

## PERMANENT AND TEMPORARY IMPOUNDMENTS

### (1) Permanent Impoundments and Flood Control Impoundments

Permanent impoundments at SCCC will be constructed in accordance with ARM 17.24.504 and 17.24.639. The impoundment will be constructed with an open-channel spillway capable of discharging runoff resulting from a 100-year, 24-hour storm (or larger event if specified by the Department) assuming the impoundment is full when the event occurs. All permanent impoundments will be approved by the Department prior to construction. All permanent impoundments shall:

- (a) Impound water with quality suitable on a permanent basis for its intended use;
- (b) Discharge water that will not degrade the quality of receiving waters to less than the water quality standards established pursuant to applicable state and federal laws;
- (c) Contain water to a level that will be sufficiently stable to support the intended use;
- (d) Have adequate safety and access to the impounded water for proposed water users;
- (e) Not result in the diminution of the quality or quantity of water used by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses;
- (f) Be designed, constructed, and maintained to achieve the minimum design requirements applicable to structures constructed and maintained under the Watershed Protection and Flood Prevention Act.
- (g) Be suitable for the approved postmining land use.

### (2) Design and Performance Criteria

All permanent impoundments shall meet the requirements of ARM 17.24.639.

### (3) Maintenance of Sediment Control Structures

All permanent impoundments will be routinely maintained during the mining operations. Ditches and spillways will be cleaned.

(4) Inspection

All permanent impoundments will be inspected and certified to the Department by a qualified licensed professional engineer, immediately after construction and annually thereafter, as having been constructed and maintained to comply with the requirements of this section. Inspection reports will be submitted until Phase IV bond release. These inspection reports will be submitted per Section 17.24.1129 or Section 17.24.645(8) and 17.24.646(2) to the MDEQ annually and SCCC will retain a copy of each report at the mine site. Certification reports will include statements on:

- (a) Existing and required monitoring procedures and instrumentation;
- (b) the design depth and elevation of water at the time of the initial certification report or the average and maximum depths and elevations of any impounded waters over the past year;
- (c) existing storage capacity; and
- (d) any other aspects affecting stability.

(5) Flood Control Impoundments

- (a) Flood control impoundments are located upstream of disturbance areas for the purpose of preventing or controlling flooding or discharge and are not designed for sediment control or to be permanent.
- (b) Flood control impoundments with embankments must be constructed in accordance with (1)(f) and ARM 17.24.639(7) through (21), and be inspected, maintained and certified according to ARM 17.24.642(3), (4)(a), (4)(d), and (6) and ARM 17.24.639(22) and (23).
- (c) Excavated flood control impoundments:
  - (i) must be in compliance with ARM 17.24.639(18);
  - (ii) must have perimeter slopes that are stable;
  - (iii) must be protected against erosion where surface runoff enters the impoundment area.
- (d) An initial pond certification report and inspections must be made for excavated flood control impoundments in accordance with ARM 17.24.639(28)(b). If the volume of the flood control impoundment is used in determination of required volume for a downstream pond, annual certification reports are required in accordance with ARM 17.24.642(4)(a), (4)(c), and (4)(d).
- (e) Flood control impoundments must be approved prior to construction by the department.

(6) Permanent impoundments and flood control impoundments with embankments

Permanent impoundments and flood control impoundments with embankments meeting the size or other criteria of 30 CFR 77.216(a) or the Class B or C criteria for dams in TR-60 must be routinely inspected by a qualified licensed professional engineer or by someone under the supervision of a qualified licensed professional engineer, in accordance with 30 CFR 77.216-3.

(7) Changes to Permanent Impoundments

Plans for any enlargement, reduction in size, reconstruction, or other modifications of permanent impoundments and flood control impoundments must be submitted to the department and must comply with the requirements of this subchapter. Except where a modification is required to eliminate an emergency condition constituting a hazard to public health, safety, or the environment, the modification must not be initiated until the department approves the plans.