

[80 FR 16563, Mar. 30, 2015]

**PART 925—MISSOURI**

Sec.

925.1 Scope.

925.10 State regulatory 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 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.

(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, September 7, 1982, October 13, 1982, April 13, 1983 .....	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, April 13, 1983 .....	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.
March 13, 1986 .....	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.
February 4, 1987 .....	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).
June 22, 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.
December 14 and 18, 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).
August 3, 1988 .....	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.
July 8, 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).
March 18, 1988 .....	January 8, 1990 .....	10 CSR 40-3.200(2)(B); RSMo 444.535.7(2), .815.6(2).
June 5, 1989 .....	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).
July 21, 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).
January 12, 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).
July 8, 1988, January 12, 1988.	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.
November 8, 1991 .....	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.
October 10, 1990 .....	September 24, 1992	RSMo 444.870.1 through .5, .873.1, .3, .4.
September 24, 1993	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).
February 10, 1995 .....	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.
March 7 and 28, 1995, December 14, 1995.	April 22, 1994 .....	RSMo 444.870.3, .5 through .8.
March 20, 1996 .....	July 13, 1995 .....	10 CSR 40-3.030(4)(B)2, .040(10)(B)5, .060(1)(L)1, (O), .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).
April 16, 1997 .....	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).
	July 24, 1996 .....	RSMo 444.800, .810, .950.
	August 4, 1997 .....	Section I of Phase III Revegetation Success Standards for Pasture, Wildlife Habitat, Woodland, Industrial/Commercial, Residential, and Recreation.

**Surface Mining Reclamation and Enforcement, Interior**

**§ 925.20**

Original amendment submission date	Date of final publication	Citation/description
June 4, 1999 ..... October 5, 2000 .....	October 28, 1999 ... May 9, 2001 .....	10 CSR 40-7.021(1)(B)2 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), (I), (O), (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).
October 31, 2005 .....	June 8, 2006 .....	10 CSR 40-7.011(1)(C) and (D), (2)(A) and (B), (3)(C), (4) and (5), (6)(A)6., 8., & 9., (6)(B)1., 2., & 4. through 7., (6)(C)1. through 4., 8. & 9., (6)(D)1.F., 2., 2.B., 2.D.(I) through (III), 3., 5.C., 6., 8., and (7)(A); 10 CSR 40-7.021(1)(A), (2), (2)(A), (2)(B)3. through 6., (2)(C)2., (2)(D) and (E); 10 CSR 40-7.031(2)(E)1. and 2., (2)(E)2.C. & D., (3)(C), and (4) through (4)(B)2.; and 10 CSR 40-7.041.
October 11, 2006 .....	March 12, 2007 .....	10 CSR 40-7.011(1)(C) and (D), (2)(A) and (B), (3)(C), (4) and (5), (6)(A)6., 8. and 9., (6)(B)1., 2., and 4. through 7., (6)(C)1. through 4., 8. and 9., (6)(D)1.F., 2., 2.B., 2.D.(I) through (III), 3., 5.C., 6., 8., and (7)(A); 10 CSR 40-7.021(1)(A), (2), (2)(A), (2)(B)3. through 6., (2)(C)2., (2)(D) and (E); 10 CSR 40-7.031(2)(E)1. and 2., (2)(E)2.C. & D., (3)(C), and (4) through (4)(B)2.; and 10 CSR 40-7.041.
August 12, 2013 .....	December 17, 2015	10 CSR 40-3.040(6)(A)1., (6)(R), (6)(U), (10)(B)5., and (10)(O)3.C.; 10 CSR 40-3.060(1)(K)2.; 10 CSR 40-3.180(3); 10 CSR 40-3.200(6)(A)1., (6)(R), (6)(U), (6)(T), (10)(B)5., (10)(O)3.C., (12)(A)1.A, and (17)(B); 10 CSR 40-3.220(1)(K) and (L); 10 CSR 40-3.230(1)(A) and (3)(D); 10 CSR 40-3.240(1); 10 CSR 40-3.260(4); 10 CSR 40-3.300; 10 CSR 40-5.010(1)(A), (2), (3), (4), (5), (6), (7), and (8); 10 CSR 40-5.020(3) and (4); 10 CSR 40-6.020(3)(B)14., and (3)(D); 10 CSR 40-6.030(4)(C); 10 CSR 40-6.050(14)(B) and (15); 10 CSR 40-6.060; 10 CSR 40-6.070(2)(A)5.; 10 CSR 40-6.100(1)(C) and (D); 10 CSR 40-6.120(5)(C), (7)(A)1.A., and (9)(A); 10 CSR 40-8.010; 10 CSR 40 8.020(2)(C); 10 CSR 40-8.070(2)(C)1.A.(II) and (2)(C)8.B.

[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; 71 FR 33249, June 8, 2006; 72 FR 10933, Mar. 12, 2007; 80 FR 78664, Dec. 17, 2015]

**§ 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)-(21) [Reserved]
  - (q)-(u) [Reserved]

[49 FR 19476, May 8, 1984]

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 at [www.fdsys.gov](http://www.fdsys.gov).

**§ 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:

**§ 925.25**

**30 CFR Ch. VII (7–1–16 Edition)**

(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]

**§ 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.
- 926.12 State program provisions and amendments not approved.
- 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]

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

(a) The amendment submitted by letter dated June 7, 2011, Docket ID No. OSM–2011–0011, which proposed changes to the Montana approved program as a result of the Montana Legislature's 2011 passage of a Senate Bill (SB 297) relating to coal beneficiation is not approved.

(b) [Reserved]

[78 FR 10512, Feb. 14, 2013]

**§ 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