

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 8 COAL MINING
PART 27 SPECIAL PERFORMANCE STANDARDS - COAL PROCESSING PLANTS AND
SUPPORT FACILITIES NOT LOCATED AT OR NEAR THE MINE SITE OR NOT
WITHIN THE PERMIT AREA FOR A MINE

19.8.27.1 ISSUING AGENCY: New Mexico Coal Surface Mining Commission.
[19.8.27.1 - N, 9-29-2000]

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

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

19.8.27.4 DURATION: Permanent.
[19.8.27.4 - N, 9-29-2000]

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

19.8.27.6 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.
[19.8.27.6 NMAC - N, 9-29-2000; A, 1-15-2002]

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

19.8.27.8 - 19.8.27.2699 [RESERVED]
[19.8.27.8 - 19.8.27.2699 NMAC - N, 9-29-2000]

19.8.27.2700 APPLICABILITY: Each person who conducts surface coal mining and reclamation operations, which includes the operation of a coal processing plant or support facility which is not located within the permit area for a specific mine, shall obtain a permit in accordance with 19.8.10.1008 NMAC to conduct those operations and comply with 19.8.27.2701 NMAC.
[11-29-97; 19.8.27.2700 NMAC - Rn, 19 NMAC 8.2.27.2700, 9-29-2000]

19.8.27.2701 COAL PROCESSING PLANTS: PERFORMANCE STANDARDS: Construction, operation, maintenance, modification, reclamation, and removal activities at operations covered by this part shall comply with the following:

A. signs and markers for the coal processing plant, coal processing waste disposal area, and water treatment facilities shall comply with 19.8.20.2000 NMAC;

B. roads, transport, and associated structures shall be constructed, maintained, and reclaimed in accordance with 19.8.20.2076 through 2078 NMAC;

C. any stream or channel realignment shall comply with 19.8.20.2012 NMAC;

D. if required by the director, any disturbed area related to the coal processing plant or associated facilities shall have sediment control structures, in compliance with 19.8.20.2013 and 2014 NMAC, and all discharges from these areas shall meet the requirements of 19.8.20.2010 NMAC and any other applicable state or federal law;

E. permanent impoundments associated with coal processing plants shall meet the requirements of 19.8.20.2017 and 2024 NMAC; dams constructed of or impounding coal processing waste shall comply with 19.8.20.2047 through 2049 NMAC;

- F.** use of water wells shall comply with 19.8.20.2021 NMAC and water rights shall be protected in accordance with 19.8.20.2022 NMAC;
- G.** disposal of coal processing waste, solid waste, and any excavated materials shall comply with 19.8.20.2034 through 2037 and 2039 through 2046 NMAC;
- H.** discharge structures for diversions and sediment control structures shall comply with 19.8.20.2015 NMAC;
- I.** air pollution control measures associated with fugitive dust emissions shall comply with 19.8.20.2050 NMAC;
- J.** fish, wildlife and related environmental values shall be protected in accordance with 19.8.20.2051 NMAC;
- K.** slide areas and other surface areas shall comply with 19.8.20.2052 NMAC;
- L.** adverse effects upon or resulting from nearby underground coal mining activities shall be minimized by appropriate measures including, but not limited to, compliance with 19.8.20.2023 and 2038 NMAC;
- M.** reclamation shall include proper topdressing handling procedures, revegetation, and abandonment, in accordance with 19.8.20.2024, 2053 through 2059, 2060 through 2066, and 2071 through 2073 NMAC;
- N.** conveyors, buildings, storage bins or stockpiles, water treatment facilities, water storage facilities, and any structure or system related to the coal processing plant shall comply with 19.8.20 NMAC;
- O.** any coal processing plant or associated structures located on prime farmland shall meet the requirements of 19.8.24 NMAC.
[11-29-97; 19.8.27.2701 NMAC - Rn, 19 NMAC 8.2.27.2701, 9-29-2000; A, 12-31-2007]

HISTORY OF 19.8.27 NMAC:

Pre-NMAC History:

The material in Part 27 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 27 Special Performance Standards - Coal Processing Plants and Support Facilities not Located at or near the Mine Site or Not within the Permit Area for a Mine, filed 11-13-97, to 19.8.27 NMAC Special Performance Standards - Coal Processing Plants and Support Facilities not Located at or near the Mine Site or Not within the Permit Area for a Mine, effective 9-29-2000.