

### **350.455 Water impoundment on mining site.**

If authorized in the approved mining and reclamation plan and permit, the permittee or operator may create permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated that:

- (1) The size of the impoundment is adequate for its intended purposes;
- (2) The impoundment dam construction will be so designed as to achieve necessary stability with an adequate margin of safety compatible with that of structures constructed under Public Law 83-566 (16 U.S.C. 1006);
- (3) The quality of impounded water will be suitable on a permanent basis for its intended use and that discharges from the impoundment will not degrade the water quality below water quality standards established pursuant to applicable federal and state law in the receiving stream;
- (4) The level of water will be reasonably stable;
- (5) Final grading will provide adequate safety and access for proposed water users; and
- (6) The water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.

**Effective:** July 14, 1992

**History:** Amended 1992 Ky. Acts ch. 429, sec. 33, effective July 14, 1992. -- Amended 1980 Ky. Acts ch. 377, sec. 8. -- Created 1978 Ky. Acts ch. 330, sec. 12, effective May 3, 1978.