

**27—40.63 (207) Permanent program performance standards—surface mining activities.** The following is incorporated by reference: 30 CFR Part 816, as in effect on July 1, 2010, except as modified by subrules 40.1(3), 40.1(4), and 40.1(5) and with the following exceptions:

**40.63(1)** Delete 30 CFR 816.61(c)(1) and insert the following:

(c) Blasters. (1) All blasting operations shall be conducted under the direction of a blaster certified by the division.

**40.63(2)** Delete 30 CFR 816.101. For “Backfilling and grading: Time and distance requirements,” the following shall apply:

*a.* Except as provided in paragraph “*b*” of this subrule, rough backfilling and grading for surface mining activities shall be completed within 180 days following coal removal, and not more than four spoil ridges behind the pit being worked, the spoil from the active pit constituting the first ridge.

*b.* The division may extend the time allowed for rough backfilling and grading for the entire permit area or for a specified portion of the permit area if the permittee demonstrates in accordance with 27 IAC 40.36 / 30 CFR 780.18(b)“3” of these rules that additional time is necessary.

**40.63(3)** Add to 30 CFR 816.131(b) the sentence “The notice shall state a specific date when operations will resume.”

**40.63(4)** Add to 30 CFR 816.131 a paragraph (c) that shall read as follows:

(c) The period of temporary cessation shall be a period of two years after which cessation will become permanent cessation and subject to the conditions of 30 CFR 816.132. The applicant may request one 12-month extension of the two-year time period. Approval of the extension request shall be at the discretion of the division administrator.

**40.63(5)** Delete 30 CFR 816.10.

**40.63(6)** The following is incorporated by reference: “Revegetation Success Standards and Statistically Valid Sampling Techniques,” dated April 1999, as approved on December 27, 2001, and as amended December 27, 2004.

**40.63(7)** Reserved.

**40.63(8)** Reserved.

**40.63(9)** Add at the end of 30 CFR 816.49(a)(11)(i) the sentence “Yearly inspection of the impoundments shall be done in the second quarter of each calendar year, and the inspection report shall be submitted to the division with the second quarter water monitoring report.”

**40.63(10)** Reserved.

**40.63(11)** Reserved.

**40.63(12)** Delete 30 CFR 816.89 and insert in lieu thereof the following:

816.89 Disposal of noncoal mine wastes.

(a) Noncoal mine wastes including, but not limited to, grease, garbage, abandoned mining machinery, lumber and other combustible materials generated during mining activities shall be placed and stored in a controlled manner in a landfill permitted by the Iowa department of natural resources (DNR) pursuant to 561 IAC 101, 102, and 103. Lubricants, paints, and flammable liquids may not be buried in the State of Iowa but, along with other toxic wastes, must be disposed of in the legally prescribed manner. Iowa law prohibits final disposal of noncoal wastes within the permit area.

Pending final disposal at a permitted DNR facility, noncoal mine waste shall be placed and stored in a controlled manner in a designated portion of the permit area so as to ensure that leachate and surface runoff do not degrade surface or groundwater, that fires are prevented and that the area remains stable and suitable for reclamation and revegetation compatible with the natural surroundings.

Noncoal mine waste shall at no time be deposited in a refuse pile or impounding structure.

No excavation for or storage of noncoal mine waste shall be located within eight feet of any coal outcrop or coal storage area.

(b) Final disposal of noncoal mine wastes shall be in a designated, State-approved solid waste disposal site permitted by the Iowa department of natural resources pursuant to 561 IAC 101, 102, and 103.

(c) Notwithstanding any other provision in this chapter, any noncoal mine waste defined as “hazardous” under section 3001 of the Resource Conservation and Recovery Act (RCRA) (Public Law 94-580 as amended) and 40 CFR Part 261 shall be handled in accordance with the requirements of Subtitle C of RCRA and any implementing regulations.

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