

NEBRASKA ADMINISTRATIVE CODE

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Title 135 - Rules And Regulations For Mineral Exploration Holes

Chapter 5 - Requirments for Environmental Protection

001 All operations shall be conducted so as to minimize adverse impacts on the State's air, water, land and subsurface resources, by consideration of the following:

001.01 Air Quality. Operator shall comply with applicable Federal and State air quality standards, including the requirements of the Clean Air Act, as amended (42 U.S.C. 7401 et seq.);

001.02 Water Quality. Operator shall comply with applicable Federal and State water quality standards, including regulations issued pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq.), and section 002.01 of this Chapter;

001.03 Land Quality. Operator shall comply with applicable Federal and State standards for the disposal and treatment of solid wastes and section 002.02 of this Chapter. All garbage, refuse, or waste shall either be removed or disposed of or treated so as to minimize its impact on the environment. All cuttings, dumpage, deleterious materials or substances and other waste produced by operations shall be deployed, arranged, disposed of or treated so as to minimize adverse impact upon the environment; and

001.04 Fisheries and Wildlife Habitat. In addition to compliance with all water quality standards and solid waste disposal activities required by this section, operator shall take all practicable measures to maintain and protect fisheries and wildlife habitat which may be affected by the operations. Conditions of the permit shall be specified to protect these resources through consultation with the Nebraska Game and Parks Commission.

002 All mineral exploration holes sunk (drilled, driven, bored, or dug) shall be plugged pursuant to the requirements of this section immediately following collection of the geological and geophysical information.

002.01 Any mineral exploration hole permit application must contain a plugging plan to protect against ground water contamination from surface contamination, subsurface contamination, and commingling of aquifer fluids. Such plan shall indicate to the Department the specific procedures and materials to be used for plugging based on the knowledge of the area geology.

002.02 Any mineral exploration hole activities affecting land resources of the State shall ensure restoration to a condition consistent with the land use existing prior to the exploration. The restoration shall include, but not be limited to, the following:

002.02A Topsoil to be removed shall be stockpiled for final backfill cover;

002.02B Any pits, mud pits, or other disturbances shall be backfilled and graded to blend with the surrounding surface;

002.02C If vegetative cover was disturbed or destroyed, an appropriate seed mix shall be used in the first normal period favorable for planting;

002.02D If necessary to assure successful revegetation, the drill site area shall be scarified, mulched, and the seed covered, or the permittee shall contract with the local Natural Resources District to provide the assurance of this subsection and subsection 002.02C above; however, the permittee remains responsible for the successful revegetation; and

002.02E If necessary, any drill cuttings shall be spread to a depth no greater than one-half inch or buried in an approved disposal pit.

Enabling Legislation: §§ 81-1505(9); 81-1505.02

Legal Citation: Title 135, Ch. 5, Nebraska Department of Environmental Control