

CHAPTER 69-05.2-25
PERFORMANCE STANDARDS - OPERATIONS IN ALLUVIAL VALLEY FLOORS

Section

- 69-05.2-25-01 Performance Standards - Alluvial Valley Floors - Essential Hydrologic Functions
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69-05.2-25-01. Performance standards - Alluvial valley floors - Essential hydrologic functions.

1. The essential hydrologic functions of alluvial valley floors not within an affected area must be preserved by maintaining the geologic, hydrologic, and biologic characteristics that support those functions.
2. Surface coal mining and reclamation operations must be conducted to reestablish the essential hydrologic functions of alluvial valley floors within an affected area by reconstructing the geologic, hydrologic, and biologic characteristics that support those functions.
3. The characteristics are those identified in section 69-05.2-09-16 and others identified during premining investigations or monitoring conducted during the operation.

History: Effective August 1, 1980; amended effective May 1, 1990.

General Authority: NDCC 38-14.1-03

Law Implemented: NDCC 38-14.1-21, 38-14.1-24

69-05.2-25-02. Performance standards - Alluvial valley floors - Protection of agricultural uses.

Surface coal mining and reclamation operations must be conducted to ensure that the agricultural utility and the level of productivity of alluvial valley floors in affected areas are reestablished.

History: Effective August 1, 1980; amended effective May 1, 1990.

General Authority: NDCC 38-14.1-03

Law Implemented: NDCC 38-14.1-21, 38-14.1-24

69-05.2-25-03. Performance standards - Alluvial valley floors - Monitoring.

1. An environmental monitoring system must be installed, maintained, and operated by the permittee on all alluvial valley floors during operations and continued until all bonds are released. The monitoring system must provide sufficient information to allow the commission to determine that:
 - a. The agricultural utility and production of the alluvial valley floor not within the affected area are being preserved.
 - b. The potential agricultural utility and production on the alluvial valley floor within the affected area have been reestablished.
 - c. The important characteristics supporting the essential hydrologic functions of an alluvial valley floor in the affected area have been reestablished.
 - d. The important characteristics supporting the essential hydrologic functions of an alluvial valley floor in areas not affected are preserved during and after mining.

2. Monitoring must be performed at frequencies adequate to indicate long-term trends that could affect agricultural use of the alluvial valley floors.
3. Monitoring must be performed during operations to identify characteristics of the alluvial valley floor not identified in the permit application and to evaluate the importance of all characteristics.
4. All monitoring data and analyses must be submitted to the commission according to the timetable approved in the permit application. Hydrologic monitoring and reporting must comply with sections 69-05.2-16-05 and 69-05.2-16-14.

History: Effective August 1, 1980; amended effective May 1, 1990; May 1, 1992; January 1, 1993.

General Authority: NDCC 38-14.1-03

Law Implemented: NDCC 38-14.1-24, 38-14.1-42

69-05.2-25-04. Performance standards - Alluvial valley floors - Protection of farming and water supplies.

1. If environmental monitoring shows that a mining operation is responsible for interrupting, discontinuing, or precluding farming on alluvial valley floors, or is causing material damage to water that supplies alluvial valley floors, the operation must cease until remedial measures are taken by the operator. The remedial measures must be approved by the commission prior to the resumption of mining.
2. Paragraphs 1 and 2 of subdivision e of subsection 3 of North Dakota Century Code section 38-14.1-21 do not apply to lands identified in a reclamation plan approved by the commission prior to July 1, 1979, for any operation that, in the year preceding July 1, 1979:
 - a. Produced coal in commercial quantities and was located within or adjacent to an alluvial valley floor; or
 - b. Obtained specific permit approval to conduct operations within an alluvial valley floor.

History: Effective August 1, 1980; amended effective May 1, 1990; January 1, 1993.

General Authority: NDCC 38-14.1-03

Law Implemented: NDCC 38-14.1-21, 38-14.1-24, 38-14.1-28