Boundary Coordinate Tables (BCT).
 - No more lost applications.
 - Operators will be able to track the process of their applications.
 - GIS update
 - The public facing web mapping application is not working as well as it used to. The Mining Bureau is working on getting it working again. Operators expressed that they use this often and rely on it.
- Carly gave a presentation on the Unmanned Aerial System (UAS aka Drone)

Pending Bond Release Requests – JJ went over the Release Request handouts. There was discussion about the benefits for both Opencut and the Operators of using the notarized landowner signature section.

Summer Field Season – JJ gave an update on Summer Field Season

- Field Services and Technology will be out in the field doing inspections for Coal, Hardrock and Opencut. Focus for Opencut will be the Expiry sites. Non-Compliance Letters will be going out for those sites.

QUESTIONS/COMMENTS FROM STAKEHOLDERS

In FACTS will we be able to grant individuals site by site access?

Lisa Tucker, FACTS Team (via email 4/28/22) – Yes, the Operator can allow a consultant access to one or more of their sites.

How can an Operator get looped into the Expiry Process?

JJ – Send an e-mail to DEQOpencut@mt.gov requesting the Non-Compliance letter for any given site.

LOO's are being inspected, is that going to include Short Forms?

JJ – We will be out inspecting LOO's, but Short Forms are not included in that. We have about 25 left and we will then be current.

How would you prefer us to proceed with Expired Sites?

JJ – Work with us and do what best fits your situation as all situations are different.

Will we need specific software when Opencut goes into FACTS?

JJ – No, you will just need to have access to the Internet.

Are Hard copies of the Bonds required?

JJ – We can accept electronic to get an application through completeness, however, a permit cannot be issued until the hard copy bond is received in our office.

Can you re-permit a Pre-HB599 application into a Rural?

JJ – Yes, as long as it meets the requirements.

PLANNING FOR NEXT MEETING

Future Meeting Topics

- Water Quality Division – General Permit Renewals

Next Meeting Date

- Next meeting will be July 20, 2022 1-4pm. We will again have a hybrid meeting in Room 111 of the Metcalf with the Zoom option online.

MEETING ADJOURNED