



4310-05-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 925

[SATS No. MO-048-FOR; Docket ID: OSM-2019-0001 S1D1S SS08011000

SX064A000 190S180110; S2D2S SS08011000 SX064A000 19XS501520]

Missouri Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing receipt of a proposed amendment to the Missouri regulatory program (Missouri program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). As a result of Missouri's Red Tape Reduction Initiative (Executive Order 17-03), Missouri proposes amendments and rescissions to its Missouri Coal Mining Regulations in order to reduce the volume of these regulations without reducing the program's requirements. Missouri proposes amendments to multiple sections of its regulations to incorporate by reference the corresponding Federal regulations. Missouri also proposes to rescind multiple sections of its regulations that will be incorporated by reference in the aforementioned proposed amended sections. Missouri intends these revisions to its program to remain as effective as the Federal regulations.

This document gives the times and locations where the Missouri program documents and this proposed amendment to that program are available for your inspection, establishes the comment period during which you may submit written comments on the amendment, and describes the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4:00 p.m., CST, [INSERT DATE 30 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER]. If requested, we will hold a public hearing on the amendment on [INSERT DATE 25 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. We will accept requests to speak at a hearing until 4:00 p.m., CST on [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may submit comments, identified by SATS No. MO-048-FOR, by any of the following methods:

- *Mail/Hand Delivery:* Paul Ehret, Acting Chief, Alton Field Division, Office of Surface Mining Reclamation and Enforcement, 501 Belle Street, Suite 216, Alton, Illinois 62002-6169.
- *Fax:* (618) 463-6470
- *Federal eRulemaking Portal:* The amendment has been assigned Docket ID OSM-2019-0001 If you would like to submit comments go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the “Public Comment Procedures” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to review copies of the Missouri program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you must go to the address listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSMRE’s Alton Field Division, or the full text of the program amendment is available for you to review at www.regulations.gov.

Paul J. Ehret, Acting Chief

Alton Field Division

Office of Surface Mining Reclamation and Enforcement

501 Belle Street, Suite 216

Alton, Illinois 62002-6169

Telephone: (618) 463-6463

Email: pehret@osmre.gov

In addition, you may review a copy of the amendment during regular business hours at the following location:

Land Reclamation Program

Missouri Department of Natural Resources

1101 Riverside Drive

Jefferson City, MO 65102-0176

Telephone: (573) 751-4041

FOR FURTHER INFORMATION CONTACT: Paul J. Ehret, Acting Chief, Alton Field Division. Telephone: (618) 463-6463, Email: pehret@osmre.gov.

SUPPLEMENTARY INFORMATION:

- I. Background on the Missouri Program
- II. Description of the Proposed Amendment
- III. Public Comment Procedures
- IV. Procedural Determinations

I. Background on the Missouri Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Missouri program effective November 21, 1980. You can find background information on the Missouri program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Missouri program in the November 21, 1980, Federal Register (47 FR 77027). You can also find later actions concerning the Missouri program and program amendments at 30 CFR 925.10, 925.12, 925.15, and 925.16.

II. Description of the Proposed Amendment

By letter dated February 8, 2019 (Administrative Record No. MO-684), Missouri sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*) at its own initiative. Below is a summary of the changes proposed by Missouri. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

Missouri proposes to amend the following sections of the Missouri Coal Mining Regulations to incorporate by reference to corresponding Federal regulations:

10 CSR 40-3.060—Requirements for the Disposal of Excess Soil

10 CSR 40-3.170—Signs and Markers for Underground Operations

10 CSR 40-4.020—Auger Mining Requirements

10 CSR 40-4.040—Operations on Steep Slopes

10 CSR 40-4.060—Concurrent Surface and Underground Mining

10 CSR 40-4.070—In Situ Processing

10 CSR 40-6.100—Underground Mining Permit Applications – Minimum Requirements
for Legal, Financial, Compliance, and Related Information

Missouri proposes to rescind the following sections of the Missouri Coal Mining Regulations as they have been incorporated in the aforementioned proposed amended sections:

10 CSR 40-3.180—Casing and Sealing of Exposed Underground Openings

10 CSR 40-3.190—Requirements for Topsoil Removal, Storage and Redistribution for

Underground Operations

10 CSR 40-3.200—Requirements for the Protection of the Hydrologic Balance for

Underground Operations

10 CSR 40-3.210—Requirements for the Use of Explosions for Underground Operations

10 CSR 40-3.220—Disposal of Underground Development Waste and Excess Spoil

10 CSR 40-3.230—Requirements for the Disposal of Coal Processing Waste for

Underground Operations

10 CSR 40-3.240—Air Resource Protection for Underground Operations

10 CSR 40-3.250—Requirements for the Protection of Fish, Wildlife and Related

Environmental Values and Protection of Fish, Wildlife and Related

Environmental Values and Protection Against Slides and Other

Damage

10 CSR 40-3.260—Requirements for Backfilling and Grading for Underground

Operations

10 CSR 40-3.270—Revegetation Requirements for Underground Operations

10 CSR 40-3.280—Requirements for Subsidence Control Associated with Underground

Mining Operations

10 CSR 40-3.290—Requirements for Road and Other Transportation Associated with

Underground Operations

10 CSR 40-3.300—Postmining Land Use Requirements for Underground Operations

10 CSR 40-3.310—Coal Recovery, Land Reclamation and Cessation of Operation for

Underground Operations

10 CSR 40-6.110—Underground Mining Permit Applications Minimum Requirements
for Information on Environmental Resources

10 CSR 40-6.120—Underground Mining Permit Applications Minimum Requirements
for Reclamation and Operations Plan

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Electronic or Written Comments

If you submit written comments, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final program will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire

comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., CST on [Insert date 15 days after date of publication in the FEDERAL REGISTER]. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please

request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

Pursuant to Office of Management and Budget (OMB) Guidance and dated October 12, 1993, the approval of state program amendments is exempted from OMB review under Executive Order 12866.

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSMRE for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the Federal Register indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 925

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 15, 2019.

Alfred L. Clayborne, Regional Director

Mid-Continent Region

[FR Doc. 2019-08866 Filed: 4/30/2019 8:45 am; Publication Date: 5/1/2019]