

NDAC 69-05.2-16-08

N.D. Admin. Code § 69-05.2-16-08

North Dakota Administrative Code Currentness

Title 69. Public Service Commission

Article 69-05.2. SURFACE Coal Mining and Reclamation Operations

Chapter 69-05.2-16. PERFORMANCE Standards - Hydrologic Balance - General Requirements

**→69-05.2-16-08. Performance standards - Hydrologic balance - Sediment control measures.**

1. Appropriate sediment control measures must be designed, constructed, and maintained using the best technology currently available to:

- a. Prevent, to the extent possible, additional contributions of sediment to streamflow or to runoff outside the permit area.
- b. Meet the more stringent of applicable state effluent limitations.
- c. Minimize erosion to the extent possible.
- d. Minimize the deposition of sediment on undisturbed areas.

2. Sediment control measures include practices carried out within and adjacent to the disturbed area. The sedimentation storage capacity of practices in and downstream from the disturbed area must reflect the degree to which successful mining and reclamation techniques are applied to reduce erosion and control sediment. Sediment control measures consist of the utilization of proper mining and reclamation methods and sediment control practices, singly or in combination. Sediment control methods include:

- a. Disturbing the smallest practicable area at any one time during the mining operation through progressive backfilling, grading, and prompt revegetation.
- b. Stabilizing the backfill material to promote a reduction in the rate and volume of runoff.
- c. Retaining sediment within disturbed areas.
- d. Diverting runoff away from disturbed areas.
- e. Diverting runoff using protected channels or pipes through disturbed areas so as not to cause additional erosion.
- f. Using straw dikes, riprap, check dams, mulches, vegetative sediment filters, dugout ponds, and other measures that reduce overland flow velocity, reduce runoff volume, or trap sediment.
- g. Treating with chemicals.

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

**General Authority:** NDCC 38-14.1-03

**Law Implemented:** NDCC 38-14.1-24

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