James F. Fulton, Director, Springfield Field Office, at the address listed below.

Copies of the Illinois program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Springfield Field Office.

James F. Fulton, Director, Springfield
Field Office, Office of Surface Mining
Reclamation and Enforcement, 511
West Capitol, Suite 202, Springfield,
Illinois 62704, Telephone: (217) 492–4495

Illinois Department of Mines and Minerals, 300 West Jefferson Street, Suite 300, Springfield, Illinois 62791, Telephone: (217) 782–4970

FOR FURTHER INFORMATION CONTACT:

James F. Fulton, Director, Springfield Filed Office, Telephone: (217) 492–4495.

SUPPLEMENTARY INFORMATION:

I. Background on the Illinois Program

On June 1, 1982, the Secretary of the Interior conditionally approved the Illinois program. Background information on the Illinois program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the June 1, 1982, Federal Register (47 FR 23883). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 913.15, 913.16, and 913.17.

II. Description of the Proposed Amendment

By letter dated February 3, 1995 (Administrative Record No. IL–1615), Illinois submitted a proposed amendment to its program pursuant to SMCRA. Illinois submitted the proposed amendment in response to an August 5, 1993, letter (Administrative Record No. IL–1400) that OSM sent to Illinois in accordance with 30 CFR 732.17(c), in response to required program amendments at 30 CFR 913.16(s), (t), and (u), and at its own initiative. The provisions of the 23 parts of Title 62 of the IAC that Illinois proposes to amend are discussed below.

A. 62 IAC 1700—General

Illinois proposes the following revisions to Illinois §§ 1700.11 and 1700.16.

1. Section 1700.11—Applicability

Illinois is adding new subsections (f)(1) and (f)(2) pertaining to termination of jurisdiction under the regulatory program over the reclaimed site of a completed surface coal mining and reclamation operation. These amendments mirror Federal regulations at 30 CFR 1700.11 (d)(1) and (d)(2). Subsection (f)(1) specifies under what circumstances the Department may terminate its jurisdiction under the initial program and the permanent program. Subsection (f)(2) specifies under what circumstances the Department shall reassert jurisdiction under the regulatory program. Statutory and regulatory citations were proposed to be updated through the section.

2. Section 1700.16—Fees and Forfeitures

Illinois is amending subsection (a) by requiring that fees collected under the provision of the Surface Coal Mining Land Conservation and Reclamation Act (State Act) be deposited in the Coal Mining Regulatory Fund, rather than the general revenue fund. This proposed amendment reflects recent statutory changes to the State Act at 225 ILCS 720/9.07.

B. 62 IAC 1701. Appendix A—Definitions

Illinois proposes adding definitions for Applicant Violator System, Federal violation notice, land eligible for remining, ownership or control link, State violation notice, and wetland. It is also revising the definitions for historic lands, substantially disturb, and violation notice.

"Applicant Violator System or AVS" means the computer system maintained by OSM to identify ownership or control links involving permit applicants, permittees, and persons cited in violation notices.

"Federal violation notice" means a violation notice issued by OSM or by another agency or instrumentality of the United States.

A reference to Illinois' regulations at 62 IAC 1762 and 1764 was added to the "Historic lands" definition.

"Land eligible for remining" means those lands that would otherwise be eligible for expenditures for section 402(g)(4) or section 404 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(4), 1234).

"Ownership or control link" means any relationship included in the definition of owned or controlled or owns or controls at 62 IAC 1773.5(a) and (b) or in the violations review provisions of 62 IAC 1773.15(b). It

includes any relationship presumed to constitute ownership or control under the definition of "owned or controlled" or "owns or controls" unless such presumption has been successfully rebutted under the provisions of 62 IAC 1773.24 and 1773.25.

"State violation notice" means a violation notice issued by a State regulatory authority or by another agency or instrumentality of State government.

The definition of substantially disturb, for purposes of coal exploration, is revised to exclude impact to air by blasting.

'Violation notice'' means any written notification from a governmental entity, whether by letter, memorandum, judicial or administrative pleading, or other written communication, of violation of the Act; any Federal regulation promulgated pursuant thereto: a State program; or any Federal or State law or regulation pertaining to air or water environmental protection in connection with a surface coal mining operation. It includes, but is not limited to, a notice of violation; an imminent harm cessation order; a failure-to-abate cessation order; a final order, bill or demand letter pertaining to a delinquent civil penalty; a bill or demand letter pertaining to delinquent abandoned mine reclamation fees; and a notice of bond forfeiture, where one or more violations upon which the forfeiture was based have not been corrected.

"Wetland" means land that has a predominance of hydric soils (soils which are usually wet and where there is little or no free oxygen) and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation (plants typically found in wet habitats) typically adapted for life in saturated soil conditions. Areas which are restored or created as the result of mitigation or planned construction projects and which function as a wetland are included within this definition even when all three wetland parameters are not present.

C. 62 IAC 1761.11—Areas Where Mining is Prohibited or Limited

At subsection (d)(2), Illinois is proposing to delete the phrase "including surface areas by planned subsidence."

D. 62 IAC 1772—Requirements for Coal Exploration

Illinois is proposing to revise the following sections of part 1772.