

**STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION**

In the Matter of:)
)
)
)
PROPOSED AMENDMENT)
TO 20.6.2 NMAC (Copper Rule))
)
_____)

No. WQCC 12-01(R)

EXHIBIT SCOTT – D-39

NEW MEXICO MINING ACT RULES



New Mexico Mining Commission

FEBRUARY 15, 1996

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5. Stream Diversions

When streams are to be diverted, the stream channel diversion shall be designed, constructed, and removed in accordance with the following:

- a. unless site-specific characteristics require different measures to meet the performance standard and are included in the approved permit, the combination of channel, bank and flood plain configurations shall be adequate to safely pass the peak run-off of a 10-year, 24-hour precipitation event for temporary diversions, a 100-year, 24-hour precipitation event for permanent diversions;
- b. the design and construction of all intermittent and perennial stream channel diversions shall be certified as meeting this Part by a professional engineer registered in New Mexico. As-built drawings shall be completed promptly after construction and be retained on site or otherwise made available upon request to the Director; and
- c. when no longer needed, temporary stream channel diversions shall be removed and the disturbed area reclaimed.

6. Impoundments

If impoundments are required they shall be designed, constructed and maintained to minimize adverse impacts to the hydrologic balance and adjoining property and to assure the safety of the public.

- a. Unless site-specific characteristics require different measures to meet the performance standard and are included in the approved permit, impoundments having earthen embankments but not subject to the jurisdiction of the Mine Safety and Health Administration or the State Engineer shall:
 - (1) have a minimum elevation at the top of the settled embankment of 1.0 foot above the water surface in the pond with the spillway flowing at the design depth;
 - (2) have a top width of the embankment not less than 6 feet;

- (3) they are appropriate for the post-mining land use or the self-sustaining ecosystem.

7. Minimization of Mass Movement

All man-made piles such as waste dumps, topsoil stockpiles and ore piles shall be constructed and maintained to minimize mass movement.

8. Riparian and Wetland Areas

Disturbance to riparian and wetland areas shall be minimized during mining. Adverse effects to riparian and wetland areas shall be mitigated during reclamation unless the mitigation conflicts with the approved post-mining land use.

9. Roads

Roads shall be constructed and maintained to control erosion.

- a. Drainage control structures shall be used as necessary to control runoff and to minimize erosion, sedimentation and flooding. Drainage facilities shall be installed as road construction progresses and shall be capable of safely passing a 10-year, 24 hour precipitation event unless site-specific characteristics indicate a different standard is appropriate and is included in the approved permit. Culverts and drainage pipes shall be constructed and maintained to avoid plugging, collapsing, or erosion.
- b. Roads to be constructed in or across intermittent or perennial streams require site-specific designs to be submitted with the permit application.
- c. Roads to be made permanent must be approved by the surface owner and be consistent with the approved post-mining land use.

10. Subsidence Control

Underground and in situ solution mining activities shall be planned and conducted, to the extent technologically and economically feasible, to prevent subsidence which may cause material damage to structures or property not owned by the operator.

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- (2) The design and construction of all intermittent and perennial stream channel diversions shall be certified as meeting this Part by a professional engineer registered in New Mexico. As-built drawings shall be completed promptly after construction and be retained on site or otherwise made available upon request to the Director; and
- (3) When no longer needed, temporary stream channel diversions shall be removed and the disturbed area reclaimed.

f. Impoundments

If impoundments are required they shall be designed, constructed and maintained to minimize adverse impacts to the hydrologic balance and adjoining property and to assure the safety of the public.

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 - (a) have a minimum elevation at the top of the settled embankment of 1.0 foot above the water surface in the pond with the spillway flowing at the design depth;

- (a) the surface estate owner has requested in writing that they be retained;
- (b) they are consistent with the approved reclamation plan; and
- (c) they are appropriate for the post-mining land use or the self-sustaining ecosystem.

g. Minimization of Mass Movement

All man-made piles such as waste dumps, topsoil stockpiles and ore piles shall be constructed and maintained to minimize mass movement.

h. Riparian and Wetland Areas

Disturbance to riparian and wetland areas shall be minimized during mining. Adverse effects to riparian and wetland areas shall be mitigated during reclamation unless the mitigation conflicts with the approved post-mining land use.

i. Roads

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