

Proposed Rule changes related to SB-2327

Public Service Commission

69-05.2-09-02. Permit applications - Operation plans - Maps and plans.

Each application must contain an appropriate combination of 1:4,800 scale topographic maps, planimetric maps, and plans of the proposed permit and adjacent areas showing:

8. Each coal storage, cleaning and loading area, and each coal waste and noncoal waste storage area. For noncoal wastes that will be disposed of in the proposed permit area, the applicant must provide a description of any wastes listed under subdivision i of subsection 2 of section 33-20-02.1-01 and any other wastes requiring a permit from the ~~state department of health~~ department of environmental quality. The location of any such disposal areas must be shown on a map of the permit area.

69-05.2-09-05. Permit applications - Operation plans - Air pollution control.

The applicant shall specify the measures to comply with the air pollution control requirements of the ~~state department of health~~ department of environmental quality and any other measures necessary to effectively control wind erosion and attendant air pollution.

69-05.2-13-07. Performance standards - General requirements - Air resources protection.

The permittee shall comply with all applicable air pollution control laws and rules of the ~~state department of health~~ department of environmental quality and stabilize and protect all surface areas

69-05.2-16-02. Performance standards - Hydrologic balance - Compliance with ~~state department of health~~ department of environmental quality standards.

Runoff water and pit water discharge must meet the water quality requirements of the North Dakota ~~state department of health~~ department of environmental quality, as well as those of this article. The commission will not issue or revise a mining permit until the ~~state department of health~~ department of environmental quality has had an opportunity to review the applicable information and plans. No rights under the mining permit shall be exercised until the necessary state ~~state department of health~~ department of environmental quality permits are obtained.

69-05.2-16-04. Performance standards - Hydrologic balance - Water quality standards and effluent limitations.

1. The operator must comply with the following requirements:

- c. The commission may allow the use of other sediment control measures for primary sediment control if:

- (1) The disturbed drainage area within the total disturbed area is small, the disturbed areas have been regraded, respread with topsoil, and stabilized against erosion, or the ~~state department of health~~ department of environmental quality has approved the use of best management practices as the effluent limitation; and

- g. Discharges of water from areas disturbed by surface mining activities must comply with all applicable state laws and rules and with the ~~state department of health~~ department of

environmental quality effluent limitations authorized by North Dakota Century Code chapter 61-28.

69-05.2-16-05. Performance standards - Hydrologic balance - Surface water monitoring.

1. Surface water monitoring must be conducted in accordance with the monitoring program and based on the probable hydrologic consequences determination submitted under section 69-05.2-08-04. The commission will approve the nature of data that relate to the hydrologic reclamation plan in section 69-05.2-09-12, frequency of collection, and determine reporting requirements.

b. For point source discharges, monitoring must:

(1) Be conducted according to ~~state department of health~~department of environmental quality standards.

69-05.2-16-20. Performance standards - Hydrologic balance - Stream buffer zones.

1. The operator may not disturb land within one hundred feet [30.48 meters] of an intermittent or perennial stream unless the commission, after consulting the state engineer and the ~~state department of health~~department of environmental quality, specifically authorizes surface mining activities closer to, or through, the stream, after finding that:

69-05.2-19-02. Performance standards - Waste materials - Permanent disposal of coal wastes.

1. All coal processing waste and waste materials from coal utilization processes and coal conversion facilities to be permanently disposed of within a permit area and that are required to be permitted under the solid waste management rules of the North Dakota ~~state department of health~~department of environmental quality must be disposed of according to those rules and this chapter.
 - a. The permittee or operator shall file application for and design the disposal site as required by the ~~state department of health~~department of environmental quality and concurrently submit a copy of the application to the commission.
 - b. The permittee or operator shall also submit to the commission a permit revision that will incorporate the disposal activities into the operations and reclamation plan. The commission will not approve the revision until the ~~state department of health~~department of environmental quality issues a solid waste permit.

69-05.2-19-04. Performance standards - Waste materials - Disposal of noncoal wastes.

1. All noncoal waste materials disposed of within a permit area and that are required to be permitted under solid waste management rules of the ~~state department of health~~department of environmental quality must be disposed of according to those rules and this chapter. Before disposal operations begin, the commission must be advised of plans to develop or modify a noncoal waste disposal site.
2. Noncoal wastes including concrete products, plastic material, abandoned mining machinery, wood materials, and other nonhazardous materials generated during mining and noncoal waste materials from activities outside the permit area, such as municipal wastes, must be placed and stored in a controlled manner in a designated approved portion of the permit area.

Placement and storage of all types of noncoal wastes, including any hazardous materials, must ensure that leachate and surface runoff do not degrade surface or ground water, fires are prevented, and that the area remains stable and suitable for reclamation and revegetation compatible with the natural surroundings. Any wastes containing asbestos may not be disposed of in the permit area unless specific approval is obtained from the ~~state department of health~~department of environmental quality. Solvents, grease, lubricants, paints, flammable liquids, and other combustible materials must be disposed off the permit area except for land treatments of small spills as approved by the ~~state department of health~~department of environmental quality.