

September 15, 2023

Dusty Weber
7 Pinto Place
Park City, MT 59063

RE: Citizen Complaint #1 – ARM 17.24.129: Sibanye-Stillwater Permit #00118 is in violation of the Montana Hard Rock Mining Reclamation Act, August 23, 2023

Dear Dusty Weber:

The Montana Department of Environmental Quality (DEQ) has received the above-described Citizen's Complaint from you. Thank you for reaching out to DEQ with your concerns.

DEQ cannot assume that a hard rock mining violation exists with respect to the proper allocation of Hard Rock Mining Impact funding based upon the information you have submitted. DEQ's jurisdiction to determine regulatory violations with respect to Metal Mine Reclamation Act Permits is restricted to its administration of the Metal Mine Reclamation Act, which is codified as Title 82, Chapter 4, Part 301 of the Montana Code Annotated (MCA). (See, Section 82-4-321, MCA, which specifically charges DEQ with the responsibility of administering the Metal Mine Reclamation Act under Section 82-4-301, et seq., MCA.)

DEQ has no statutory authority to investigate and resolve factual and legal questions surrounding changing economic impacts, or to adjudicate the payment of impact funds to local government units, which may result from a change in the residence of mine workers over time. Your concerns must be addressed via a different body.

By contrast, such mixed questions of law and fact are properly submitted to the Hard Rock Mining Impact Board, which is administratively attached to the Montana Department of Commerce. The Hard Rock Mining Impact Board has the legal authority under Section 2-15-1822, MCA, to act as a quasi-judicial and quasi-legislative Board to resolve legal issues and factual allegations, such as yours, arising from the economic impacts of large-scale mining operations and the dispersal of impact funds to affected local governmental units.

For the foregoing reasons and pursuant to the Administrative Rules of Montana (ARM) 17.24.129, DEQ: 1) has not made an inspection; and 2) is precluded by law from taking any enforcement action, in response to your above-described Citizen Complaint.

Please contact me if you have any questions about this letter.

Sincerely,



Eric Dahlgren
Hard Rock Mining Section Supervisor
Mining Bureau
Montana Department of Environmental Quality
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e-File: 00118.2

Electronic cc: Heather McDowell (Stillwater Mining Company),
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