

Kansas Administrative Regulations

Mined-Land Conservation and Reclamation (KDHE)

Article 9.—Performance Standards

47-9-4. Interim performance standards; adoption by reference.

(a) The following regulations as in effect on July 1, 2012 are adopted by reference, except as specified in this regulation:

- (1) Definitions, 30 C.F.R. 710.5;
- (2) applicability, 30 C.F.R. 710.11(a), deleting subsection (a)(1) and the phrase "except as provided in §710.12 of this part";
- (3) signs and markers, 30 C.F.R. 715.12;
- (4) postmining use of land, 30 C.F.R. 715.13, deleting the second sentence in (d);
- (5) backfilling and grading, 30 C.F.R. 715.14, deleting subsections (b)(3) and (c);
- (6) disposal of excess spoil, 30 C.F.R. 715.15, deleting subsection (c);
- (7) topsoil handling, 30 C.F.R. 715.16;
- (8) protection of the hydrologic system, 30 C.F.R. 715.17, deleting subsection (j);
- (9) dams constructed of or impounding waste material, 30 C.F.R. 715.18;
- (10) revegetation, 30 C.F.R. 715.20;
- (11) interpretative rules related to general performance standards, 30 C.F.R. 715.200; and
- (12) prime farmland, 30 C.F.R. 716.7.

(b) The following phrases and citations shall be replaced with the phrases and citations specified in this subsection wherever the phrases and citations appear in the federal regulations adopted by reference in this regulation:

- (1)(A) "Act" shall be replaced by "state act."
- (B) "Subchapter B of this chapter" shall be replaced by "K.A.R. 47-9-4."
- (C) "Subchapter K of this chapter" shall be replaced by "K.A.R. 47-9-1."
- (D) "This part," "§716.2 of this chapter," "part 715 of this chapter," "this section," and "this chapter" shall be replaced by "these regulations."
- (2)(A) "§715.12" shall be replaced by "K.A.R. 47-9-4(a)(3)."

(B) "§715.13" shall be replaced by "K.A.R. 47-9-4(a)(4)."

(C) "§715.14," "§715.14(b)(2)," and "§715.14(j)" shall be replaced by "K.A.R. 47-9-4(a)(5)."

(D) "§715.15 of this part" shall be replaced by "K.A.R. 47-9-4(a)(6)."

(E) "§715.16," "§715.16(c)," "§715.16(a)(4)," and "30 CFR 715.16(a)(4)(i)" shall be replaced by "K.A.R. 47-9-4(a)(7)."

(F) "§715.17," "§715.17 of this part," "§715.17(a)," and "§715.17(c)" shall be replaced by "K.A.R. 47-9-4(a)(8)."

(G) "§715.18" shall be replaced by "K.A.R. 47-9-4(a)(9)."

(H) "§715.20" and "§715.20(g)" shall be replaced by "K.A.R. 47-9-4(a)(10)."

(I) "§716.7" shall be replaced by "K.A.R. 47-9-4(a)(12)."

(J) "§§715.13 and 715.14" shall be replaced by "K.A.R. 47-9-4(a)(4) and (5)."

(K) "§§715.14 and 715.20" shall be replaced by "K.A.R. 47-9-4(a)(5) and (10)."

(L) "§§715.14, 715.16, and 715.20" shall be replaced by "K.A.R. 47-9-4(a)(5), (7), and (10)."

(c) Each operator shall comply with the interim performance standards in an interim permit area, unless the secretary has approved, in writing, that operator's request to adhere to an applicable permanent program performance standard or other applicable substantive regulation.

(Authorized by and implementing K.S.A. 49-405; effective May 1, 1986; amended Feb. 11, 1991; amended May 2, 1997; amended Dec. 1, 2006; amended Feb. 15, 2019.)

***** Authenticated Kansas Administrative Regulation *****