

**ACTION:** Proposed rule.

**SUMMARY:** OSM is announcing the receipt of a proposed amendment to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment was initiated by Ohio and is intended to make the Ohio program as effective as the corresponding Federal regulations concerning the number and frequency of premining water quality samples required for previously mined permit areas.

This document sets forth the times and locations that the Ohio program and proposed amendments to that program will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

**DATES:** Written comments must be received by 4:00 p.m., E.D.T. on August 24, 1995. If requested, a public hearing on the proposed amendment will be held at 1 p.m., E.D.T. on August 21, 1995. Requests to speak at the hearing must be received by 4 p.m., E.D.T. on August 9, 1995.

**ADDRESSES:** Written comments and requests to testify at the hearing should be mailed or hand-delivered to Ms. Beverly C. Brock, Acting Director, Columbus Field Office, at the address listed below.

Copies of the Ohio program, the proposed amendment, 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 Columbus Field Office.

Office of Surface Mining Reclamation and Enforcement.

Columbus Field Office, 4480 Refugee Road, Suite 201, Columbus, Ohio 43232, Telephone: (614) 866-0578.

Ohio Department of Natural Resources, Division of Reclamation, 1855 Fountain Square Court, Building H-3, Columbus, Ohio 43224, Telephone: (614) 265-6675.

**FOR FURTHER INFORMATION CONTACT:**

Ms. Beverly C. Brock, Acting Director, Columbus Field Office, (614) 866-0578.

**SUPPLEMENTARY INFORMATION:****I. Background on the Ohio Program**

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982, **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

**II. Discussion of the Proposed Amendment**

The Ohio Department of Natural Resources, Division of reclamation (Ohio) submitted proposed Program Amendment Number 66 (PA 66) by letter dated July 3, 1995 (Administrative Record No. OH-2143). In this amendment, Ohio is proposing to revise one rule at Ohio Administrative Code (OAC) section 1501:13-4-15 to make the Ohio program as effective as the corresponding Federal regulations concerning the number and frequency of premining water quality samples required for previously mined permit areas. Ohio is revising paragraph (D)(2) of this rule to require that permit applicants submit data from a minimum of 12 water quality samples from each sampling location to determine the base line pollution load of the proposed pollution abatement area. These samples shall be taken at regular intervals and shall be collected over a period of at least 12 months or longer, as determined by the chief of the Ohio Department of Natural Resources, Division of Reclamation.

Also as part of PA 66, Ohio is proposing to revise two of its Policy/Procedure Directives (PPD) to reflect the rule changes described above. Ohio is revising PPD Permitting 92-3 to require the 12 water quality samples, to specify that sites may be sampled no more frequently than once per month, and to change the name of Ohio's Remining Program contact person. Ohio is revising PPD Regulatory 93-4 to clarify that pollution abatement areas can include contiguous undisturbed areas which must be affected to improve the base line pollutional load, to clarify the definition of "no longer exceeding," and to change the name of Ohio's Remining Program contact person.

**III. Public Comment Procedures**

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking

comment on whether the amendment proposed by Ohio satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Ohio program.

**Written Comments**

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

**Public Hearing**

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., E.D.T. on August 9, 1995. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

**Public Meeting**

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting at the Columbus Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

All such meetings shall be open to the public and, if possible, notices of the meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each public meeting will be