

17.24.102 DEFINITIONS

As used in the Act and this subchapter, the following definitions apply:

- (1) "Act" means Title 82, chapter 4, part 3, MCA.
- (2) "Alternate reclamation" means the return of lands disturbed by mining or mining-related activities to a postmining land use other than that which existed prior to mining. Alternate reclamation must be stable, must have utility and must comply with Title 75, chapters 2, 5, and 6, MCA.
- (3) "Bulkhead" means a door, fence or other construction which allows periodic entry to an adit or shaft, adequately secured and locked so that animals and unauthorized persons are denied entry.
- (4) "Beneficial use" means use of water as defined in [85-2-102](#), MCA.
- (5) "Collateral bond" means an indemnity agreement for a fixed amount, payable to the department, executed by the operator and supported by depositing with the department cash, negotiable bonds of the United States (not treasury certificates), state or municipalities, negotiable certificates of deposit or an irrevocable letter of credit of any bank organized or authorized to transact business in the United States or other surety acceptable to the department.
- (6) "Disturbed and unreclaimed" means, as used in the definition of "small miner" in [82-4-303](#), MCA, land affected by mining activities, including reprocessing of tailing or waste material, that has not been restored to a continuing productive use, with proper grading and revegetative procedures to assure:
 - (a) slope stability;
 - (b) minimal erosion;
 - (c) adequate vegetative ground cover (if in keeping with reclaimed use);
 - (d) that no mine discharge water, ground water or surface water passing through a disturbed area will pollute or contaminate any state waters.
- (7) "Exclusion" means a statement filed by a small miner pursuant to [82-4-305](#), MCA.
- (8) "Exploration" includes pilot ore processing plants or sites and associated facilities constructed for the sole purpose of metallurgical or physical testing of ore materials, not to exceed 10,000 short tons, to aid in determining the development potential of an ore body.
- (9) "Permit area" is the disturbed land as defined in [82-4-303](#), MCA, and a minimal area delineated around a disturbance area for the purposes of providing a buffer adjacent to all disturbances, and for the purposes of controlling public access to areas permitted under [82-4-335](#), MCA. Monitoring wells are not required to be within a contiguous permit boundary, but must be permitted. Other activities are to be included within the permit boundary as follows:
 - (a) Access roads must be included within the permit area from the point of departure with a public road to the mine site.
 - (b) Utilities are required to be permitted only within the permit area.
 - (c) Work camps are not required to be permitted. (However, they are regulated under Title 75, chapter 5, MCA.)
- (10) "Placer or dredge mining" includes, but is not limited to, mining by hydraulic giant, ground sluice, rocker or sluice box methods, the use of a dry land dredge, trommel or washing plant, and bucket type floating dredges, all as referred to in Mining Methods and Equipment Illustrated, Montana Bureau of Mines and Geology, Bulletin 63, 1967.
- (11) "Plan of operations" means the plans required under [82-4-335](#) through [82-4-337](#), MCA, including the reclamation plan defined in [82-4-303](#), MCA, plus the approved operating, monitoring and contingency plans required in an application for an operating permit.
- (12) "Pollute or contaminate any stream" means, as used in [82-4-305](#), MCA, to conduct any mining or reprocessing of tailing or waste in a manner that will result in deterioration of water quality as specified by standards listed in ARM Title 17, chapter 30, et seq., pursuant to the Montana Water Quality Act, Title 75, chapter 5, et seq., MCA. Any future revisions of these standards adopted in accordance with the provisions of the Montana Water Quality Act, as amended, apply to this definition.
- (13) "Reclamation" means the return of lands disturbed by mining or mining-related activities to an approved postmining land use which has stability and utility comparable to that of the premining landscape except for rock faces and open pits which may not be feasible to reclaim to this standard. Those rock faces and open pits must be reclaimed in accordance with [82-4-336](#), MCA. The term "reclamation" does not mean restoring the landscape to its premining condition. Reclamation, where appropriate, may include, but is not limited to:
 - (a) neutralizing cyanide or other processing chemicals;
 - (b) closure activities for ore heaps, waste rock dumps, and tailing impoundments;

- (c) closure activities for surface openings;
 - (d) grading, soiling and revegetating disturbed lands;
 - (e) removal of buildings and other structures that have no utility in regard to the approved postmine land use;
 - (f) other steps necessary to assure long-term compliance with Title 75, chapters 2 and 5, MCA; and
 - (g) other steps necessary to protect public health and safety at closure.
- (14) "Revision" means a change to an operating permit that is exempt under [82-4-342](#), MCA, from the requirement to prepare an environmental assessment or environmental impact statement.
- (15) "Significantly affect the human environment" means an affect on the human environment that meets the criteria of ARM [17.4.608](#).
- (16) "Surety bond" means a surety agreement for a fixed amount, payable to the department, executed by a corporation licensed to do business as a surety in Montana, and guaranteeing performance of the obligations of the Act, the rules and the appropriate permit, exclusion or license.

History: [82-4-321](#), MCA; [IMP](#), [82-4-303](#), [82-4-305](#), [82-4-309](#), [82-4-310](#), [82-4-331](#), MCA; [NEW](#), 1994 MAR p. 2952, Eff. 11/11/94; [TRANS](#), from DSL, 1996 MAR p. 2852; [AMD](#), 1999 MAR p. 640, Eff. 4/9/99; [AMD](#), 2000 MAR p. 473, Eff. 2/11/00; [AMD](#), 2002 MAR p. 3590, Eff. 12/27/02; [AMD](#), 2022 MAR p. 1830, Eff. 9/24/22.