

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 8 COAL MINING
PART 28 SPECIAL PERFORMANCE STANDARDS - IN SITU PROCESSING

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

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

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

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

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

19.8.28.6 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.
[19.8.28.6 NMAC - N, 9-29-2000; A, 1-15-2002]

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

19.8.28.8 - 19.8.28.2799 [RESERVED]
[19.8.28.8 - 19.8.28.2799 NMAC - N, 9-29-2000]

19.8.28.2800 IN SITU PROCESSING: PERFORMANCE STANDARDS:

A. The person who conducts in situ processing activities shall comply with 19.8.20 NMAC and this section.

B. In situ processing activities shall be planned and conducted to minimize disturbance to the prevailing hydrologic balance by:

- (1) avoiding discharge of fluids into holes or wells, other than as approved by the director;
- (2) injecting process recovery fluids only into geologic zones or intervals approved as production zones by the director;
- (3) avoiding annual injection between the wall of the drill hole and the casing; and
- (4) preventing discharge of process fluid into surface waters.

C. Each person who conducts in situ processing activities shall submit for approval as part of the application for permit under 19.8.10.1009 NMAC and follow after approval, a plan that ensures that all acid-forming, toxic-forming, or radioactive gases, solids, or liquids constituting a fire, health, safety or environmental hazard and caused by the mining and recovery process are promptly treated, confined, or disposed of, in a manner that prevents contamination of ground and surface waters, damage to fish, wildlife and related environmental values, and threats to the public health and safety.

D. Each person who conducts in situ processing activities shall prevent flow of the process recovery fluid:

- (1) horizontally beyond the affected area identified in the permit; and
- (2) vertically into overlying or underlying aquifers.

E. Each person who conducts in situ processing activities shall restore the quality of affected ground water in the permit and adjacent area, including ground water above and below the production zone, to the approximate premining levels or better, to ensure that the potential for use of the ground water is not diminished.

[11-29-97; 19.8.28.2800 NMAC - Rn, 19NMAC 8.2.28.2800, 9-29-2000]

19.8.28.2801 IN SITU PROCESSING: MONITORING:

A. Each person who conducts in situ processing activities shall monitor the quality and quantity of surface and ground water and the subsurface flow and storage characteristics in a manner approved by the director under 19.8.20.2020 NMAC to measure changes in the quantity and quality of water in surface and ground water systems in the permit and adjacent areas.

B. Air and water quality monitoring shall be conducted in accordance with monitoring programs approved by the director as necessary according to appropriate federal and state air and water quality standards.
[11-29-97; 19.8.28.2801 NMAC - Rn, 19NMAC 8.2.28.2801, 9-29-2000]

HISTORY OF 19.8.28 NMAC:

Pre-NMAC History:

The material in Part 28 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 28 Special Performance Standards - In Situ Processing, filed 11-13-97, to 19.8.28 NMAC Special Performance Standards - In Situ Processing, effective 9-29-2000.