

Surface Mining Reclamation and Enforcement, Interior

§ 946.12

12. Executive Order 11990 (May 24, 1977), for wetlands protection.

13. The Mineral Leasing Act for Acquired Lands, 30 U.S.C. 351 *et seq.*, and implementing regulations.

14. The Stock Raising Homestead Act of 1916, 43 U.S.C. 291 *et seq.*

15. The Constitution of the United States.

16. Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.*

17. 30 CFR Chapter VII.

18. The Constitution of the State of Utah.

19. Utah Code Annotated 40-10-1 *et seq.*

20. Utah Code Annotated 40-8-1 *et seq.*

21. Utah Coal Mining and Reclamation Permanent Program, Chapters I and II, Final Rules of the Board of Oil, Gas and Mining, UMC/SMC 700 *et seq.*

[52 FR 7850, Mar. 13, 1987]

PART 946—VIRGINIA

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

§ 946.1 Scope.

This part contains all rules applicable only within Virginia that have been adopted under the Surface Mining Control and Reclamation Act of 1977.

[46 FR 61114, Dec. 15, 1981]

§ 946.10 State regulatory program approval.

The Virginia regulatory program, as submitted on March 3, 1980, as amended and clarified on June 16, 1980, as resubmitted on August 13, 1981, and as clarified in a meeting with OSMRE on September 21 and 22, 1981, and in a letter to the director of the Office of Surface Mining on October 15, 1981, is conditionally approved, effective December 15, 1981. Effective January 1, 1985, the Department of Mines, Minerals and En-

ergy replaces the Department of Conservation and Economic Development as the regulatory authority in Virginia for all surface coal mining and reclamation operations and all exploration operations on non-Federal and non-Indian lands. Copies of the approved program as amended are available for review at the following locations:

(a) Virginia Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, Virginia 24219.

(b) Office of Surface Mining Reclamation and Enforcement, Big Stone Gap Field Office, P.O. Drawer 1216, Powell Valley Square Shopping Center, room 220, Route 23, Big Stone Gap, Virginia 24219.

[51 FR 42554, Nov. 25, 1986, as amended at 59 FR 17930, Apr. 15, 1994]

§ 946.11 Conditions of State regulatory program approval.

The approval of the Virginia State program is subject to the State revising its program to correct the deficiencies listed in this section. The program revisions may be made, as appropriate, to the statute, the regulations, the program narrative, or the Attorney General's opinion. This section indicates, for the general guidance of the State, the component of the program to which the Secretary recommends the change be made.

[46 FR 61114, Dec. 15, 1981, as amended at 47 FR 31550, July 21, 1982; 47 FR 55678, Dec. 13, 1982; 48 FR 25186, June 6, 1983; 48 FR 46031, Nov. 11, 1983; 49 FR 19478, May 8, 1984]

§ 946.12 State program provisions and amendments disapproved.

(a) The following provisions are disapproved effective April 22, 1983: Paragraphs 3.01(a)(1), 3.01(a)(4) and 3.01(a)(5) of the Virginia Coal Surface Mining and Reclamation Regulations for Operations Disturbing Two Surface Acres or Less.

(b) The following provisions of the coal surface mining reclamation regulations promulgated pursuant to Chapter 19, Title 45.1 of the Code of Virginia (1950), as submitted on November 8, 1985, as hereby disapproved:

(1) The definition of "affected area" in section 480-03-19.700.5 to the extent

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that it could be interpreted as excluding all public roads with more than incidental public use;

(2) Section 480-03-19.761.11(h), which prohibits mining on certain Federal lands, in its entirety; and

[50 FR 32851, Aug. 15, 1985, as amended at 51 FR 42554, Nov. 25, 1986; 52 FR 26973, July 17, 1987]

§ 946.13 State program provisions set aside.

(a) Paragraphs 3.01(a)(1), 3.01(a)(4) and 3.01(a)(5) of the Virginia Coal Surface Mining and Reclamation Regulations for Operations Disturbing Two Surface Acres or Less are inconsistent with and less effective than the Federal provisions for the two-acre exemption and are set aside in their entirety

under the provisions of section 505(b) of the Surface Mining Control and Reclamation Act of 1977.

(b) [Reserved]

[50 FR 32851, Aug. 15, 1985]

§ 946.15 Approval of Virginia 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 |
|------------------------------------|--------------------------------------|---|
| January 28, 1982 | July 21, 1982 | Virginia's revised policy statement granting authority to field inspectors to issue cessation orders for imminent danger or harm. |
| July 9, 1982 | August 19, 1982 | VA Code §§ 33.1-246.1; V816.150, V817.150. |
| July 8, 1982 | September 21, 1982 | VA Code §§ 45.1-270.1 through .7; V808.15, V809, reference changes to remainder of Subchapter VJ. |
| August 13, 1982 | December 13, 1982 | VA Code § 45.1-235(C); conditions (a) through (j), (l) through (p), (s). |
| September 30, 1982 | January 18, 1983 | § V809. |
| December 20, 1982 | February 28, 1983 | § V809.11. |
| March 22, 1983 | April 21, 1983, June 6 and 20, 1983. | VA Code §§ 45.1-234, 240, 249, 251. |
| July 9, 1982 | April 22, 1983 | Chapter 23 of Title 45. |
| May 20, 1983 | December 27, 1983 | VA Code §§ 45.1-270.2 through .4; Part V809. |
| July 27, 1983 | March 16, 1984 | Coal haul road policy. |
| February 10, 1984 | May 8, 1984 | § V786.19(o). |
| April 11, 1984 | August 2, 1984 | Subchapter VM Part V850—Blaster certification program; §§ V816/817.61(c); Chapter 230 of the 1984 Acts of Assembly; and all other items. |
| June 13, 1984 | August 31, 1984 | Chapter 590 of the 1984 Acts of Assembly to revise various Sections of Title 45. |
| February 20, 1985 | May 8, 1985 | VA Code §§ 45.1-244, 369.1. |
| May 1985 | August 15, 1985 | VA Code §§ 45.1-364, 364.1. |
| September 4, 1985 | November 18, 1985 | V700.5—definitions of "coal preparation or coal processing," "coal preparation plant". |
| November 8, 1985 | November 25, 1986 | VR 480-03-19: 700 through 850; techniques for measuring revegetation success; applications for a permit revision. |
| March 20, 1987 | July 17, 1987 | VR 480-03-19: 784.20(f)(2); 817.121(c)(2). |
| January 16, 1987 | August 17, 1987 | VR 480-03-19.801.13(a)(2), .17(a). |
| June 15, 1987, July 2, 1987. | December 31, 1987 | VA Code §§ 45.1-270.3:1, .4, .5:1, .6B; VR 480-03-19.801.12(a). |
| September 1, 1987 | March 7, 1988 | VR 480-13-19.789.1(e); measurement techniques for determining ground cover on small areas; sampling techniques for measuring productivity of grazing land, pasture land, and crop land; VR 480-03-19: .843.15, .845.17(b), .18(b)(1). |
| September 10, 1987 | June 16, 1988 | VR 480-03-19: 700.5 defining "abatement plan," "actual improvement," "baseline pollution load," "best professional judgment," "best technology," "pollution abatement area," 785.19; 825. |
| June 30, 1989 | December 1, 1989 | VR 480-03-19: 700.11; 764.15, 773.15; 779.19, .20; 780.14, .16; 783.19, .20; 784.20, .21; 785.14; 801.17; 816.97; 817.97; 840.11; 846, .2, .12; 846.14, .17, .18. |
| July 5, 1989 | February 2, 1990 | VA Code §§ 45.1-270.2, .3. |
| April 6, 1988 | February 5, 1990 | VR 480-03-19: 700.5; 772.12(b)(8)(iv); 773.12, .15(c)(11), (12); 779.12(b), .24(j); .780.31; 783.12(b), .24(j); 784.17; 785.13(b)(2), .14(c)(1), .16(a)(1); 800.52; 816/817.116(b)(3)(v)(C); 842.15(d); 843.12(j), .13(f); revegetation success standard. |
| August 31, 1990 | December 7, 1990 | VA Code § 45.1-270.4:1. |
| September 12, 1990 | December 26, 1990 | VR 480-03-19: 784.20; 817.121. |
| June 29, 1990 | January 4, 1991 | VR 480-03-19: 700.5; 773.15, .17, .20, .21; 778.13, .14; 843.11, .13. |
| April 5, 1991, May 1, 1991. | August 5, 1991 | VR 480-03-19: 801.11(a), .12(a), (b), (g), .14(a) through (d), .15(a); VA Code §§ 45.1-261.1, 270.3, .3:1, .4, .4:1. |