

twenty-four-hour precipitation event for temporary diversions, a one-hundred-year, twenty-four-hour precipitation event for permanent diversions, or larger events specified by the commission. However, the capacity of the channel itself should be at least equal to the capacity of the unmodified stream channel immediately upstream and downstream of the diversion.

3. When no longer needed, all temporary stream channel diversions must be removed and the affected land reclaimed. At the time diversions are removed, downstream water treatment facilities previously protected by the diversion must be modified or removed to prevent overtopping or failure of the facilities. This requirement does not relieve the operator from maintaining a water treatment facility otherwise required under this chapter or the permit.
4. When permanent diversions are constructed or natural stream channels restored after being temporarily diverted, the operator shall:
  - a. Restore, enhance where practicable, or maintain natural riparian vegetation on the banks of the stream.
  - b. Establish or restore the stream to its natural meandering shape at an environmentally acceptable gradient, as approved by the commission.
  - c. Establish or restore the stream to a longitudinal profile and cross section, including aquatic habitats (usually a pattern of riffles, pools, and drops rather than uniform depth) that approximate premining stream channel characteristics.

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

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

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

**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

**69-05.2-16-09. Performance standards - Hydrologic balance - Sedimentation ponds.**

1. General requirements. Sedimentation ponds must be used individually or in series and:
  - a. Be constructed before any disturbance of the undisturbed area to be drained into the pond.
  - b. Be located as near as possible to the disturbed area and out of perennial streams, unless approved by the commission.
  - c. Meet all the criteria of this section.