

**§ 946.13**

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

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.

**Surface Mining Reclamation and Enforcement, Interior**

**§ 946.20**

Original amendment submission date	Date of final publication	Citation/description
October 1, 1990 .....	July 7, 1992 .....	VR 480-03-19: 700.5 definitions—"Road," "Support Facilities," .11(a), (4), (d); 701.11(a) through (c); 702.5 defining Exemption for Coal Extraction Incidental to the Extraction of Other Minerals, .11 through .18; 772.11(a), (b)(3), .12(a), (b)(3), (d), .14(a), (b); 773.11(a); 780.25(c), .37(a) through (e), .38; 784.16(c), .24(a) through (e), .30; 785.17(e)(5), .21(a); 800.60(b); 815.2, .15(b); 816.46(c)(2), .49(a)(1), (3)(i), (5), (8), (9), (b)(7), (c)(2), .84(b)(2), (f), .116(b)(3)(i), (ii), (iv)(C), (c)(2), .150(a) through .150(e), (f)(1), .151(a)(1), (2), (c), (d)(1), (2), (4), (5), (6); 817.46(c)(2), .49(a)(1), (3)(i), (5), (8), (9), (b)(7), (c)(2), .84(b)(2), (f), .116(b)(3)(i), (ii), (iv)(C), (v)(C), (c)(2), .150(a) through (e), (f)(1), .151(a), (c), (d)(1), (2), (4), (5), (6); 823.11(b), .12(c)(2), .14(d); 827.1; 843.11(a)(2).
May 6, 1993 .....	September 24, 1993	VA Code §§ 45.1-243, -258.
October 22, 1993 .....	September 27, 1994	VR 480-03-19.816/817: .49(a)(3)(ii), .116(b)(3)(v)(A), (c)(3), .151(b), .152.
October 31, 1994 .....	August 8, 1995 .....	VR 480-03-19.816/817.102(e)(1), (2).
October 13, 1995 .....	May 29, 1996 .....	VR 480-03-19.816.102(e), .817.102(e).
April 17, 1996 .....	August 19, 1996 .....	VA Code § 45.1-243B; VR 480-03-19.784.14(g); 817.41(i)(3), (i)(3)(i), (ii).
May 28, 1996 .....	September 4, 1996	VA 480-03-19.700.5 concerning definitions of "Lands eligible for remaining," "Un-anticipated event or condition;" 773.15(b)(4), (c)(14); 785.25; 816/817.116(c)(2)(i), (ii).
May 21, 1996 .....	September 17, 1997, and November 12, 1997.	VA Code §§ 480-03-19.700.5; 784.14, 20; 817.41, 121.
December 1, 1997 .....	June 24, 1998 .....	VA Code Sections 701.5; 779.22 [deletion], .25(k) [deletion]; 780.23, .25(a), (a)(2)(a)(3), (b), (c)(3), (f), 35(b); 783.25(k) [deletion]; 784.15, .16(a), (a)(2), (a)(3), (b), (c)(3), (f), .23(c); 800.40(a)(3); 816.46(a)(2), (b)(3), (b)(5), (c)(2), .49(a)(1), (a)(4)(i) & (ii), (5), (6), (9), (11), (c)(2), .74(a) through (g), .81(a), (c)(3) [deletion], .89(d) [deletion], .104, .105; 817.46(a)(2), (b)(3), (b)(5), (c)(2), .49(a)(1), (a)(4)(i) & (ii), (5), (6), (9), (11), (c)(2), .74(a) through (g), .81(a), (c)(3) [deletion], .89(d) [deletion]; 840.11(f)(2) & (g)(4), (h); 843.14(a)(2); 845.17(b) through (b)(2)(ii), .18(a), (b) through (b)(3)(ii), (d)(1) & (2), .19(a) and 846.17(b)(3) [deletion] and (c).
July 31, 1997 .....	May 3, 1999 .....	Code of Virginia at § 45.1-241(C) concerning letter of credit.
November 17, 1998 ..	December 13, 1999	Policy clarification for implementing 4 VAC 25-130-774.13(d).
August 2, 1999 .....	December 27, 1999	Statute: 45.1-235 C of the Code of Virginia. Regulations: 4 VAC 25-130-700.5; 795.1; 795.6(a)(2); 795.7(e)(2) [deleted], and (e)(5) [deleted]; 795.8(a) and (b); 795.9(a), (b)(1) through (b)(6); 795.10(a)(5), (b), (c) [deleted] and (d) [deleted]; 795.11(b); 795.12(a), (a)(2), (a)(3), (b) [deleted], and (c) [deleted].
November 24, 1998 ..	February 7, 2000 ....	Policy clarification for implementing 4 VAC 25-130-816/817.76.

[62 FR 9956, Mar. 5, 1997, as amended at 62 FR 60660, Nov. 12, 1997; 63 FR 34286, June 24, 1998; 64 FR 23544, May 3, 1999; 64 FR 69402, Dec. 13, 1999; 64 FR 72280, Dec. 27, 1999; 65 FR 5784, Feb. 7, 2000]

**§ 946.16 Required regulatory program amendments.**

Pursuant to 30 CFR 732.17, Virginia is required to submit the following proposed program amendments by the dates specified:

- (a) By July 2, 1999, Virginia must submit either a proposed amendment or a description of an amendment to be proposed, together with a timetable for adoption, to revise the Virginia program regulations, or otherwise amend the Virginia program, to be no less effective than the Federal regulations at 30 CFR 800.5(b), and 30 CFR 800.21(b)(2) concerning letters of credit.
- (b)-(c) [Reserved]

[51 FR 42554, Nov. 25, 1986, as amended at 53 FR 7183, Mar. 7, 1988; 55 FR 3738, Feb. 5, 1990; 56 FR 370, Jan. 4, 1991; 61 FR 26839, May 29, 1996; 64 FR 23545, May 3, 1999]

**§ 946.20 Abandoned mine land reclamation plan approval.**

Virginia Abandoned Mine Land Reclamation Plan as submitted on September 22, 1980, is approved effective December 15, 1981. Copies of the approved plan 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 42555, Nov. 25, 1986, as amended at 59 FR 17930, Apr. 15, 1994]