



ADMINISTRATIVE RULES OF MONTANA



17.24.930 PLACEMENT AND DISPOSAL OF COAL PROCESSING WASTE: SPECIAL APPLICATION REQUIREMENTS

- (1) Each application must contain, where applicable, a narrative explaining the construction, modification, use, maintenance, removal, and reclamation of coal processing waste removal, handling, storage, transportation and disposal sites and structures in the permit area in accordance with ARM 17.24.932, including appropriate maps that meet the requirements of ARM 17.24.305 and describing the location of each source of waste, waste storage area, and waste disposal structure.
- (2) Each application must contain a general plan and detailed design plan for each coal processing waste disposal area and structure proposed within the permit area.
 - (a) Each general plan must:
 - (i) be prepared by, or under the direction of and certified by a qualified licensed professional engineer experienced in the construction of earth and rock fill embankments;
 - (ii) contain a description, a map prepared according to ARM 17.24.305, and appropriate cross-sections of the structure and its location;
 - (iii) contain hydrologic and geologic information required to assess the hydrologic impact of the structure;
 - (iv) contain a survey describing the potential effect on the structure from subsidence of the subsurface strata resulting from past or future underground mining activities; and
 - (v) contain a certification statement that includes a schedule setting forth the dates that any detailed design plan for structures that are not submitted with the general plan will be submitted to the department. The department must have approved, in writing, the detailed design plan for a structure before construction of the structure begins.
 - (b) Each detailed design plan for a structure must:
 - (i) be prepared by, or under the direction of, and certified by a qualified registered professional engineer experienced in the construction of earth and rock embankments with assistance from experts in related fields such as geology, land surveying, and landscape architecture;
 - (ii) describe the operation and maintenance requirements for each structure;
 - (iii) describe the timetable and plans to remove each structure, if appropriate; and
 - (iv) include geotechnical investigations and design and construction specifications for the structure.

- (3) If the application includes a proposal to impound coal processing waste, the following is required:
- (a) design information and impoundment operation that meets the requirements of ARM 17.24.505(5);
 - (b) demonstration of compliance with the requirements of 30 CFR 77.216-1 and 77.216-2;
 - (c) the results of a geotechnical investigation of the proposed dam or embankment and impoundment foundation areas to determine the structural competence of the geological materials there to support the dam or embankment and impounded wastes. The geotechnical investigation must be planned and supervised by an engineer or engineering geologist in accordance with the following criteria:
 - (i) the number, location, and depth of borings and test pits must be determined using current prudent engineering practice for the size of the dam or embankment, quantity of wastes to be impounded, and subsurface conditions;
 - (ii) the character of the overburden and bedrock, the proposed abutment sites, and any adverse geotechnical conditions which may affect the particular dam, embankment, or impoundment site must be considered;
 - (iii) all springs, seepage, and ground water flow observed or anticipated during wet periods in the area of the proposed dam or embankment must be identified;
 - (iv) consideration must be given to the possibility of mudflows, rock-debris falls, or other landslides into the dam, embankment, or impounded wastes; and
 - (d) if the dam or embankment is at least 20 feet high or the impoundment has a proposed capacity of more than 20 acre-feet:
 - (i) a stability analysis, which must include, but not be limited to, strength parameters, pore pressures, and long-term seepage conditions; and
 - (ii) a description of each engineering design assumption and calculation with a discussion of each option considered in selecting the specific design parameters and construction methods.

Authorizing statute(s): 82-4-205, 82-4-231, MCA

Implementing statute(s): 82-4-222, MCA

History: NEW, 1990 MAR p. 936, Eff. 5/18/90; AMD, 1994 MAR p. 2957, Eff. 11/11/94; TRANS, from DSL, 1996 MAR p. 3042; AMD, 2004 MAR p. 2548, Eff. 10/22/04; AMD, 2024 MAR p. 258, Eff. 2/10/24.