

Surface Mining Reclamation and Enforcement, Interior

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§ 924.16 Required program amendments.

Pursuant to 30 CFR 732.17(f)(1), Mississippi is required to submit to OSM by the specified date the following written, proposed program amendments, or a description of the amendments to be proposed, that meet the requirements of SMCRA and 30 CFR chapter VII and a timetable for enactment that is consistent with Mississippi's established administrative or legislative procedures.

(a)-(n) [Reserved]

[63 FR 1362, Jan. 9, 1998, as amended at 63 FR 34599, June 25, 1998; 63 FR 43321, Aug. 13, 1998; 64 FR 57571, Oct. 26, 1999; 67 FR 71832, Dec. 3, 2002]

§ 924.17 State regulatory program provisions and amendments not approved.

The proposed language in section 53-9-55(3), as submitted by Mississippi on May 6, 1997, that allows the commission to promulgate regulations regarding a waiver from the requirement to post a penalty payment bond upon a showing by the operator of an inability to post the bond is disapproved.

[63 FR 1362, Jan 9, 1998]

PART 925—MISSOURI

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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 regulatory program approval.

The Secretary approved the Missouri regulatory program, as submitted on February 1, 1980, and amended and clarified on May 14, 1980, effective November 21, 1980. He fully approved the Missouri program, as amended on September 7, 1982, and October 13, 1982, effective January 17, 1983. Copies of the approved program are available at:

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

(b) Office of Surface Mining Reclamation and Enforcement, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, IL 62002.

[64 FR 20167, Apr. 26, 1999]

§ 925.12 State program provisions and amendments disapproved.

(a) The amendment at 10 CSR 40-4.030(4)(A), submitted on December 14 and 18, 1987, is disapproved insofar as it would exempt from prime farmland performance standards coal preparation plants, support facilities, and roads associated with surface coal mining activities.

(b) The amendment at 10 CSR 40-4.030(4)(B), submitted on December 14 and 18, 1987, is disapproved insofar as it would exempt from prime farmland performance standards water bodies as a postmining land use.

(c) The definitions of "coal processing plant" and "coal preparation plant" at 10 CSR 40-8.010(1)(A)18, submitted on December 14 and 18, 1987, are disapproved insofar as they exempt from regulation certain facilities where coal is subjected to chemical or physical processing or cleaning, concentrating, or other processing or preparation, if they do not separate coal from its impurities.

(d) The amendments at 10 CSR 40-3.040(10)(O)3.C and 40-3.200(10)(O)3.C, submitted on October 5, 2000, concerning temporary impoundment design are disapproved effective May 9, 2001.

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(e) The amendment at 10 CSR 40-3.240, submitted on October 5, 2000, concerning air resource protection is disapproved effective May 9, 2001, to the extent that it is missing pertinent requirements relating to control of erosion and air pollution.

(f) The amendment at 10 CSR 40-8.070(2)(C)1.A(II)(a), submitted on October 5, 2000, concerning the definition of cumulative measurement period is disapproved effective May 9, 2001, to the extent that it uses October 1, 1990, for determining the end of the period for which cumulative production and revenue is reported.

[53 FR 43869, Oct. 31, 1988, as amended at 66 FR 23604, May 9, 2001]

§ 925.15 Approval of Missouri regulatory program amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
December 3, 1980, March 12, 1981.	July 23, 1982	10 CSR 40-2.080; 40-3.050; 40-3.100(4)(B); 40-6.010(6), .070, .090(3), (4)(C); 40-7.030(1)(E), .040(2)(C); 40-8.030(5) through (13)(A).
September 7, 1982, October 13, 1982.	January 17, 1983 ...	10 CSR 40-8.030(6)(B)1, (C), (7)(A), (D), (8)(A)1, (E), (9)(A)2, (B), (10)(A), (13)(B), .050(8), .060.
April 13, 1983	May 8, 1984	RSMo 444: .805, .830, .950, .955, .960, .965, .970; 10 CSR 40-3.120, .270; 40-4.030; 40-7.010, .011, .020, .021, .030, .031, .040, .041, .050; 40-8.030.
March 13, 1986	January 7, 1987	10 CSR 40-2.090(6); 40-7.031(3)(B); 40-8.030(1), (6), (7), (17), .040(3), (7), (8).
February 4, 1987	February 26, 1988 ..	10 CSR 40-2.090(5); 40-3.040(2), (6), (17), .110(1), .120(7), .200(2), (16), .270(7); 40-7.011(2), (3), .021(2), .031, .041(1), (2), (3); 40-8.030(6), (18); RSMo 444: .950, .960, .965.
June 22, 1987	June 16, 1988	10 CSR 40-3.010(6), .050, .110(6), .120(8)(A), (D), .170, .210; 40-6.010(3)(C), (5)(C), .030(2)(C), .050(4), .070(2)(C), (6), (7), (8), .090(4), (6), (9), (10), (11), .100(2)(C); 40-8.040(3).
December 14 and 18, 1987.	October 31, 1988 ...	10 CSR 40-2.090(6)(B); 40-3.050(1)(E), .210(1)(E); 40-4.010, .030(4)(C), (5), (6), (7)(A), (B)(1) through (8); 40-6.010(6)(A), .020, .040(16), .060(1)(E), (G), (J), (K), (4)(B), (C), (D), .110(16); 40-7.021(4)(B); 40-8.010(1)(A)5, 15, 16, 17, 19, 20, 25, 47, 48, 92, .030(3)(B), .050, .070(2); RSMo 444.730, .800, .805, .950.
August 3, 1988	December 11, 1989	10 CSR 40-3.050(1)(C), (D), (2)(F), (3)(B), (5)(B), (D), .210(1)(C), (D), (2)(F), (5)(B), (D), .160; 40-4.030(4), (7)(B)6; 40-6.070(8)(J), (K), (L), (N), (O).
July 8, 1988	January 8, 1990	10 CSR 40-3.200(2)(B); RSMo 444.535.7(2), .815.6(2).
March 18, 1988	June 5, 1990	10 CSR 40-3.100(2), .120(1), (6)(A), (6)(B)3, (7)(C)2, .250(1)(B), .270(1), (6)(A), (B)3, (7)(C)2; 40-6.040(3)(B), (11)(B), (C), (D), .050(7)(B), (C), (14)(B), .070(8)(E), .110(3)(B), (11)(B), (C), (D), .120(8)(B), (12)(B), (C), .040(8)(B), (C).
June 5, 1989	July 6, 1990	10 CSR 40-6.040(5)(A), (B)1, .050(5)(C), (9)(A) through (E); .060(4)(A), .070(12)(D), .110(11)(B), .120(2)(B)3, (5)(A), (C), (D), (E), (11)(A), (14)(C); 40-8.040(8)(K).
July 21, 1989	October 30, 1990 ...	10 CSR 40-4.080(1), (2); 40-6.040(11)(E)2, 3, .050(5)(C), .060(2)(B), (C), .070(7)(A)3, 8(M), .120(11); 40-8.010(1)(A)5, 18, .045; 40-060(8)(B).
January 12, 1989	January 3, 1991	10 CSR 40-3.040(1)(B), (3)(G), (4)(B)3, (6)(B), (H), (7)(A), (B), (10)(A), (E), (G), (J), (13)(A)1, (B)1.C, .060(1)(B), (F), (H), (K), .080(1)(C), (2)(A), (4)(A), (D)3, (10)(B), (11)(D), .100(2), .110(6), .120(6)(A), (B)2.A through F, (8)(D), .200(1)(B), (3)(H), (4)(B)3, (6)(B), (H), (7)(A), (B), (10)(A), (E), (G), (J), (12)(A)1, (B)1.C, .220(1)(B), (F), (H), (K), .230(1)(C), (2)(A), (4)(A), (D)3, (10)(B), (11)(D), .270(6)(A), (B)2.A through F, .280(1)(C); 40-5.010(2)(C), (E), (3)(B)2, .020(4)(B)1, 2, 4, 5, 6, (C)1, 3, 4, 5; 40-6.060(4)(A)3; 40-8.010(1)(A)59, 79.
July 8, 1988, January 12, 1988.	May 8, 1991	RSMo 444.805(8), (16), .950.1, .2, 3, .4, .960.1, .965.2, .4; 10 CSR 40-7.011(1)(E), (F), (G), (2)(C), (4)(E), (F), (5)(A)4, (B)2, 4, (D), .021(2)(B)4, (D)(3), (3), .031, .041(1)(B), 1, (D), (4)(A)2.
November 8, 1991	September 24, 1992	RSMo 444.870.1 through .5, .873.1, .3, .4.

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Original amendment submission date	Date of final publication	Citation/description
October 10, 1990	September 29, 1992	10 CSR 40-3.010(5), .030(1)(C), .040(2)(A)1, (4)(B)(3), (6)(B), (C), (D), (H), (Q), (T), (10)(G), (I), .050(6)(C), .060(1)(A), (H), .080(3)(A), (8)(B), (D), .090, .110(3)(A), .120(1)(D), (E), (5), (6)(B)1, 2, A, D, G, I, (7)(C)2, (C)3.A, C, (8)(A)4 through 8, 10, .130(2)(A), (3)(C), (I), .140(1)(A), (D)(1), (3)(D)9, (6)(D), (8)(A), (D)(1), (10)(D)9, (13)(C), (D), (15)(A), (20)(C), (D), .170(5), .190(1)(C), .200(2)(A)1, (4)(B)3, (6)(B), (C), (D), (H), (Q), (T), (10)(G), (I), .210(6)(C), .220(1)(A), (H), .230(3)(A), (8)(D), .240, .250(1)(B), .260(3)(A)1, .270(1)(D), (E), (5), (6)(B)1, 2, A, B, D, G, I, (7)(C)2, 3.A, C, (8)(A)4 through 8, 10, .290(1)(A), (D)1, (3)(D)9, (6)(D), (8)(A), (D)1, (10)(D)9, (13)(C), (D), (15)(A), (20)(C), (D), .300(2)(A), (3)(C), (I); 40-4.030(4)(A), (7)(B)6; 40-5.010(1)(A), (J), (2)(C), (3)(F)1; 40-6.010(2)(E), .020(2)(B)3, (3)(B)3, (5), .030(1)(A), (C), (D), (H), (2)(D), .040(5)(A), (11)(A), (E), (F), .050(7)(A), (B)1, (B)2, (C)1, (C)3, (9)(C)5, (11)(C), (17)(A)1 through 9, (B), (18), .060(4)(A), (E)5, .070(1)(B), (7)(C), (C)2, (F), (G), (8)(I), (L), (10)(B)1.A, (E)2, (11)(A), (B), (13)(E), .100(1)(A), (C), (D), (H), (2)(D), .110(5)(A), (B), (11)(A), (E), (F), .120(5)(C)4, (7)(C), (12)(A), (B)1, (C)1, (C)3, (16), (17)(A)1 through 9, (B); 40-7.011(3)(C), (4)(E), (5)(D)2.C.(II), (III), (D)2.(I), 5, A, B, C, 8, .021(2)(A), (B)1, 5, 6, .031(3)(B); 40-8.010(1)(A)4, 53, 51.B, C, D, I, J, 54, .030(6)(G), (7)(A), .040(5)(B)3, (8)(A), (K), .070(2)(C).
October 19, 1992	December 6, 1993 ..	10 CSR 40-3.010, .040, .080, .100, .110, .120, .130, .140, .200, .230, .250, .260, .270; 40-4.010; 40-5.010; 40-6.030, .040, .050, .070, .100, .120; 40-7.011, .021, .031, .041; 40-8.010, .030, .040.
September 24, 1993 February 10, 1995	April 22, 1994	RSMo 444.870.3, .5 through .8.
	July 13, 1995	10 CSR 40-3.030(4)(B)2, .040(10)(B)5, .060(1)(L)1, (0), .080(8)(B), .100(5)2, (6), (7), .110(3)1, (3)3, (6)(B), .140(1)(A); 40-6.010(2)(H), .020(2)(A), (3)(A), .030(1)(C), (5)(B), .050(7)(C), (D), .060(4)(D)4, .070(8)(M), (9)(A)1, 2.A, .B, .120(7)(C), (12)(D); 40-8.010(1)(A)72, 84, .030(7)(A), .040(9), .050(2)(B).
March 7 and 28, 1995, December 14, 1995.	May 28, 1996	RSMo 444.805, 830.1, .3, 950.1, .3, 4, 960.1, .5, 965.1, .3, 4, .5; 10 CSR 40-3.120, .270(6)(B); 7.011(1) through (5), .021(2), (5), .041(1), (4).
March 20, 1996	July 24, 1996	RSMo 444.800, .810, .950.
April 16, 1997	August 4, 1997	Section I of Phase III Revegetation Success Standards for Pasture, Wildlife Habitat, Woodland, Industrial/Commercial, Residential, and Recreation.
June 4, 1999	October 28, 1999 ...	10 CSR 40-7.021(1)(B)2
October 5, 2000	May 9, 2001	10 CSR 40-3.010(6); 3.020(1); 3.020(3); 3.040(2)(A)1, 2, 3.B, 4, 5, 6; 3.040(4)(A)1 and (B)3; 3.040(6)(A), (B), (C), (E), (F), (G), (H), (Q), (T), (U); 3.040(8); 3.040(10)(A), (B)5, (L), (M), (N), (O), (O)1, (O)2.A and B, (O)2.C, (O)3, (O)3.A and B; 3.040(10)(O)3.C [not approved]; 3.040(13)(A)1.A and (B)1; 3.040(14)(B)3; 3.040(17); 3.050 Purpose; 3.050(1)(D)1.A; 3.050(2)(A); 3.050(3)(C)1; 3.080(1)(A); 3.080(3)(D); 3.080(8)(A); 3.090; 3.110(4)(A); 3.110(5)(A); 3.110(6)(B); 3.120(5); 3.120(8)(A)4, (B), (D)2 and 8; 3.140(1)(A); 3.200(2)(A)1, 2, 3.A, 4, 5, 6; 3.200(4)(B)3; 3.200(6)(A), (B), (C), (E), (F), (G), (Q), (T), (U); 3.200(8), 3.200(10)(A), (B)5, (K), (L), (M), (N), (O), (O)1, (O)2.A, B, and C, (O)3, (O)3.A and B; 3.200(10)(O)3.C [not approved]; 3.200(12)(A)1.A and (B)1; 3.200(13)(B)3; 3.200(16); 3.240 [partial approval]; 3.270(5); 3.270(8)(A)4 and (B); 4.010 Purpose; 4.010 (3)(J); 4.020(2)(B); 4.030 Purpose; 4.030 (3)(A); 4.030(4)(A), (B), (C); 4.030(6)(A), 4.030(7)(B)2 and 7; 4.050(11), (12); 5.010(1)(B); 5.010(2)(E); 6.010(4)(B)2; 6.010(6)(A); 6.020 Purpose; 6.020(5); 6.020(7)(A); 6.030(1)(C), (D), (I); 6.030(2)(C); 6.040(5)(B)1.E; 6.040(16)(C)1 and 3; 6.050(1); 6.050(5)(B)11, (C), and (C)1; 6.050(7)(D)1; 6.050(9)(C)3 and 4, (D)3, (E); 6.050(11)(A), (A)1.A, 2 and 3, (B), (C), (F); 6.050(17)(B); 6.060(4)(C)1 and 5, (D)1, (E)5; 6.070(3) and (3)(B); 6.070(4)(A); 6.070(5)(B)4; 6.070(8)(C), (D)3; 6.070(10) (D); 6.090(4)(B)2; 6.090(6)(A); 6.090(7); 6.100(1)(I); 6.100(2)(C); 6.120(5)(E); 6.120(7)(A), (A)2 and 3, (B)1, (C), (F); 6.120(12)(D)1; 6.120(14)(B)10, (C)1; 6.120(15)(B); 7.011(6)(A)8, (D)2.C.(II), 5.A and C, 8; 7.021(1)(C) and (D); 7.021(2)(A), (B)5 and 6; 7.021(3)(C) and (D); 8.010(1) (A)9, 12, 52.C, 59, 73, 82, 87, 89, and 97B; 8.030(1)(F)4.A and (G); 8.030(6)(A)3 and (B)1; 8.030(10)(A); 8.030(12)(C); 8.050 Purpose; 8.050(1); 8.050(2)(B); 8.050(5)(A) and (B); 8.050(9)(A); 8.070(2)(C)1.A(II)(a) [partial approval] and 10.F, (F), (G).

[62 FR 9945, Mar. 5, 1997, as amended at 62 FR 41844, Aug. 4, 1997; 64 FR 57981, Oct. 28, 1999; 66 FR 23605, May 9, 2001]

§ 925.16 Required program amendments.

Pursuant to 30 CFR 732.17, Missouri is required to make the following program amendments:

- (a)-o [Reserved]
- (p) By May 10, 2002, Missouri shall amend its program as follows:
 - (1)-(3) [Reserved]

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(4) At 10 CSR 40-3.240 by providing performance standards that address air quality in a manner no less effective than the Federal regulations at 30 CFR 817.95(a).

(5)-(19) [Reserved]

(20) At 10 CSR 40-8.070(2)(C)1.A(II)(a) and (b) to revise the definition of cumulative measurement period to provide appropriate dates for the end of the period for which cumulative production and revenue is reported that are no earlier than September 29, 1992, in accordance with the Federal regulation requirements at 30 CFR 702.5(a)(2)(i) and (ii).

(21) [Reserved]

(q)-(u) [Reserved]

(v) By May 10, 2002, Missouri must submit either an amendment or a description of an amendment to be proposed, together with a timetable for adoption of proposed revisions to remove its provisions at 10 CSR 40-3.040(10)(O)3.C and 40-3.200(10)(O)3.C.

[49 FR 19476, May 8, 1984 as amended at 64 FR 57981, Oct. 28, 1999]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 925.16, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 925.17 Direct Federal enforcement of the Missouri program.

Starting on August 22, 2003, OSM will directly implement, administer and enforce the Missouri program requirements to the extent outlined below in accordance with the enforcement provisions of SMCRA and the Federal regulations. The authority of the Missouri Department of Natural Resources, Air and Land Protection Division, Land Reclamation Program (MLRP) to implement the Missouri regulatory program is suspended with regard to those provisions listed below, with the following exceptions. With respect to State enforcement actions initiated before August 22, 2003, the MLRP will have authority to take administrative actions to process outstanding violations to a final disposition (including issuing proposed assessments, assessing penalties, holding informal conferences and hearings, and collecting penalties). For enforcement actions that are terminated or vacated, OSM will inspect

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the sites and if a violation exists, we will take appropriate Federal enforcement action. With respect to bond forfeiture actions initiated before August 22, 2003, the MLRP will have authority to perform bond forfeiture reclamation activities. Bond forfeiture reclamation activities include, but are not limited to, issuing show-cause orders, revoking permits, initiating proceedings to declare bonds forfeited, and administering reclamation in lieu of bond forfeiture. The MLRP will have authority to perform bond forfeiture reclamation activities initiated after August 22, 2003, if show-cause orders to revoke permits were initiated before August 22, 2003, and those show-cause orders subsequently result in forfeiture of the bond.

(a) OSM will conduct inspections of all coal exploration and surface coal mining and reclamation operations, including bond release sites, in accordance with sections 517, 518, 521, 525, and 526 of SMCRA (30 U.S.C. 1267, 1268, 1271, 1275, and 1276), 30 CFR parts 842 through 845, and 43 CFR part 4. With respect to enforcement actions initiated by the MLRP before August 22, 2003, OSM will conduct follow-up inspections at all sites with outstanding violations on or after the abatement dates specified in the State-issued notices of violation. As required by 30 CFR 733.12(f)(2)(iii), OSM will conduct inspections to determine compliance with the substantive requirements of the approved Missouri program.

(b) OSM will issue, modify, enforce, and terminate notices of violation, cessation orders, and show cause orders for violations of the approved Missouri program, in accordance with sections 517, 518, 521, 525, and 526 of SMCRA (30 U.S.C. 1257, 1268, 1271, 1275, and 1276), 30 CFR parts 842 through 845, and 43 CFR part 4. With respect to enforcement actions initiated by the MLRP before August 22, 2003, we will reinspect the site and if the operator has not abated the violation by the abatement date set in the State-issued notice of violation, we will take appropriate enforcement action. We will issue a notice of violation for any violation observed by us that has not been previously cited by the MLRP. We will issue a cessation order

for any condition or practice that creates an imminent danger to the health or safety of the public, or is causing, or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

(c) OSM will impose civil and criminal sanctions, as appropriate, for violations of the Missouri program in accordance with sections 517, 518, 521, 525, and 526 of SMCRA (30 U.S.C. 1267, 1268, 1271, 1275, and 1276), 30 CFR parts 843 through 847, and 43 CFR part 4 for those violations issued by OSM.

(d) OSM will promptly inform the MLRP of the results of all follow-up inspections conducted and of enforcement actions taken that pertain to enforcement actions initiated by the MLRP before August 22, 2003.

(e) OSM will review all new applications and issue all new permits, permit revisions, permit renewals, transfer and assignment or sale of permit rights for all surface coal mining and reclamation operations in accordance with the approved Missouri program at sections 444.815 through 444.825, 444.835 through 444.845, and 444.850 of the Missouri Surface Coal Mining Law (MSCML) and 10 CSR 40-6.010 through 40-6.120. This includes pending permit actions for which the MLRP has not made a final decision. Administrative and judicial review will be in accordance with sections 525 and 526 of SMCRA (30 U.S.C. 1275 and 1276), 30 CFR part 775, and 43 CFR part 4.

(f) Permit fees are required in accordance with section 444.820.1 of MSCML and 10 CSR 40-6.010(6). The fees for all new permitting actions must be submitted to and made payable to OSM.

(g) OSM will determine the amount of the performance bonds for new permitting actions in accordance with section 509 of SMCRA and 30 CFR part 800.

(h) OSM will maintain the amount of the performance bonds for existing permits in accordance with the Missouri program at section 444.830 of MSCML and 10 CSR 40-7.011.

(i) OSM will review and make decisions on performance bond release requests for new and existing permits in accordance with the Missouri program at section 444.875 of MSCML and 10 CSR 40-7.021. For existing bonds, OSM will make the required determinations

for the amount of the bond to be released and will submit the determinations to the MLRP. The MLRP will present OSM's bond release determinations for the amount of the bond to be released to the Missouri Land Reclamation Commission, who will make a final decision on the release.

(j) Performance bonds must be made payable to the "United States of America and State of Missouri," and they must be submitted to OSM.

(k) Administrative and judicial review of OSM's enforcement actions, performance bond release determinations, and final decisions on all other actions, including permitting, certification of blasters, and small operator assistance, will be in accordance with 43 CFR part 4. Administrative and judicial review of final bond release decisions made by the Commission for existing performance bonds will be subject to the procedures specified in the Missouri program at section 444.875 of MSCML and 10 CSR 40-7.021(4).

(l) OSM will review and issue decisions on applications for blaster certification in accordance with the approved Missouri program at sections 444.855.2(15)(d) and 444.905.4 of MSCML and 10 CSR 40-3.160. The applicants must submit OSM Form 74 to OSM when applying for blaster certification. Administrative and judicial review of our decisions will be in accordance with 43 CFR part 4.

(m) OSM will review and issue decisions on petitions to have areas designated as unsuitable for surface coal mining operations in accordance with the approved Missouri program at section 444.890 of MSCML and 10 CSR 40-5.020. Judicial review of our decisions will be in accordance with sections 526(a)(2) and (b) of SMCRA (30 U.S.C. 1276(a)(2) and (b)) and 30 CFR 775.13.

(n) OSM will review and issue decisions on applications for small operator assistance in accordance with section 507(c) of SMCRA (30 U.S.C. 1257(c)) and the approved Missouri program at 10 CSR 40-8.050. Administrative and judicial review of our decisions will be in accordance with 43 CFR part 4.

[68 FR 50948, Aug. 22, 2003, as amended at 69 FR 19932, Apr. 15, 2004]

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§ 925.18 State remedial actions.

As a prerequisite to the Missouri Department of Natural Resources, Air and Land Protection Division, Land Reclamation Program (MLRP) re-assuming authority to implement the provisions of the Missouri program that are being directly enforced by OSM, as specified under 30 CFR 936.17, the MLRP must complete the remedial measures specified below to demonstrate its intent and capability to fully implement the Missouri program.

(a) [Reserved]

(b) In accordance with the requirements of the approved Missouri program, the MLRP will complete administrative disposition of all enforcement actions that were initiated before the effective date of this decision. The MLRP may conduct penalty assessments, hold informal conferences and hearings, collect penalties, and terminate or vacate enforcement actions.

(c) Within 30 days of the date on which OSM has received and acknowledged an accurate description of available funding for the regulatory program, the MLRP must submit to OSM a plan to reassume full authority for the Missouri program. At a minimum, the proposal must provide specific and adequate provisions that address the following problems:

(1) *Funding.* The proposal must demonstrate to the satisfaction of OSM a commitment to fully fund the Missouri program.

(2) *Staffing.* The proposal must demonstrate to the satisfaction of OSM a commitment to hire a sufficient number of qualified personnel to comply with all inspection and enforcement, permitting, and bonding requirements of the approved Missouri program.

(3) *Adherence to approved program.* The proposal must include provisions, policy statements, and other affirmative evidence sufficient to assure OSM that the MLRP will be in full compliance at all times with the provisions of the Missouri program.

(d) Starting on April 1, 2004, the MLRP must submit to OSM a report once a month on its progress in obtaining full funding for the Missouri program.

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(e) [Reserved]

[68 FR 50949, Aug. 22, 2003, as amended at 69 FR 19932, Apr. 15, 2004; 69 FR 29864, May 26, 2004]

§ 925.19 Termination of Federal enforcement of the Missouri program.

(a) OSM will consider returning to the MLRP the authority suspended under 30 CFR 925.17 provided the following requirements have been met:

(1) The MLRP accomplished to the satisfaction of OSM all remedial actions specified under 30 CFR 925.18.

(2) The MLRP petitioned OSM in writing to consider returning authority to the State.

(b) Upon satisfaction of the requirements specified in paragraph (a) of this section, OSM will schedule a public comment period and hearing on the MLRP's request.

(c) Following the close of the hearing and the comment period, OSM will announce in the FEDERAL REGISTER its decision to grant in whole or in part, or to deny the MLRP's request.

(d) Following OSM's decision to grant, in part, or to deny the MLRP's request, we will publish in the FEDERAL REGISTER further actions the MLRP will be required to take and the timeframes for taking such actions before OSM will consider a second request from the MLRP to return authority to the State.

[68 FR 50949, Aug. 22, 2003]

§ 925.20 Approval of the Missouri abandoned mine land reclamation plan.

The Secretary approved the Missouri abandoned mine land reclamation plan, as submitted on September 11, 1981, effective January 29, 1982. Copies of the approved plan are available at:

(a) Missouri Department of Natural Resources, Land Reclamation Program, 205 Jefferson Street, Jefferson City, MO 65102.

(b) Office of Surface Mining Reclamation and Enforcement, Mid-Continent Regional Coordinating Center, Alton Federal Building, 501 Belle Street, Alton, IL 62002.

[64 FR 20167, Apr. 26, 1999]

Surface Mining Reclamation and Enforcement, Interior

§ 926.15

§ 925.25 Approval of Missouri abandoned mine land reclamation plan amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these

amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
June 22, 1987	June 16, 1988	10 CSR 40-9.060(2), (3), (4).
August 22, 1988	March 15, 1989	Organization; project selection; rights of entry; coordination of reclamation activities; land acquisition, management and disposal; database.
November 29, 1994 ..	August 24, 1995	RSMo 444.810.2 through .8; 444.915.3; 10 CSR 40-9.020(1)(D), (E), (3)(A); AML Plan § 884.13(C)(2), (D)(3), (4).
March 31, 1998	June 24, 1998	AMLR plan sections 884.13(c)(6) and (d)(3); Emergency response reclamation program.
October 5, 2000	May 9, 2001	10 CSR 40-9.020(1)(D)4 and (F).

[62 FR 9946, Mar. 5, 1997, as amended at 63 FR 34280, June 24, 1998; 64 FR 20167, Apr. 26, 1999; 66 FR 23605, May 9, 2001]

PART 926—MONTANA

Sec.

- 926.10 State regulatory program approval.
- 926.15 Approval of Montana regulatory program amendments.
- 926.16 Required program amendments.
- 926.20 Approval of Montana abandoned mine land reclamation plan.
- 926.21 Required abandoned mine land plan amendments.
- 926.25 Approval of Montana abandoned mine land reclamation plan amendments.
- 926.30 State-Federal cooperative agreement.

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

§ 926.10 State regulatory program approval.

The Montana permanent program submitted on August 3, 1979, as amended November 13, 1979; January 4, January 9, January 10, January 12, January 13, January 30, February 1, and February 20, 1980; November 3, 1980; and August 26, 1981, is approved effective February 10, 1982. Copies of the approved program, as amended, are available at:

(a) Montana Department of Environmental Quality, Industrial and Energy Minerals Bureau, P.O. Box 200901, Helena, Montana 59620-0901, (406) 444-1923.

(b) Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, room 2128, Casper, WY 82601-1918, Telephone: (307) 261-5776.

[59 FR 17932, Apr. 15, 1994, as amended at 64 FR 3610, Jan. 22, 1999]

§ 926.15 Approval of Montana regulatory program amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
September 13, 1983	January 3, 1984	MCA 82-4-237, -251(4), -254.
April 2, 1984	January 3, 1985	ARM 26.4.1206 through .1209, .1211, .1212.
January 3, 1984	November 18, 1985	ARM 26.4.310, .621 through .626, .1260 through .1263.
July 3, 1985	February 14, 1986 ..	MCA 82-4-231, 232, 254.
April 23, 1987	December 31, 1987	MCA 82-4-203, 222, 223.