

**§ 903.827**

constituting mountaintop removal mining.

**§ 903.827 Special performance standards—Coal preparation plants not located within the permit area of a mine.**

Part 827 of this chapter, *Permanent Program Performance Standards—Coal Preparation Plants Not Located Within the Permit Area of a Mine*, applies to any person who conducts surface coal mining and reclamation operations which include the operation of a coal preparation plant not located within the permit area of a mine.

**§ 903.828 Special performance standards—In situ processing.**

Part 828 of this chapter, *Special Permanent Program Performance Standards—In Situ Processing*, applies to any person who conducts surface coal mining and reclamation operations that include the in situ processing of coal.

**§ 903.842 Federal inspections.**

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

(b) In addition to the requirements of part 842 of this chapter, OSM will furnish copies of inspection reports when requested by a designated Arizona State agency with jurisdiction over mining.

**§ 903.843 Federal enforcement.**

(a) Part 843 of this chapter, *Federal Enforcement*, applies regarding enforcement action on coal exploration and surface coal mining and reclamation operations.

(b) In addition to the requirements of part 843 of this chapter, OSM will furnish copies of enforcement actions and orders to show cause, upon request, to a designated Arizona State agency with jurisdiction over mining.

**§ 903.845 Civil penalties.**

Part 845 of this chapter, *Civil Penalties*, applies to the assessment of civil penalties for violations on coal exploration and surface coal mining and reclamation operations.

**§ 903.846 Individual civil penalties.**

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

**§ 903.955 Certification of blasters.**

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

**PART 904—ARKANSAS**

## Sec.

904.1 Scope.

904.10 State regulatory program approval.

904.12 State program provisions and amendments not approved.

904.15 Approval of Arkansas regulatory program amendments.

904.16 [Reserved]

904.20 Approval of Arkansas abandoned mine land reclamation plan.

904.25 Approval of Arkansas abandoned mine land reclamation plan amendments.

904.26 Required plan amendments.

AUTHORITY: 30 U.S.C. 1201 *et seq.***§ 904.1 Scope.**

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

[45 FR 77015, Nov. 21, 1980]

**§ 904.10 State regulatory program approval.**

The Secretary conditionally approved the Arkansas regulatory program, as submitted on February 18, 1980, amended on May 29, 1980, and July 2, 1980, and clarified on July 29, 1980, August 8, 1980, August 14, 1980, and August 29, 1980, effective November 21, 1980. He fully approved the Arkansas regulatory program, as amended on September 2, 1980, January 19, 1981, and March 12, 1981, effective January 22, 1982. Copies of the approved program are available at:

(a) Arkansas Department of Environmental Quality, 8001 National Drive, P.O. Box 8913, Little Rock, AR 72219-8913.

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(b) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135-6548.

(b) [Reserved]

[53 FR 9884, Mar. 28, 1988, as amended at 54 FR 47355, Nov. 14, 1989; 67 FR 35029, May 17, 2002]

[64 FR 20166, Apr. 26, 1999]

**§ 904.12 State program provisions and amendments not approved.**

The following amendments to the Arkansas Surface Coal Mining and Reclamation Code as submitted to OSMRE on May 1, 1987, are hereby disapproved:

(a) ASCMRC part 722, all revisions and additions which address surface coal mining and reclamation operations previously exempted under the 2-acre exemption rule of section 528 of SMCRA.

**§ 904.15 Approval of Arkansas 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 7, 1983 .....	March 16, 1984 .....	ASCMRC 771.25 (a)(2); 776(c)(1), (2), (4), (5)(i), (ii); 842(c).
May 21, 1985 .....	August 15, 1985 .....	ASCMRC 843.12; 845.18 through .20.
December 17, 1984 ..	December 2, 1985 ..	ASCMRC 816.61-S, -U, .62, .64, -U, .65, .67, .68; 850.1, .5, .12 through .15.
March 10, 1986 .....	March 28, 1988 .....	ASCMRC 701.5; 761.12(b)(2), (e)(1), (2), (3); .15; 762.5; 764.13, .15(a)(1); 771.23(c)(4); 776.12, (a)(3)(vi), .14(a); 778.14(c); 779.14(a), (b)(1), .17; 780.18(b)(4), .21; 784.20(a)(1), (2), (b)(1), (e); 785.13(e), (5), (i), (j), (k), .17(b)(1)(ii); 786.1(d), .11(a), .15(a)(4), .16(a), .17(a)(1), .19(d)(8), .29(c); 788.18(d); 795.13, .14(d)(4), .19(a)(5); 800.11(h), .13(g); 805.13(b), .14(a); 806.11(b), (d)(2)(v); 807.11(d)(2)(v); 808.14(c); 815.15(a); 816.41(d), .42(a)(7), .43, .44(b)(3), .46, .49, .52(a)(4), .53, .55(d), .57(a)(2), .71 through .74, .79, .81, .83, .84, .87, .89, .97(b), (d)(10), .102(a)(2), (b), (f), .107, .111, .116, .126-U(a), (e), (f), .133(b)(1), .150, .151; 819.11(c)(1), (2); 823.12(a)(1), .15; 826.12(c); 827.11; 842.16(a); 843.11(a)(2), (3); 845.12(b), .13(b)(2), .15(b)(1)(i), (ii), (2); 1000(6), (10), (13), (16), (19), (51).
November 4, 1987 ....	June 1, 1988 .....	ASCMRC 776.12(a)(3), (b); 780.31; 786.19(p).
December 22, 1988 ..	November 14, 1989	ASCMRC 705.11(a), .13(a), .15; 780.16(b)(3)(i), (ii), (c); 784.21; 816.97(b); 817.97; 846.1, .5, .12, .14, .18; 1000(50).
December 18, 1989 ..	November 23, 1990	ASCMRC 778.13(a), (5), (6), (7), (b), (1) through (5), (c), (g), (h), .14(c), (d); 786.5(c), .17(c), (d), .19(i), .27(d), .30(a), (b), (c), .31(a), (b), (c); 843.11(g).
September 20, 1990	June 14, 1991 .....	ASCMRC 700.10(d), part 702.
September 27, 1990	July 18, 1991 .....	ASCMRC 700.10(a); 701.5; 776.11(b); 780.21(f), .37(f), (g), (h), .38; 784.27; 800.11(b)(2); 815.15(c)(2), (3), (4), .17(a), (b); 816.49(b)(7), (c)(2), .84(b)(2), (f), .116(b)(3), (c)(4), .117, .150 (b), (d), (f), .152(a), (c); 1000(d)(2), (8), (30) through (36), (44), (47).
October 11, 1991 .....	April 23, 1992 .....	ASCMRC 816.116(c)(2).
April 11, 1991, September 25, 1991.	August 19, 1992 .....	ASCMRC 701.5, .11(c)(1); 707.12; 761.5 defining VER and public roads; 764.15(a)(7); 770.5, .6(a), (b), (c); 771.23(e)(1), (2); 772; 779.11, .12(a), (b), .15(a), .16(a), (b)(2), .17, .18(a), .20(a), .21(a), .22(a), (c), .24(g), (k), .25, .25(d) through (h), (j), .27(a), (b)(5), (d)(1), (2); 780.11, .14(b), (2), .18(b)(3), .23(b), .25(a), (b), .37(e); 783.14(a) through (d); 785.16(a), .17(a), (b); 786.5(b), .14(b)(3), .19(c); 788.13(b); 805.13(d); 806.12(e)(6)(iii), (g)(7)(iii); 808.12(c), .14(a), (b); 810.11; 815, .2(b), (c), .11(c), .15(a) through (d), (f) through (k); 816.13, .41(a), .43(e), .51-S(b), .52(a)(1), (2), .54, .65(f), .95(a), (b), .101(b)(1), .102(a), (g), .103, .104(a), (b), (3), .106, .107, .115, .133(c); 823.1, .14(c); 826.12(b); 827.12(m); 828.11(e), .12(a); 1000(d)(1), (3), (4), (5), (7), (9), (11), (12), (14), (15), (17), (18), (20) through (29), (37) through (43), (45), (46), (48), (49).
March 31, 1993 .....	November 17, 1994	ACA 15-58-104(11), 503(a)(2)(A), (B), (C).
August 26, 1994 .....	June 30, 1995 .....	ASCMRA 4(18), (19), 5(b)(1), 13(k).
April 2, 1996 .....	April 29, 1997 .....	ASCMRC 700.10(b); 701.5; 771.25(b); 779.13; .15; .16; .17; .20; .22; .25(k); 780.21(f)(3)(v); .23; .25(a)(2) through (f); 783.13; .15; .16; .17; .20; .22; 784.14; .15; .16; .20; 785.25; 786.17(c)(4); .19; 795.12; .13; .16; .17; .19; Parts 800, 805 through 808; 816.41(e); .46(a)(3), (b)(2), (c)(2); .49; 81(a), (c)(2), (3), (4); .82; .85; .86; .88; .89(d); .91; .92; .93; .112; .116(c)(2), (3), (4); .121-U(a), (c) through (g); .122-U; .124-U; .126-U; 827.12(g); 842.11(c)(1) through (4); (d), (e), (f); 842.14.

**§ 904.16**

**30 CFR Ch. VII (7-1-08 Edition)**

Original amendment submission date	Date of final publication	Citation/description
February 6, 1998 .....	September 16, 1998	ASCMRC 701.5; 761.5(d); 780.14(c); 780.18(b)(7), .25(a)(3)(i), .35(b); 785.15(b)-(c), .16(a), (c)(6), and (d), .17(d)(5); 815.15(k); 816.11(g), .21, .22, .23, .24, .25, .43(e), (f)(5), .44(c), .46, .48(b), .56, .74, .102, .103, .104-S, .105-S, .106, .107(a)-(b); Part 823; Part 826; 845.18(b) and .19(a).
August 27, 1998 .....	November 25, 1998	ASCMRC 701.5; 816.116(b)(1), (2), (3)(iv), (4), (5); Policy Guidelines for Phase III Revegetation Success Standards for Pasture and Previously Mined Areas, Cropland, Forest Products, Recreation and Wildlife Habitat, Industrial/Commercial and Residential Revegetation.
March 1, 2002 .....	August 15, 2001 .....	Sections 761.5 definitions of "valid existing rights" & "public buildings;" 761.11-.15; 761.16; 761.17; 761.200(a); 762.14-.15; 764.15(a)(7); 776.12; 778.16(c); 780.31(a)(2); 780.33; 780.37; 786.11(a)(4) & (a)(5); 786.14(c); and 786.19(d)(1) & (d)(4)-(d)(8); regulatory authority name change to Arkansas Department of Environmental Quality; and recodification of the statutes to Arkansas Code Annotated Title 15, Chapter 58, Subchapters 1-5.
August 13, 2001 .....	May 17, 2002 .....	ASCMRC 845.18(a); Phase II and III Revegetation Success Standards for Grazingland; and Phase III Revegetation Success Standards for Prime Farmland.

[62 FR 9935, Mar. 5, 1997, as amended at 62 FR 23135, Apr. 29, 1997; 62 FR 31474, June 9, 1997; 63 FR 49429, Sept. 16, 1998; 63 FR 65067, Nov. 25, 1998; 66 FR 42742, Aug. 15, 2001; 67 FR 35029, May 17, 2002]

**§ 904.16 [Reserved]**

**§ 904.25 Approval of Arkansas abandoned mine land reclamation plan amendments.**

**§ 904.20 Approval of Arkansas abandoned mine land reclamation plan.**

The Secretary approved the Arkansas abandoned mine land reclamation plan, as submitted on July 7, 1982, effective May 2, 1983. Copies of the approved plan are available at:

(a) Arkansas Department of Environmental Quality, 8001 National Drive, P.O. Box 8913, Little Rock, AR 72219-8913.

(b) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135-6548.

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.

[64 FR 20166, Apr. 26, 1999]

Original amendment submission date	Date of final publication	Citation/description
March 31, 1993 .....	July 19, 1993 .....	ACA 15-58-401(b), (c).
October 6, 1993 .....	January 5, 1994 .....	ACA 15-58-401(b)(2).
April 2, 1996 .....	April 29, 1997 .....	ASCMRC 874.5; .12(a)(4) through (8).
June 16, 1999 .....	September 20, 1999	Definitions; Purposes of the state reclamation program; Identification of eligible lands and water; Ranking and selection procedures; Coordination of reclamation work; Acquisition management and disposition of land and water; Reclamation on private land; Rights of entry; Public participation; Organizational structure; Personnel and staffing policies; Purchasing and procurement systems; Management accounting; and Abandoned mine land problem description.
September 22, 1999	January 14, 2000 ...	Subheading B. Identification of Eligible Lands and Water [30 CFR 884.13(c)(2)].
August 13, 2001 .....	May 17, 2002 .....	ASCMRC 874.12(b)(4); 874.13(d); and 874.14(a)(2).

[62 FR 9936, Mar. 5, 1997, as amended at 62 FR 23135, Apr. 29, 1997; 64 FR 50756, Sept. 20, 1999; 65 FR 2332, Jan. 14, 2000; 67 FR 35029, May 17, 2002]

## Surface Mining Reclamation and Enforcement, Interior

## § 905.700

### § 904.26 Required plan amendments.

Pursuant to 30 CFR 884.15, Arkansas is required to submit for OSM's approval the following proposed plan amendment by the date specified.

(a)-(b) [Reserved]

[59 FR 542, Jan. 5, 1994]

### PART 905—CALIFORNIA

Sec.

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905.783 Underground mining permit applications—Minimum requirements for information on environmental resources.

905.784 Underground mining permit applications—Minimum requirements for reclamation and operation plan.

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905.819 Special performance standards—Auger mining.

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905.824 Special performance standards—Mountaintop removal.

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905.955 Certification of blasters.

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

SOURCE: 53 FR 26575, July 13, 1988, unless otherwise noted.

### § 905.700 California Federal Program.

(a) This part contains all rules that are applicable to surface coal mining operations in California which have been adopted under the Surface Mining Control and Reclamation Act of 1977.

(b) Certain of the rules in this part cross-reference pertinent parts of the permanent program regulations in this Chapter. The full text of a cross-referenced rule is in the permanent program rule cited under the relevant section of the California Federal program.

(c) This part applies to all coal exploration and surface coal mining and reclamation operations in California conducted on non-Federal and non-Indian lands. To the extent required by 30 CFR part 740, this part also applies to operations on Federal lands in California.

(d) The information collection requirements contained in this part have already been approved by the Office of Management and Budget under 44 U.S.C. 3507 in its approval of the information collection requirements contained in the permanent regulatory program.

(e) The following provisions of California law generally provide for more stringent land use and environmental control and regulation of some aspects of surface coal mining operations than do the provisions of the Surface Mining Control and Reclamation Act of 1977, and the regulations in this chapter. Therefore, pursuant to section 505(b) of SMCRA, these provisions shall not generally be considered to be inconsistent