

6132.3200 CLOSURE AND POSTCLOSURE MAINTENANCE.

Subpart 1. **Goal.** The mining area shall be closed so that it is stable, free of hazards, minimizes hydrologic impacts, minimizes the release of substances that adversely impact other natural resources, and is maintenance free.

Subp. 2. **Requirements.** Closure and postclosure maintenance must meet the requirements in items A to E.

A. When the permittee is aware of a temporary or permanent shutdown, the permittee shall immediately notify the commissioner.

B. For a temporary shutdown, the permittee shall:

- (1) document the reason for temporary shutdown;
- (2) project when the temporary shutdown will end;
- (3) submit a maintenance plan for the temporary shutdown period to ensure that the facility will remain stable and hazard free;
- (4) document how all permit standards will be complied with during the shutdown;
- (5) maintain full financial assurance;
- (6) complete all corrective action requirements as scheduled; and
- (7) comply with all reporting requirements.

C. The commissioner, after review of the requirements in item B, may either:

- (1) approve the temporary shutdown;
- (2) request more information to make a decision; or
- (3) deny the temporary shutdown and direct the permittee to implement a contingency reclamation plan under part 6132.1300.

D. In evaluating a request for an extension of a temporary shutdown, the commissioner shall:

- (1) evaluate compliance with all state and federal permits;
- (2) evaluate safety and stability of all mining facilities; and
- (3) evaluate the need to implement corrective action procedures.

E. For a permanent shutdown, the permittee must implement the contingency reclamation plan under part 6132.1300 and comply with subitems (1) to (7).

(1) Accesses to underground mines shall be promptly sealed as approved by the commissioner and the county mine inspector.

(2) Within six months after closure of a mine begins, the permittee shall:

- (a) provide at least one safe access to the bottom of an open pit; and
- (b) construct fences or other access barriers for safety under Minnesota Statutes, chapter 180.

(3) Within one year after closure begins, or within a longer period if approved by the commissioner, debris and mobile equipment that will not be used for reclamation shall be removed from the area being closed.

(4) Within three years after closure begins, or within a longer period if approved by the commissioner, the following shall be accomplished:

- (a) roads, parking areas, and storage pads except those the commissioner considers necessary for access shall be removed;

- (b) 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; and

- (c) all other equipment, facilities, and structures shall be removed and foundations razed and covered with a minimum of two feet of surface overburden.

(5) Within three years after the start of the closure of basins constructed for the purpose of mining or processing, or within a longer period if approved by the commissioner, the permittee shall provide for drainage of the basins and reintegrate the area into the natural watershed.

(6) If, following closure, continued compliance with parts 6132.2000 to 6132.3200 cannot be achieved without continued maintenance of the facilities, the permittee shall:

- (a) implement postclosure maintenance techniques designed to ensure that the requirements of parts 6132.2000 to 6132.3200 will continue to be met following closure;

- (b) identify specifically how, when, and by whom the active techniques will be conducted or managed;

- (c) identify performance levels or limitations that would have to be achieved before the techniques could be considered successful; and

- (d) provide for financial assurance under part 6132.1200, subpart 1, item

A.

(7) No release from the permit to mine under part 6132.4800 shall be granted for those portions of the mining area that require postclosure maintenance until the necessity for maintenance ceases.

Statutory Authority: *MS s 93.44 to 93.51; 103G.222*

History: *17 SR 2207*

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