

Surface Mining Reclamation and Enforcement, Interior

§ 935.10

ARTICLE XV: RESERVATION OF RIGHTS

In accordance with 30 CFR 745.13, this Agreement shall not be construed as waiving or preventing the assertion of any rights that have not been expressly addressed in this Agreement that the State or the Secretary may have under other laws or regulations, including but not limited to those listed in appendix A.

ARTICLE XVI: DEFINITIONS

Terms and phrases used in this Agreement which are defined in 30 CFR part 700, 701 and 740 shall be given the meanings set forth in those definitions.

Approved:

James G. Watt,
Secretary of the Interior.

Dated: August 11, 1983.

Allen I. Olson,
Governor of North Dakota.

Dated: August 30, 1983.

Bruce Hagen,
President, North Dakota Public Service Commission.

Dated: August 30, 1983.

Leo M. Reinbold,
Commissioner, North Dakota Public Service Commission.

Dated: August 30, 1983.

Dale Sandstrom,
Commissioner, North Dakota Public Service Commission.

Dated: August 30, 1983.

APPENDIX A

1. The Federal Land Policy and Management Act, 43 U.S.C. 1701, *et seq.*, and implementing regulations.
2. The Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.*, and implementing regulations including 30 CFR part 211 *et seq.*
3. The National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*, and implementing regulations including 40 CFR 1500 *et seq.*
4. The Endangered Species Act, 16 U.S.C. 1531 *et seq.*, and implementing regulations including 50 CFR part 402.
5. The National Historic Preservation Act of 1966, 16 U.S.C. 470, *et seq.*, and implementing regulations, including 36 CFR part 800.
6. The Clean Air Act, 42 U.S.C. 7401, *et seq.*, and implementing regulations.
7. The Federal Water Pollution Control Act, 33 U.S.C. 1251, *et seq.*, and implementing regulations.
8. The Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 *et seq.*, and implementing regulations.
9. The Reservoir Salvage Act of 1960, amended by the Preservation of Historical

and Archaeological Data Act of 1974, 16 U.S.C. 469, *et seq.*

10. Executive Order 11593, Cultural Resource Inventories on Federal Lands.

11. Executive Order 11988 (May 24, 1977), for flood plain protection. Executive Order 11990 (May 24, 1977), for wetlands protections.

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

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

14. The Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa., *et seq.*

15. The Constitution of the United States.

16. The Constitution of the State of North Dakota, State law, and rules.

[48 FR 41395, Sept. 15, 1983, as amended at 53 FR 11501, Apr. 7, 1988]

PART 935—OHIO

Sec.

935.1 Scope.

935.10 State regulatory program approval.

935.11 Conditions of State regulatory program approval.

935.12 State statutory, regulatory, and proposed program amendments not approved.

935.15 Approval of Ohio regulatory program amendments.

935.16 Required regulatory program amendments.

935.20 Approval of Ohio abandoned mine land reclamation plan.

935.25 Approval of Ohio abandoned mine land reclamation plan amendments.

935.30 State-Federal Cooperative Agreement.

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

§ 935.1 Scope.

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

[47 FR 34717, Aug. 10, 1982]

§ 935.10 State regulatory program approval.

The Ohio State regulatory program as submitted on February 29, 1980, and resubmitted on January 22, 1982, is conditionally approved, effective August 16, 1982. Beginning on that date, the Department of Natural Resources shall be deemed the regulatory authority in Ohio for all surface coal mining and reclamation operations on non-Indian and non-Federal lands. Only surface

§ 935.11

30 CFR Ch. VII (7-1-21 Edition)

coal mining and reclamation operations on non-Indian and non-Federal lands shall be subject to the provisions of the Ohio permanent regulatory program. Copies of the approved program, as amended, are available at:

(a) Ohio Department of Natural Resources, Division of Reclamation, Building H-2, 1855 Fountain Square Court, Columbus, Ohio 43224.

(b) [Reserved]

[48 FR 23193, May 24, 1983, as amended at 59 FR 17930, Apr. 15, 1994]

§ 935.11 Conditions of State regulatory program approval.

The approval of the Ohio 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 requires the change be made.

(a)-(e) [Reserved]

(f) Steps will be taken to terminate the approval found in § 935.10.

(g) [Reserved]

(h) Steps will be taken to terminate the approval found in § 935.10:

(1) Unless Ohio submits to the Secretary by September 30, 1985, a revised program amendment that demonstrates how the alternative bonding system will assure timely reclamation at the site of all operations for which bond has been forfeited.

(i)-(j) [Reserved]

(k) Steps will be initiated to terminate the approval found in § 935.10.

(l)-(m) [Reserved]

[47 FR 34717, Aug. 10, 1982, as amended at 48 FR 1958, Jan. 17, 1983; 48 FR 23193, May 24, 1983; 48 FR 46027, Oct. 11, 1983; 48 FR 46531, Oct. 13, 1983; 49 FR 18482, May 1, 1984; 49 FR 37590, Sept. 25, 1984; 49 FR 43953, Nov. 1, 1984; 50 FR 25710, June 21, 1985]

§ 935.12 State statutory, regulatory, and proposed program amendments not approved.

(a) In OAC 1513-3-07(A), we are not approving the following sentence: "A petition for leave to intervene must be filed at least ten days prior to the beginning of an evidentiary hearing on the merits of an appeal, unless waived by the commission for extraordinary cause."

(b) In OAC 1513-3-07(D) (4), we are not approving the deletion of the following sentence: "The effect of intervention on the agency's implementation of its statutory mandate."

[83 FR 43983, Aug. 29, 2018]

§ 935.15 Approval of Ohio 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
September 16, 1982 October 13, 1982	January 17, 1983 ... January 31, 1983, July 22, 1983.	OAC:13-1-01. OAC 1501:13-1-02(E), -07; 13-4-03 through -05.
January 6, 1983	May 24, 1983	ORC as amended by SB 240 and 323.
June 10, 1983, August 11, 1983, August 22, 1983.	October 6, 1983	OAC 1501:13-1-02; 13-4-04, -05, -13, -14; 13-9-04; 13-12-03, -04.
July 18, 1983	October 13, 1983 ...	ORC 1513:01(G)(2), (U); -13(A)(1), (C)(1), (3).
January 30, 1984	April 23, 1984	OAC 1501:13-4-13(K)(1).
February 8, 1984	May 1, 1984	OAC 1501:13-9-15(E)(5); ORC:1513-101(J), (k), (L).
December 28, 1983 ..	June 5, 1984	OAC 1501:13-14-01.
March 5, 1984	August 8, 1984	OAC 1501:13-14-05.
June 15, 1984	September 25, 1984	OAC 1501:13-4-04(I), (L), -13(I), (J), (L); 13-9-04(B)(5), (G)(15); and Division Advisory Memo No. 31.
July 23, 1984	November 1, 1984 ..	ORC contained in Substitute House Bill No. 164.
March 9, 1984	November 7, 1984 ..	OAC 1501:13-4-13(E)(2).
September 17, 1984	December 31, 1984	OAC 1501:13-2-15.
July 10 and 23, 1984	March 18, 1985	OAC 1501:13-9-06.