



ADMINISTRATIVE RULES OF MONTANA



17.24.1815 PERFORMANCE STANDARDS

The operator shall:

- (1) bury under adequate fill all toxic materials, shale, mineral, or other material determined by the department to be acid producing, toxic, undesirable or creating a hazard. Burial depth should be selected to prevent contact with ground water or infiltrating waters that will subsequently pollute the ground water in the area;
- (2) seal off, as directed by the department, any break-through of water creating a hazard;
- (3) impound, drain or treat all runoff water so as to reduce soil erosion, damage to grazing and agricultural lands, and pollution of surface and subsurface waters;
- (4) remove or bury all metal, lumber, and other refuse resulting from the operation;
- (5) use explosives in connection with the operation only in accordance with department specifications as found in the rules pursuant to Title 82, chapter 4, part 2, MCA, designed to minimize noise, surface damage to adjacent lands and water pollution, ensure public safety, and for other purposes;
- (6) not throw, dump, pile or permit the dumping, piling, or throwing or otherwise placing of any stones, rocks, earth, soil, dirt, debris, trees, wood, logs or any other materials or substances of any kind or nature beyond or outside of the area of land which is under permit and for which a bond has been posted under 82-4-123, MCA, or place the materials described in this section in such a way that normal erosion or slides brought about by natural physical causes will permit the materials to go beyond or outside of the area of land which is under permit and for which a bond has been posted under 82-4-123, MCA;
- (7) identify the location of a proposed road(s) and/or railroad loops(s), spur(s) or extension(s) on the site by prominent markings prior to the time the proposed preparatory work is inspected and prior to the commencement of construction. No such construction shall proceed along dry coulees and intermittent drainageways unless the operator takes necessary precautions to insure that no off-site sedimentation will result;
- (8) construct drainage ditches on both sides of the through-cut, and the inside shoulder of a cut-fill section, with ditch relief cross-drains being spaced according to grade. Water shall be intercepted before reaching a switchback or large fill and shall be drained off or released below the fill. Drainage structures shall be constructed in order to cross a stream channel, and shall not affect the flow or sediment load of the stream;

- (9) stabilize and revegetate at the first seasonal opportunity all cut and fill slopes resulting from construction of an access road, a railroad loop or a haulageway road outside of the area to be mined;
- (10) not surface roads, railroad loops, spurs or extensions with refuse coal, acid producing or toxic material or with any material which will produce a concentration of suspended solids in surface drainage;
- (11) employ all appropriate methods to prevent loss of haulage or access road surface material in the form of dust;
- (12) condition the seed and take adequate measures to prevent erosion by means of culverts, water bars, or other devices upon the abandonment of any road, railroad loop, spur or extension. Such areas shall be abandoned in accordance with all provisions of Title 82, chapter 4, part 2, MCA, and the rules adopted pursuant thereto.

Authorizing statute(s): 82-4-112, MCA

Implementing statute(s): 82-4-125, MCA

History: NEW, Eff. 4/4/75; TRANS, from DSL, 1996 MAR p. 2852; AMD, 2024 MAR p. 260, Eff. 2/10/24.