

6130.4100 DEACTIVATION AND RELEASE.

Subpart 1. **Goal.** The mining area shall be deactivated so that it is nonpolluting, is stable, is free of hazards, minimizes the need for fencing, has current land use and future land use potential which recognizes the needs of the surrounding area, and is maintenance free to the maximum extent possible.

Subp. 2. **Requirements.** Requirements:

A. At least two years prior to deactivation of any portion of the mining area, proposed subsequent uses shall be presented to the commissioner for approval, pursuant to part 6130.5000. The proposed uses shall be selected based on:

- (1) compatibility of adjacent uses;
- (2) the needs of the area;
- (3) the productivity of the site;
- (4) projected land use trends;
- (5) public health and safety;
- (6) pollution of air and water; and
- (7) compatibility with local land use plans and plans of the surface owners.

B. The mining area shall be managed during deactivation to achieve the approved subsequent uses.

C. Within one year after deactivation begins, or within such longer period which may reasonably be necessary to accomplish these activities, debris and mobile equipment which will not be used for reclamation shall be removed from the area being deactivated.

D. Within three years after deactivation begins, or within a such longer period which may reasonably be necessary to accomplish these activities the following shall be accomplished:

(1) removal of roads, parking areas, and storage pads except those the commissioner deems necessary for access;

(2) permittee-owned power plants and associated facilities (except public utilities), transmission lines, pipelines, docks and associated facilities, and railroads (except common carrier transportation facilities) shall be removed or provisions made for continued subsequent use in accordance with an approved deactivation plan pursuant to part 6130.5400; and

(3) all other equipment, facilities, and structures shall be removed and foundations razed and covered with a minimum of two feet of soil.

E. Exposed underground mine workings shall be promptly sealed as approved by the commissioner and the county mine inspector.

F. Within three years after deactivation of an open pit begins, the following shall be accomplished:

- (1) establishment of at least one safe access to the bottom of the pit;
- (2) construction of fences for safety where required by the commissioner or the county mine inspector; and
- (3) where open pits contain materials which may become a water quality problem due to leaching, the commissioner shall require one or more of the following:
 - (a) monitoring pit water quality;
 - (b) removing or covering leachable material;
 - (c) grouting leachable areas;
 - (d) rapid filling of the pit with water;
 - (e) using material to control pH or other toxic materials in the pit water;
 - (f) treating the water discharged from the pit; and
 - (g) continuing maintenance after deactivation.

G. Within three years after deactivation of a tailings or settling basin begins, or within such longer period which may reasonably be necessary for the accomplishment of these activities, the permittee shall in a manner consistent with part 6130.2200:

- (1) drain surface water from the basin, unless the commissioner permits or requires the retention of water in specific areas within the basin for water storage, wildlife habitat, or other purposes;
- (2) shape and contour the surface to ensure permanent drainage away from the interior of the basin in a manner which will not result in erosion or adversely affect structural stability, and to maximize topographic relief; and
- (3) make provisions for the continued maintenance of all dams and overflow or seepage control structures.

H. Within three years after the commencement of deactivation of a reservoir, or within such longer period which may reasonably be necessary to accomplish these activities, the permittee shall in a manner consistent with part 6130.2200:

- (1) drain the reservoir and reintegrate the area into the natural watershed, pursuant to item G; or

(2) make provisions for the continued maintenance of all dams and overflow or seepage control structures.

I. When continued maintenance is necessary after deactivation, pursuant to parts 6130.1000 to 6130.4100, and as a condition for release pursuant to part 6130.4700, operating plans, schedules, and funding arrangements for providing the maintenance shall be submitted to the commissioner.

Statutory Authority: *MS s 93.47*

Published Electronically: *June 11, 2008*