§ 939.845 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.

§ 939.846 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]

§ 939.955 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 941—SOUTH DAKOTA

Sec.
941.700 South Dakota Federal program.
941.701 General.
941.702 Exemption for coal extraction incidental to the extraction of other minerals.
941.707 Exemption for coal extraction incidental to Government-financed highway or other construction.
941.761 Areas designated unsuitable for surface coal mining by act of Congress.
941.762 Criteria for designating areas as unsuitable for surface coal mining operations.
941.764 Process for designating areas unsuitable for surface coal mining operations.
941.772 Requirements for coal exploration.
941.773 Requirements for permits and permit processing.
941.774 Revision; renewal; and transfer, assignment, or sale of permit rights.
941.775 Administrative and judicial review of decisions.
941.777 General content requirements for permit applications.
941.778 Permit applications—minimum requirements for legal, financial, compliance, and related information.
941.779 Surface mining permit applications—minimum requirements for information on environmental resources.
941.780 Surface mining permit applications—minimum requirements for reclamation and operation plan.
941.783 Underground mining permit applications—minimum requirements for information on environmental resources.

30 CFR Ch. VII (7–1–11 Edition)

941.784 Underground mining permit applications—minimum requirements for reclamation and operation plan.
941.785 Requirements for permits for special categories of mining.
941.795 Small operator assistance.
941.800 General requirements for bonding of surface coal mining and reclamation operations.
941.815 Performance standards—coal exploration.
941.816 Performance standards—surface mining activities.
941.817 Performance standards—underground mining activities.
941.819 Special performance standards—auger mining.
941.822 Special performance standards—operations in fluvial valley floors.
941.823 Special performance standards—operations on prime farmland.
941.824 Special performance standards—mountaintop removal.
941.827 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.
941.828 Special performance standards—in situ processing.
941.842 Federal inspections.
941.843 Federal enforcement.
941.845 Civil penalties.
941.846 Individual civil penalties.
941.955 Certification of blasters.

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

SOURCE: 48 FR 16823, Apr. 19, 1983, unless otherwise noted.
the Office of Management and Budget under 44 U.S.C. 3507.

(e) The following provisions of South Dakota laws provide, where applicable, for more stringent environmental control and regulation of surface coal mining operations than do the provisions of the Act and the regulations in this chapter. Therefore, pursuant to section 505(b) of the Act, they shall not be construed to be inconsistent with the Act:


(f) The following are South Dakota laws that interfere with the achievement of the purposes and requirements of the Act and are, in accordance with section 504(g) of the Act, preempted and superseded with respect to surface coal mining, except to the extent that they regulate surface coal mining operations which affect two acres or less, or which otherwise are not regulated by the Surface Mining Control and Reclamation Act.

2. S. D. Comp. Laws Ann. Chap. 45–6C, except with respect to the requirements to consult with the owner of surface lands to be explored and the right of the owner to establish reasonable restrictions on exploration travel (section 16), the requirement to post an exploration reclamation bond (section 19), the prohibition of explosives use in exploration within one-half mile of a flowing water well or a domestic water well without the owner’s permission (section 27), and the requirement to cap, plug, and seal all exploration test holes (section 28).

(g) The Secretary may grant a limited variance from the performance standards of §§941.815 through 941.828 of this part if the applicant for coal exploration approval or a surface mining permit submitted pursuant to §941.772 through 941.785 demonstrates in the application that:

1. Such variance is necessary because of the unique nature of South Dakota’s terrain, climate, biological, chemical, or other relevant physical conditions; and
2. The proposed alternative will achieve equal or greater environmental protection than does the performance requirement from which the variance is requested.

§941.701 General.

Sections 700.5, 700.11, 700.12, 700.13, 700.14, 700.15 and part 701 of this chapter shall apply to surface coal mining operations in South Dakota.

§941.702 Exemption for coal extraction incidental to the extraction of other minerals.

Part 702 of this chapter, Exemption for Coal Extraction Incident to the Extraction of Other Minerals, shall apply to any person who conducts coal extraction incidental to the extraction of other minerals for purposes of commercial use or sale.

§941.707 Exemption for coal extraction incident to Government-financed highway or other construction.

Part 707 of this chapter, Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction, shall apply to surface coal mining and reclamation operations.

§941.761 Areas designated unsuitable for surface coal mining by act of Congress.

Part 761 of this chapter, Areas Designated by Act of Congress, shall apply