

**§ 922.823 Special performance standards—operations on prime farmland.**

Part 823 of this chapter, *Special Permanent Program Performance Standards—Operations on Prime Farmland*, shall apply to any person who conducts surface coal mining and reclamation operations on prime farmlands.

**§ 922.824 Special performance standards—mountaintop removal.**

Part 824 of this chapter, *Special Permanent Program Performance Standards—Mountaintop Removal*, shall apply to any person who conducts surface coal mining operations constituting mountaintop removal mining.

**§ 922.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.**

Part 827 of this chapter, *Special Permanent Program Performance Standards—Coal Processing Plants and Support Facilities not Located at or near the Minesite or not within the Permit Area for a Mine*, shall apply to any person who conducts surface coal mining and reclamation operations which include the operation of coal processing plants and support facilities not located at or near the minesite and not within the permit area for a mine.

**§ 922.828 Special performance standards—in situ processing.**

Part 828 of this chapter, *Special Permanent Program Performance Standards—In Situ Processing*, shall apply to any person who conducts in situ processing activities.

**§ 922.842 Federal inspections.**

(a) Part 842 of this chapter, *Federal Inspections*, shall apply to all exploration and surface coal mining and reclamation operations.

(b) In addition to the requirements of part 842, the Secretary will furnish a copy of each inspection report regarding inspections conducted pursuant to this subpart to the Michigan Department of Natural Resources upon request.

**§ 922.843 Federal enforcement.**

(a) Part 843 of this chapter, *Federal Enforcement*, shall apply when enforcement action is required for violations on surface coal mining and reclamation operations.

(b) The Office will furnish a copy of each enforcement action document and order to show cause issued pursuant to this subpart to the Michigan Department of Natural Resources, Geological Survey Division upon request.

**§ 922.845 Civil penalties.**

Part 845 of this chapter, *Civil Penalties*, shall apply when civil penalties are assessed for violations on surface coal mining and reclamation operations.

**§ 922.846 Individual civil penalties.**

Part 846 of this chapter, *Individual Civil Penalties*, shall apply to the assessment of individual civil penalties under section 518(f) of the Act.

[53 FR 3676, Feb. 8, 1988]

**§ 922.955 Certification of blasters.**

Part 955 of this chapter, *Certification of Blasters in Federal Program States and on Indian Lands*, shall apply to the training, examination and certification of blasters for surface coal mining and reclamation operations.

[51 FR 19462, May 29, 1986]

**PART 924—MISSISSIPPI**

Sec.

924.1 Scope.

924.10 State program approval.

924.16 Required program amendments.

AUTHORITY: Pub. L. 95-87 (30 U.S.C. 1201 *et seq.*).

**§ 924.1 Scope.**

This part contains all rules applicable only within the State of Mississippi which have been adopted under the Surface Mining Control and Reclamation Act of 1977.

[45 FR 58525, Sept. 4, 1980]

**§ 924.10 State program approval.**

(a) The Mississippi State program, as submitted on August 2, 1979, and resubmitted on May 27, 1980, is approved, effective September 4, 1980. Copies of the approved program are available at:

(1) Mississippi Department of Environmental Quality, Office of Geology, Southport Center, 2380 Highway 80 West, Jackson, Mississippi 39289-1307. Telephone (601) 961-5530.

(2) Office of Surface Mining Reclamation and Enforcement, Birmingham Field Office, 135 Gemini Circle, Birmingham, Alabama 34209. Telephone (205) 290-7282.

(b) In its May 16, 1980 opinion, the U.S. District Court for the District of Columbia ordered the Secretary to affirmatively disapprove any regulation in a State program which incorporates a suspended or remanded regulation. A list follows of provisions contained in the Mississippi submission which are based on suspended or remanded Federal regulations. These regulations are affirmatively disapproved to the extent indicated or, if no limitation is indicated, in their entirety.

(1) The definition of "mine plan area" in section 101 and its use in sections 179, 180, 183 and 184 to the extent the definition includes areas outside the permit area.

(2) Sections 100.11 (a), (b), and (c) insofar as they may be read to retain discretion in the Mississippi DNR to grant an exemption from reconstruction of existing structures after making the findings in sections 180.12 or 184.12.

(3) In section 161.5(2)(i), the "all permits test" used in defining valid existing rights to the extent it does not include persons who had made good faith applications for all necessary permits, but not yet received them.

(4) In section 161.5, the definition of "public road."

(5) Under sections 161.11(c) and .12(f)(1) the limitation on surface mining operations which will affect places eligible for listing on the National Register of Historical Places.

(6) Sections 161.11(c) and .12(f)(1) insofar as they would apply to privately-owned places listed on the National Register of Historic Places in addition to publicly-owned places.

(7) Sections 176.11(b) (3) and (5) to the extent that they require the notice of exploration to include a map rather than a description only.

(8) Sections 179.20 and 180.16.

(9) Sections 179.21 and 183.21, to the extent they apply to land not qualifying as prime farmland.

(10) Section 183.14(a)(1) insofar as it requires a geologic description of the strata down to and immediately below any coal seam for areas to be affected only by "surface operations and facilities" where removal of overburden down to level of coal seam will not occur.

(11) Sections 183.25 (c), (h) and (i).

(12) Section 185.17(a) insofar as it exempts permits approved prior to August 3, 1977, from prime farmland reconstruction standards.

(13) Sections 185.17(b)(3) and 223.14(c).

(14) Section 185.17(b)(8).

(15) In section 186.5 the words "or has not been" from the definition of "irreparable harm to the environment."

(16) Sections 206.12(e)(6)(iii) and (g)(7)(iii).

(17) Section 207.11(e) insofar as it does not allow citizen access to the mine site for performance bond release.

(18) Section 208.14(b).

(19) Sections 216.42(a) (1) and (7) insofar as they require that runoff from reclaimed lands meet the same effluent limitations as that for actively mined lands.

(20) Sections 216.42(b) and 217.42(b).

(21) Sections 216.46(b) and 217.46(b).

(22) Sections 216.46(c) and 217.46(c).

(23) In sections 216.46(d) and 217.46(d), the words "and shall have a discharge rate to achieve and maintain the required theoretical detention time."

(24) Sections 216.46(h) and 217.46(h).

(25) Section 216.65(f) and 217.65(f).

(26) Sections 216.83(a) and 217.83(a) to the extent that they would preclude an exemption from the underdrain requirement for coal processing waste banks where an operator can demonstrate that an alternative to the required subdrainage systems would ensure structural integrity of the waste bank and protection of ground or surface water quality.

(27) Sections 216.95 and 217.95.

(28) Sections 216.103(a)(1) and 217.103(a)(1).

(29) Sections 216.115, 217.115, 223.11(c) 223.15(b) and 223.15(c), to the extent that they exceed the statutory authority which requires only that restored land be “capable” of supporting the designated use.

(30) Sections 216.116(b) and 217.116(b) to the extent that they delay triggering an operator’s five year period of responsibility for revegetation until the operator meets the standard for vegetative cover.

(31) Sections 216.133(b)(1) and 217.133(b)(1), to the extent that an operator is not allowed to choose between restoring the land to condition capable of supporting prior-to-mining use or to higher use.

(32) Sections 216.133(c)(4) and (9) and 217.133(c)(4) and (9) concerning information needed to support alternative land uses to the extent that the operator need only demonstrate a “reasonable likelihood” of attaining a post mining use that is higher or better than previous use.

(33) Sections 216.150—176 and 217.150—176 concerning roads to the extent that notice and opportunity to comment must be provided to the public on the road classification system.

(34) Section 217.52(a), the language “on the recharge capacity of reclaimed land and \* \* \*”, concerning groundwater monitoring to the extent that special precautionary measures for underground mining operations are not necessary to protect the recharge capacity of water bearing formations.

(35) Section 217.54 concerning hydrologic balance to the extent that water replacement is only required for surface coal mining operations.

(36) Sections 217.101(b)(1) and 217.102 concerning backfilling and grading to the extent that Appropriate Original Contour (AOC) regulations do not provide flexibility for settled fills that have become stabilized and revegetated.

(37) Part 223 concerning performance standards for operations on prime farmlands to the extent that it prevents an exemption for surface facilities actively used over extended periods but which affect a minimal amount of land.

[45 FR 58525, Sept. 4, 1980, as amended at 59 FR 17930, Apr. 15, 1994]

#### **§924.16 Required program amendments.**

Pursuant to 30 CFR 732.17, Mississippi, prior to allowing coal exploration or surface mining operations in the event such activities should develop, shall submit and have approved by the Office of Surface Mining, amendments to its permanent regulatory program to be in accordance with SMCRA and consistent with the Federal regulations at 30 CFR chapter VII in existence at the time.

[50 FR 43570, Oct. 28, 1985]

### **PART 925—MISSOURI**

Sec.

925.1 Scope.

925.10 State program approval.

925.12 State program provisions and amendments disapproved.

925.15 Approval of Missouri regulatory program amendments.

925.16 Required program amendments.

925.20 Approval of the Missouri abandoned mine land reclamation plan.

925.25 Approval of Missouri abandoned mine land reclamation plan amendments.

AUTHORITY: 30 U.S.C. 1201 *et seq.*

#### **§925.1 Scope.**

This part contains all rules applicable only within Missouri that have been adopted under the Surface Mining Control and Reclamation Act of 1977.

[45 FR 77027, Nov. 21, 1980]

#### **§925.10 State program approval.**

(a) The Missouri State program submitted on February 1, 1980, and as amended and clarified on May 14, 1980, was conditionally approved effective November 21, 1980. Copies of the approved amendment are available for review at:

(1) Missouri Department of Natural Resources, Land Reclamation Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102.

(2) Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, 934 Wyandotte Street, room 500, Kansas City, MO 64105.

(b) In accordance with the May 16, 1980, opinion of the U.S. District Court for the District of Columbia, the Secretary affirmatively disapproves the