

Surface Mining Reclamation and Enforcement, Interior

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Original amendment submission date	Date of final publication	Citation/description
February 21, 1989, August 17, 1989.	December 26, 1989	CSMC 80-1-20-41(d)(1), -42(a)(1).
March 29, 1989, April 26, 1989.	April 26, 1990	CSMC 80-1-20-83(b), -89(d)(2), -103(a)(1); 80-1-29-11(a); 80-1-33-11, -14, -15(e)(1).
May 25, 1989	November 23, 1990	CSMC 80-1-1-5, definitions of "affected area," "self-bond"; 80-1-8-20; 80-1-9-16; 80-1-14-23(d)(2), -40(a)(2); 80-1-20-97(b), (c); 80-1-31-21 through -24; July 12, 1990 Policy Statement.
July 22, 1989	February 26, 1991 ..	CSMC 80-1-1-5, definition of "other treatment facilities;" 80-1-20-41(f), -46, (a), -49.
April 24, 1990	June 21, 1991	CSMC 80-1-20-42(a)(8), -133(c).
March 15, 1990	December 31, 1991	CSMC 80-1-1-5, definitions of "cumulative impact area," "previously mined area," "excess spoil," "impoundment," "coal processing waste," "coal processing waste bank;" 80-1-2-11(f), -12(b)(2); 80-1-4-15(b); 80-1-6-10, -11(b)(5), -12(b)(7), -13(d); 80-1-8-14(b)(1)(vi), -15(c), -16(b)(3), -24, -27(a); 80-1-9-13(f), -14(c), -21(b) through (d); 80-1-10-13, (a), (c), (e), -17(a)(1)(i), (6); 80-1-11-11(a)(3), -15(a), (b), -19(c), -27(e); 80-1-13-11(a), -12(c), (d), -18(c)(3), (d), (e); 80-1-20-11(f), -41(a), -43(a), -44(a), (c), -52(a), (b), -57(a)(1), (2), -61 through -68, -71(f), (j), (k), -82(a), -91(c), -97(d)(10), -102(a), (f), (g), -111(c), -112(c), (d); 80-1-24-11(c), -12(a)(1), -15(c)(2) through (6); 80-1-26-12(c); 80-1-29-16(a); 80-1-30-13(d); 80-1-31-17(b)(1), 18(b)(1); Policy Statement for Records and Retention.
July 9, 1991	April 13, 1992	CSMC 80-1-20-42(a)(4)(ii), (a)(8).
November 22, 1991 ..	June 23, 1992	CSMC 80-1-20-72(d), -83(b).
January 16, 1991	December 17, 1993	CSMC 80-1-1-5, definition of "owned or controlled and owns and controls;" 80-1-4-15(b)(2); 80-1-7-13(a) through (j); -14(a) through (d); 80-1-9-21(c), -25(b), (c), (e), -37(a) through (e), -39(b), -40; 80-1-11-17(c), (2), (3), (d), (e), -19(i), -20(a), (b)(1), (i), (iii), (2), (i), (ii), (3), (c), (1) through (4), -24(a), (b), (c), -29(d); 80-1-19-15(c)(2), (3), (4), -17(a), (b); 80-1-20-91(c), -93(a), (c), (d), (e), -116(a), (b)(1), (3), (6), (7), (d) through (d)(3), -117(a) through (d), (1), (2), (3)(i), -121(a), -124, -150(a)(2)(i), (iii), (b)(9), (c), (e)(1), (g)(5), (6), (7), -151(a), (b)(2), (c)(1), (6); 80-1-30-11(b), (l); NMSA 69-25A-31.
October 26, 1994	February 15, 1995 ..	CSMC 80-1-34-1 through 10.
January 22, 1996	May 29, 1996	CSMC 80-1-1-5 definitions of "Applicant/violator system" or "AVS," "Federal violation notice," "Ownership or control link," "State violation notice," and "Violation notice;" "Drinking, domestic, or residential water supply," "Material damage," "Noncommercial building," "Occupied residential dwelling and associated structures," "Replacement of water supply;" "OSM," "Qualified Laboratory," "Road," "SMCRA;" 80-1-4-15(b)(1); 80-1-7-14(c) (1) through (5); 80-1-9-25(a)(2), (3), (c), -39(a) (1) through (6), (b), (c)(1) through (9); 80-1-11-17(c), (d), -19(i), -20(b)(1), (ii), (3), (c)(1), (2), (d), (e), -24(a), -29(d), -31(a) through (d), -32(a) through (c), -33 (a) through (d), -34(a) through (d); 80-1-19-15(c)(2), (3), (iii), (4); 80-1-20-41(e)(3)(i), -49(d), (e)(1) through (11), (f)(2), (g)(4), (5), -82(a)(4), -89(d)(2), -93(a)(1), -97(b), (c), -116(b)(1), (5), (6), -117, (c)(1), (3), (4), (d)(2), (3)(i), -124(a) through (d), -125(a) through (e), -127, -150(c).
January 6, 1998	June 8, 1998	19 NMAC 8.2, Subparts 1 through 34 (recodification).
March 11, 1996	April 10, 2000	19 NMAC 8.2 813.K (1) through (3); 813.L; 1106.C; 1412.A(2) (i) through (vii); 2054.A (1), (2), (3), and (5); 2055.C(1); 2076.B; and 2077.A.

[62 FR 9947, Mar. 5, 1997, as amended at 63 FR 31113, June 8, 1998; 65 FR 18894, Apr. 10, 2000]

§ 931.16 Required program amendments.

Pursuant to 30 CFR 732.17, New Mexico is required to submit for OSM's approval the following proposed program amendments by the dates specified.

(a)-(d) [Reserved]

(e) By February 15, 1994, New Mexico shall submit to OSM a proposed revision to CSMC Rule 80-1-9-37(c), or to its definition of "intermittent stream" at CSMC Rule 80-1-1-5, or otherwise amend its program to provide protection no less effective than the Federal provisions at 30 CFR 780.37(a)(2), (a)(3),

and (a)(5) and 784.24(a)(2), (a)(3), and (a)(5) for streams that drain watersheds 1 square mile or greater in area and that flow only in direct response to surface runoff from precipitation or melting snow or ice.

(f)-(l) [Reserved]

(m) By February 15, 1994, New Mexico shall submit to OSM proposed revisions to CSMC Rule 80-1-20-116(a) to:

(1) Require that revegetation success be based on the general revegetation requirements at CSMC Rules 80-1-20-111 and 112,

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(2) Specifically identify the technical guidance procedures published by USDA that may be used, and

(3) Require that all standards for success and measuring techniques be approved by the Director of OSM for inclusion in New Mexico's approved regulatory program.

(n) By February 15, 1994, New Mexico shall submit to OSM proposed revisions to CSMC Rule 80-1-20-116(b)(1), or otherwise amend its program, to require that all revegetation success standards and measuring techniques be approved by the Director of OSM as well as the Director of MMD.

(o) By February 15, 1994, New Mexico shall submit to OSM proposed revisions to CSMC Rule 80-1-20-116(b)(7) to provide ground cover requirements for lands to be developed for recreation and shelterbelts.

(p)-(t) [Reserved]

(u) By February 15, 1994, New Mexico shall submit to OSM proposed revisions to CSMC Rules 80-1-20-150(e)(1), or to its definition of "intermittent stream" at CSMC Rule 80-1-1-5, or otherwise amend its program to provide protection no less effective than the Federal provisions at 30 CFR 816.150(d)(1) and 817.150(d)(1) for streams that drain watersheds 1 square mile or greater in area and that flow only in direct response to surface runoff from precipitation or melting snow or ice.

(v) By February 15, 1994, New Mexico shall submit to OSM a proposed revision to CSMC Rules 80-1-20-151(b)(2) and (c)(6), or to its definition of "intermittent stream" at CSMC Rule 80-1-1-5, or otherwise amend its program to provide protection no less effective than the Federal provisions at 30 CFR 816.151(c)(2) and (d)(6) and 817.151(c)(2) and (d)(6) for streams that drain watersheds 1 square mile or greater in area and that flow only in direct response to surface runoff from precipitation or melting snow or ice.

(w) By November 25, 1996, New Mexico shall submit revisions at CSMC Rule 80-1-1-5, for the definitions of "Material damage" and "Occupied residential dwelling and associated structures" to include references in these definitions to CSMC Rules 80-1-20-121, 125, and 127.

(x) By November 25, 1996, New Mexico shall submit revisions at CSMC Rule 80-1-9-29(e)(5) and CSMC Rules 80-1-20-49(d), (f)(2), and (g)(4) and (5), to incorporate the requirements pertaining to those structures that meet or exceed the Class B or C criteria for dams in TR-60.

(y) By November 25, 1996, New Mexico shall submit revisions at CSMC Rule 80-1-11-20(b)(1) to violations review criteria that the Director of the New Mexico program would use to determine what specific unabated violations, delinquent penalties and fees, and ownership and control relationship applied at the time a permit was issued.

(z) By November 25, 1996, New Mexico shall submit revisions at CSMC Rule 80-1-20-116(b)(6) to either

(1) Identify selected husbandry practices and submit them with documentation verifying that the proposed practices would be considered normal in the areas being mined or

(2) State that selected husbandry practices approved by the Director may not be implemented prior to approval from OSM in accordance with the State program amendment process at 30 CFR 772.17.

(aa) By November 25, 1996, New Mexico shall submit revisions at CSMC Rule 80-1-20-127 to clearly require adjustment of the bond amount when subsidence-related contamination, diminution, or interruption to a water supply occurs.

[55 FR 48841, Nov. 23, 1990, as amended at 56 FR 28486, June 21, 1991; 56 FR 67527, Dec. 31, 1991; 57 FR 12723, Apr. 13, 1992; 58 FR 65929, Dec. 17, 1993; 61 FR 26836, May 29, 1996; 65 FR 18894, Apr. 10, 2000]

§931.20 Approval of the New Mexico abandoned mine reclamation plan.

The New Mexico Abandoned Mine Reclamation Plan as submitted on September 29, 1980, and amended February 4, 1981, is approved. Copies of the approved program are available at the following locations:

(a) Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 505 Marquette NW., suite 1200, Albuquerque, NM 87102.

(b) Mining and Minerals Division, Energy, Minerals and Natural Resources