

cross-section references within the Pennsylvania Surface Mining Conservation and Reclamation Act (PA SMCRA).

EFFECTIVE DATE: October 2, 2003.

FOR FURTHER INFORMATION CONTACT:

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I. Background on the Pennsylvania 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 State program includes, among other things, "a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of the Act * * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to the Act." See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Pennsylvania program on July 30, 1982. You can find background information on the Pennsylvania program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Pennsylvania program in the July 30, 1982, **Federal Register** (47 FR 33050). You can also find later actions concerning Pennsylvania program and program amendments at 30 CFR 938.11, 938.12, 938.15 and 938.16.

II. Submission of the Proposed Amendment

By two letters, both dated December 20, 2001, Pennsylvania sent us proposed

amendments to its program (Administrative Record Nos. PA 837.101 and 881.00) under SMCRA (30 U.S.C. 1201 *et seq.*). In PA 837.101, Pennsylvania revised and added regulations at 25 Pennsylvania Code (Pa. Code) Chapters 88 and 90 regarding coal refuse disposal operations to implement statutory changes made to its Coal Refuse Disposal Control Act (CRDCA). Through these revised and added regulations, Pennsylvania was also responding to required amendments codified at 30 CFR 938.16(vvv), (www), (xxx), (yyy), (zzz), (aaa), and (bbb). We required these amendments to the Pennsylvania program as a result of our review of Pennsylvania's amendment to the CRDCA as found in the April 22, 1998, **Federal Register** (63 FR 19802). In a May 22, 1998, letter (Administrative Record No. PA 837.72) to OSM, Pennsylvania provided clarifications in response to the required amendments. In the February 2, 2000, **Federal Register** (65 FR 4882), we responded to Pennsylvania's clarifications by indicating that we would remove the required program amendments when Pennsylvania's clarifications were incorporated into regulations and those regulations were approved by OSM. In the amendment submitted under PA 837.101, Pennsylvania has provided those regulations.

In PA 881.00, Pennsylvania submitted changes made to its regulations at 25 Pa. Code 89.59(a)(2), (3) and (b) regarding ground water monitoring. These changes were made in response to the required amendment at 30 CFR 938.16(hh) in which we required Pennsylvania to amend its program to be no less effective than 30 CFR 784.14(h)(1) regarding ground water monitoring plans. At a minimum, the plans are to contain the total dissolved solids or specific conductance, pH, total iron, total manganese, and water levels shall be monitored and data submitted to Pennsylvania at least every three months for each monitoring location.

In a third letter dated November 16, 2001 (Administrative Record No. PA 880.00), Pennsylvania sent us an explanation regarding citation of cross-references in PA SMCRA required by the program amendment at 30 CFR 938.16(kk).

We announced receipt of the proposed amendments in the January 25, 2002, **Federal Register** (67 FR 36333). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the amendment's adequacy. We did not hold a public hearing or meeting because no one requested one. The public comment period ended on February 25, 2002. We received comments on PA 837.101 from four Federal agencies, on PA 881.00 we received comments from two Federal agencies, and on PA 880.00 we received comments from one Federal agency.

III. OSM's Findings

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. We are approving the amendment. Any revisions that we do not specifically discuss below concern nonsubstantive wording or editorial changes.

In the proposed amendment, Pennsylvania submitted regulations that implement provisions of the CRDCA. Many of these regulations are substantively the same, or have the same meaning, as portions of the CRDCA that are already in the approved Pennsylvania program. We announced our approval of these portions of the CRDCA in the April 22, 1998, **Federal Register** (63 FR 19802). The following regulations, listed in the first column of the table below, are approved because they are substantively identical to, or have the same meaning as, the corresponding State statutory provisions (shown in the second column) that we approved on April 22, 1998:

Regulation	Corresponding CRDCA sections that were previously approved
25 Pa. Code 88.332	Section 30.56a(i).
25 Pa. Code 90.1 definition of "operator"	Section 30.53 Definitions (8): "operator".
25 Pa. Code 90.1 definition of "public recreational impoundment"	Section 30.53 Definitions (10.1): "public recreational impoundment".
25 Pa. Code 90.167(d)	Section 30.56a(i).
25 Pa. Code 90.201 definition of "preferred site"	Section 30.54a(a)(1)-(5).
25 Pa. Code 90.202(a)	Section 30.54a(a).
25 Pa. Code 90.202(b)(1)	Section 30.54a(c).
25 Pa. Code 90.202(b)(2)	Section 30.54a(d).
25 Pa. Code 90.202(c)	Section 30.54a(c), (d).
25 Pa. Code 90.202(d)	Section 30.54a(c), (d).
25 Pa. Code 90.202(e)(1)-(7)	Section 30.54a(b).
25 Pa. Code 90.204(a)(1)-(3)	Section 30.54a(c), (d).
25 Pa. Code 90.204(b)(1)-(3)	Section 30.54a(c), (d).
25 Pa. Code 90.205	Section 30.54a(e).