

## SENATE BILL NO. 460

INTRODUCED BY P. FLOWERS, J. REAVIS, B. EDWARDS, P. STRAND, J. SECKINGER, B. CLOSE, S.  
FYANT, C. NEUMANN, D. POWERS, M. DUNWELL, J. ELLIS, J. MORIGEAU, F. SMITH, S. WEBBER, D.  
FERN, L. SMITH, J. WINDY BOY, J. COHENOUR, C. KEOGH, A. OLSEN, C. POPE, M. ROMANO, M.  
THANE, C. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF ENVIRONMENTAL  
QUALITY TO ENSURE PROTECTION OF SURFACE WATER AND GROUND WATER IN OPENCUT MINING  
OPERATIONS; AND AMENDING SECTION 82-4-422, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 82-4-422, MCA, is amended to read:

**"82-4-422. Powers, duties, and functions.** (1) The department has the powers, duties, and functions  
to:

(a) issue permits when, on the basis of the information set forth in the application and an  
evaluation of the proposed opencut operations, the department finds that the requirements of this part and rules  
adopted to implement this part will be observed;

(b) amend permits in accordance with the provisions of 82-4-436;

(c) reclaim any affected land with respect to which a bond has been forfeited;

(d) make investigations or inspections that are considered necessary to ensure compliance with  
any provision of this part; and

(e) enforce and administer the provisions of this part and issue orders necessary to implement the  
provisions of this part.

(2) The department shall:

(a) adopt rules that pertain to opencut operations in order to accomplish the purposes of this part;

(b) adopt rules:

(i) establishing uniform procedures for filing of necessary records;

1 (ii) providing procedures for the issuance of permits and filing of annual reports; and  
2 (iii) providing other administrative requirements necessary to implement this part; and  
3 (c) ensure that surface water and ground water are protected, consistent with state law pursuant to  
4 Title 75, chapter 5, and Title 85, from deteriorating water quality and quantity when those issues arise from  
5 opencut operations.

(3) The board shall conduct hearings and, for the purposes of conducting those hearings, administer oaths and affirmations, subpoena witnesses, compel attendance of witnesses, hear evidence, and require the production of any books, papers, correspondence, memoranda, agreements, documents, or other records relevant or material to the inquiry."

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