

Surface Mining Reclamation and Enforcement, Interior

§ 905.700

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| September 22, 1999 | January 14, 2000 ... | Subheading B. Identification of Eligible Lands and Water [30 CFR 884.13(c)(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]

§ 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]

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AUTHORITY: 30 U.S.C. 1201 *et seq.*, as amended.

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.

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(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 with SMCRA unless, in a particular instance, the Federal program regulations establish more stringent environmental or land use controls:

(1) The California Environmental Quality Act, Cal. Pub. Res. Code section 21000 *et seq.* (West 1986).

(2) The Porter-Cologne Water Quality Control Act, Cal. Water Code section 13000 *et seq.* (West 1971).

(3) California Hazardous Waste Control Law, Cal. Health & Safety Code section 25100 *et seq.* (West 1984).

(4) The State Underground Storage of Hazardous Substances Law, Cal. Health & Safety Code section 25280 *et seq.* (West 1984).

(5) California Coastal Act of 1976, Cal. Pub. Res. Code Section 30000 *et seq.* (West 1986).

(6) The Z'berg-Nejedly Forest Practice Act of 1973, Cal. Pub. Res. Code section 4511 *et seq.* (West 1984).

(7) Cal. Pub. Res. Code section 4656 (West 1984), requiring a permit for mining in State forests.

(f) The following are the California laws that generally interfere with the achievement of the purposes and requirements of SMCRA and are, in accordance with section 504(g) of SMCRA, preempted and superseded. Other California laws may in an individual situation interfere with the purposes and achievements of SMCRA and may be preempted and superseded with respect to the performance standards of §§ 905.815 through 905.828 as they affect a particular coal exploration or surface mining operation by publication of a

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notice to that effect in the FEDERAL REGISTER.

(1) The California Surface Mining and Reclamation Act of 1975, Cal. Pub. Res. Code section 2710 *et seq.* (West 1984), as it relates to coal mining, except to the extent that it regulates other activities that are not regulated by SMCRA.

(2) Cal. Labor Code section 7990 *et seq.* (West Supp. 1988) (licensing of blasters), except as it applies to other activities that are not regulated by SMCRA.

(3) California Solid Waste Management and Resource Recovery Act of 1972, Cal. Gov. Code section 66770 *et seq.* (West 1983), except to the extent that it regulates other activities that are not regulated by SMCRA.

§ 905.701 General.

(a) Sections 700.5, 700.11, 700.12, 700.13, 700.14, 700.15 and part 701 of this chapter shall apply to coal exploration and surface coal mining and reclamation operations in California.

(b) Beginning on the effective date of this program, each surface coal mining and reclamation operation in California shall comply with Subchapter B of this chapter until issuance of a permanent program permit under the provisions of Subchapter C of this chapter.

(c) Records required by § 700.14 of this chapter to be made available locally to the public shall be made available in the OSMRE Albuquerque Field Office.

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

Part 702 of this chapter, *Exemption for Coal Extraction Incidental 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.

[54 FR 52123, Dec. 20, 1989]

§ 905.707 Exemption for coal extraction incidental to government-financed highway or other construction.

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