

Surface Mining Reclamation and Enforcement, Interior

§ 926.16

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.
December 21, 1988 ..	May 11, 1990	ARM 26.4 subchapters 3, definitions and strip mine permit application requirements; 4, mine permit and test pit prospecting permit procedures; 5, backfilling and grading requirements; 6, transportation facilities, explosives and hydrology; 7, topsoiling, revegetation, and protection of wildlife and air resources; 8, alluvial valley floors, prime farmlands, alternate reclamation, and auger mining; 9, underground coal and uranium mining; 10, prospecting; 11, bonding, insurance reporting, and special areas; 12, special departmental procedures; 13, miscellaneous provisions.
June 19, 1990	March 20, 1991, August 19, 1992.	ARM 26.4.724 through 726, .728, .730 through .733, .1301A, .724; ARM 26.4.920, .924 through .927, .930, .932; ARM 26.4 subchapters 3, 5, 8, 11, 12.
October 19, 1992	February 25, 1994 ..	MCA 82-4-203(26).
June 16, 1993, July 28, 1993.	February 1, 1995	MCA 82-4-203, subsections (14), (16), (21), (23), (29), (34), (35), (36), definitions; 82-4-224, surface owner consent; 82-4-226, subsections (1), (2), (3), (5), (6), (8), prospecting permits and notices of intent; 82-4-227, subsections (1), (2), (3), (7) through (13), permit approval/denial criteria.
May 16, 1995	January 22, 1999 ...	MCA 2-15-3501, 2-15-3502, 82-4-203(1) through (35), except (24); MCA 82-4-204; MCA 82-4-205; MCA 82-4-221; MCA 82-4-223; MCA 82-4-226(8); MCA 82-4-227; MCA 82-4-231; MCA 82-4-232(6) and (7); MCA 82-4-235; MCA 82-4-240; MCA 82-4-242; MCA 82-4-251; and MCA 82-4-254(1) through (3). Decision deferred on MCA 82-4-239; MCA 82-4-203(24) disapproved.
March 5, 1996	January 22, 1999 ...	ARM 26.4.301(114); 26.4.410; 26.4.1001; and 26.4.1001A.

[62 FR 9946, Mar. 5, 1997, as amended at 64 FR 3610, 3615, Jan. 22, 1999]

§ 926.16 Required program amendments.

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

(a) [Reserved]

(b) By July 10, 1990, Montana shall submit a proposed revision to its rules at ARM 26.4.301(117) to eliminate the phrase "or for the purpose of developing a test market" from the definition of test pit.

(c) By July 10, 1990, Montana shall submit a proposed revision to its rules at ARM 26.4.404(5)(b) to require that a determination of effects is completed for all properties listed on or eligible for listing on the National Register of Historic Properties.

(d) By July 10, 1990, Montana shall submit a proposed revision to its rules at ARM 26.4.405(6)(1) to correct the cross reference in the rule to cite rule ARM 26.4.1302, governing the use of ex-

isting structures, rather than the deleted rule ARM 26.4.309.

(e) By October 19, 1992, Montana shall:

(1) Submit proposed revisions to ARM 26.4.301(100), or other revision, to include pioneer and construction roadways in the definition of "road";

(2) Submit proposed revisions to ARM 26.4.505 and 26.5.510, or other program revision, to incorporate requirements for the disposal of "waste" on surface mines no less effective than 30 CFR 816.81-816.84 and §816.102(e);

(3) Submit proposed revisions to ARM 26.4.321(3), or other revisions, to specify certification content requirements no less effective than 30 CFR 780.37(b) and §784.24(b);

(4) Submit proposed revisions to ARM 26.4.321, or other revisions, to incorporate application requirements no less effective than 30 CFR 780.37(a) (2), (3), (6) and §784.24(a) (2), (3), (6);

(5) Submit proposed revisions to ARM 26.4.924 and 26.4.932, or other revisions, to specify whether the waste disposal governed by these rules is within or outside mine surface excavations, and to clarify what constitutes a "waste disposal structure";

§ 926.20

(6) Submit proposed revisions to ARM 26.4.924(4), or other revisions, to require that all non-impounding underground development waste disposal structures meet the MSHA requirements at 30 CFR 77.214 and §77.215 and also to clarify what constitutes a “coal waste refuse structure”;

(7) Submit proposed revisions to ARM 26.4.924, or other revisions, to incorporate a requirement no less effective than 30 CFR 817.83(c)(4);

(8) Submit proposed revisions to ARM 26.4.930, or other revisions, to add application requirements that are no less effective than 30 CFR 784.16(e); and

(9) Submit proposed revisions to remove the following parts of this State initiative that the Director is not approving but which have been promulgated by Montana:

ARM 26.4.301(48) and (128), the word “non-coal”; ARM 26.4.305(2)(b) and 26.4.321(3), the phrases “* * *, registered land surveyor, * * * ” and “* * * , or a registered land surveyor, * * * ”; and ARM 26.4.924, subsection ARM 26.4.924(14).

(f)-(j) [Reserved]

(k) By March 23, 1999, Montana shall revise ARM 26.4.301(52), or otherwise modify its program, to require that the definition of “Historically used for cropland” address lands that would have been likely used as cropland for any 5 out of the last 10 years, immediately preceding such acquisition but for the same fact of ownership or control of the land unrelated to the productivity of the land.

(l) By March 23, 1999, Montana shall revise ARM 26.4.1001, ARM 26.4.401, or otherwise modify its program, to provide for public notice and opportunity to comment on prospecting permit applications, regulatory authority decisions on such applications, and notice and hearing requirements on prospecting permit applications, to be no less effective than 30 CFR 772.12(c), (d), and (e), and 772.15.

[49 FR 20287, May 14, 1989, as amended at 55 FR 19736, May 11, 1990; 57 FR 37446, Aug. 19, 1992; 59 FR 9087, Feb. 25, 1994; 60 FR 6013, Feb. 1, 1995; 64 FR 3610, 3615, Jan. 22, 1999]

30 CFR Ch. VII (7-1-00 Edition)

§ 926.20 Approval of Montana abandoned mine land reclamation plan.

The Montana Abandoned Mine Land Reclamation Plan, as submitted on June 16, 1980, and as revised on July 28, 1980, is approved effective November 24, 1980. Copies of the approved plan are available at:

(a) Montana Department of Environmental Quality, 1625 Eleventh Avenue, Helena, MT 59620-1601.

(b) Office of Surface Mining Reclamation and Enforcement, Casper Field Office, 100 East B Street, Room 2128, Casper, WY 82601-1918.

[60 FR 37002, July 19, 1995]

§ 926.21 Required abandoned mine land plan amendments.

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

(a) By March 23, 1999, Montana shall submit a copy of the State’s reorganization of the abandoned mine land reclamation plan, as well as all statutes and rules relating to the abandoned mine land reclamation plan revised subsequent to the final rule published in the FEDERAL REGISTER dates July 19, 1995 (60 FR 36998).

(b) [Reserved].

[64 FR 3610, Jan. 22, 1999]

§ 926.25 Approval of Montana abandoned mine land reclamation plan amendments.

(a) Montana certification of completing all known coal-related impacts is accepted, effective July 9, 1990.

(b) 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.