

**TITLE 19        NATURAL RESOURCES AND WILDLIFE**  
**CHAPTER 8      COAL MINING**  
**PART 22        SPECIAL PERFORMANCE STANDARDS - AUGER MINING**

**19.8.22.1        ISSUING AGENCY:** New Mexico Coal Surface Mining Commission  
[19.8.22.1 NMAC - N, 9-29-2000]

**19.8.22.2        SCOPE:** All persons subject to the New Mexico Surface Mining Act, NMSA 1978, Sections 69-25A-1 et. Seq. (1979)  
[19.8.22.2 NMAC - N, 9-29-2000]

**19.8.22.3        STATUTORY AUTHORITY:** NMSA 1978, Sections 69-25A-1 et. seq. (1979)  
[19.8.22.3 NMAC - N, 9-29-2000]

**19.8.22.4        DURATION:** Permanent  
[19.8.22.4 NMAC - N, 9-29-2000]

**19.8.22.5        EFFECTIVE DATE:** November 29, 1997, unless a later date is cited at the end of a section.  
[19.8.22.5 NMAC - N, 9-29-2000]

**19.8.22.6        OBJECTIVE:** The objective of Parts 1 - 35 of Chapter 8 is to establish regulations to implement the New Mexico Surface Mining Act as directed in NMSA 1978, Section 69-25A-5 (1979). These regulations are intended to ensure proper reclamation through permitting for operations subject to the New Mexico Surface Mining Act, in accordance with provisions and standards outlined in the New Mexico Surface Mining Act.  
[19.8.22.6 NMAC - N, 9-29-2000; A, 1-15-2002]

**19.8.22.7        DEFINITIONS: [RESERVED]**  
[19.8.22.6 NMAC - N, 9-29-2000]  
[Definitions for this part can be found in 19.8.1.7 NMAC.]

**19.8.22.8 - 19.8.22.2199 [RESERVED]**  
[19.8.22.8 - 19.8.22.2199 NMAC - N, 9-29-2000]

**19.8.22.2200     AUGER MINING: ADDITIONAL PERFORMANCE STANDARDS:**

**A.** Any auger mining associated with surface mining operations shall be conducted to maximize recoverability of mineral reserves remaining after the mining activities are completed. Each person who conducts auger mining operations shall leave areas of undisturbed coal to provide access for removal of those reserves by future underground mining activities, unless the director determines that the coal reserves have been depleted or are limited in thickness or extent to the point that it will not be practicable to recover the remaining coal reserves. The director shall make such determination only upon presentation of appropriate technical evidence by the operator. Undisturbed areas of coal shall be left in unmined sections which:

- (1) are a minimum of 250 feet wide at any point between each group of auger openings to the full depth of the auger hole;
- (2) are no more than 2,500 feet apart, measured from the center of one section to the center of the next section, unless a greater distance is set forth in the permit application under 19.8.10.1007 NMAC and approved by the director; and
- (3) for multiple seam mining, shall have a width of at least 250 feet plus 50 feet for each subjacent workable coal seam. The centers of all unmined sections shall be aligned vertically.

**B.** No auger hole shall be made closer than 500 feet in horizontal distance to any abandoned or active underground mine workings, except as approved in accordance with 19.8.20.2038 NMAC.

**C.** In order to prevent pollution of surface and ground water and to reduce fire hazards, each auger hole, except as provided in Subsection D of 19.8.22.2200 NMAC, shall be plugged so as to prevent the discharge of water from the hole and access of air to the coal, as follows:

- (1) each auger hole discharging water containing toxic-forming or acid-forming material shall be plugged within 72 hours after completion by backfilling and compacting noncombustible and impervious material into the hole to a depth sufficient to form a water-tight seal or the discharge shall be treated commencing within 72

hours after completion to meet applicable effluent limitations and water quality standards under 19.8.20.2010 NMAC, until the hole is properly sealed; and

(2) each auger hole not discharging water shall be sealed as in Paragraph (1) of Subsection C of 19.8.22.2200 NMAC, to close the opening within 30 days following completion.

**D.** An auger hole need not be plugged, if the director finds:

(1) impoundment of the water which would result from plugging the hole may create a hazard to the environment or public health or safety; and

(2) drainage from the auger hole will not pose a threat of pollution to surface water and will comply with the requirements of 19.8.20.2009 and 2010 NMAC.

**E.** The director shall prohibit auger mining if he determines that:

(1) adverse water quality impacts cannot be prevented or corrected;

(2) fill stability cannot be achieved;

(3) the prohibition is necessary to maximize the utilization, recoverability or conservation of the solid fuel resources; or

(4) subsidence resulting from auger mining may disturb or damage powerlines, pipelines, buildings, or other facilities.

[11-29-97; 19.8.22.2200 NMAC- Rn, 19 NMAC 8.2.22.2200, 9-29-2000]

### **HISTORY OF 19.8.22 NMAC:**

#### **Pre-NMAC History:**

The material in Part 22 was derived from that previously filed with the State Records Center and Archives under: SB 73-1 Regulations of the State of New Mexico Coal Surfacing Commission, filed 1-10-73 and its amendment filed 8-4-76

SB 78-1 (Rule 78-1) Regulations of the State of New Mexico Coal Surfacing Commission, filed 8-31-78

SB 79-1 (Rule 79-1) New Mexico Coal Surfacing Regulations, filed 7-11-79

CSMC Rule 80-1 (Rule 80-1) Surface Coal Mining Regulations, filed 9-24-80; and all amendments to CSMC Rule 80-1, filed 7-29-82, 11-10-83, 3-5-84, 7-19-84, filed 8-6-84, 8-23-84, 3-28-89, 6-15-90, 9-18-90, 2-15-91, 5-8-91, 8-26-91, 10-4-91, 7-28-92, 1-25-93, 11-1-94, 3-10-95, 4-12-95, 12-21-95.

#### **Other History:**

Renumbered and reformatted CSMC Rule 80-1, Surface Coal Mining Regulations, filed 9-24-80 to 19 NMAC 8.2, Coal Surface Mining, filed 11-13-97.

Renumbered 19 NMAC 8.2 Subpart 22 Special Performance Standards - Auger Mining, filed 11-13-97, to 19.8.22 NMAC Special Performance Standards - Auger Mining, effective 9-29-2000.