

regulatory program (hereinafter referred to as the "Illinois program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions and additional explanatory information for Illinois' proposed regulations pertain to termination of jurisdiction, permit fees, definitions, coal exploration, permitting, environmental resources, reclamation plans, special categories of mining, small operator assistance, bonding, performance standards, inspection, enforcement, civil penalties, administrative and judicial review, and certification of blasters. The amendment is intended to revise the Illinois program to be consistent with the corresponding Federal regulations, incorporate the additional flexibility afforded by recently revised Federal regulations, provide additional safeguards, clarify ambiguities, and improve operational efficiency.

DATES: Written comments must be received by 4:00 p.m., e.s.t., January 4, 1996. If requested, a public hearing on the proposed amendment will be held on January 2, 1996. Requests to speak at the hearing must be received by 4:00 p.m., e.s.t., on December 20, 1995.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Roger W. Calhoun, Director, Indianapolis 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 Indianapolis Field Office.

Roger W. Calhoun, Director Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana, 46204, Telephone: (317) 226-6700.

Illinois Department of Natural Resources, Office of Mines and Minerals, 524 South Second Street, Springfield, Illinois, 62701-1787, Telephone: (217) 782-4970.

FOR FURTHER INFORMATION CONTACT: Roger W. Calhoun, Director Indianapolis Field Office, Telephone: (317) 226-6700.

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, 913.17.

II. Discussion 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 the required program amendments at 30 CFR 913.16(s), (t), and (u), and at its own initiative. The provisions of Title 62 of the Illinois Administrative Code (IAC) that Illinois proposes to amend are 62 IAC 1700, General; 62 IAC 1701, Appendix A, Definitions; 62 IAC 1761.11, Areas where mining is prohibited or limited; 62 IAC 1772, Requirements for coal exploration; 62 IAC 1773, Requirements for permits and permit processing; 62 IAC 1774.13, Permit revisions; 62 IAC 1778.15, Right of entry information; 62 IAC 1779, Surface mining permit applications—minimum requirements for information on environmental resources; 62 IAC 1780.23, Reclamation plan: pre-mining and post-mining information; 62 IAC 1783, Underground mining permit applications—minimum requirements for information on environmental resources; 62 IAC 1784.15, Reclamation plan: pre-mining and post-mining information; 62 IAC 1785, Requirements for permits for special categories of mining; 62 IAC 1795, Small operator assistance; 62 IAC 1800, Bonding and insurance requirements for surface coal mining and reclamation operations; 62 IAC 1816, Permanent program performance standards—surface mining activities; 62 IAC 1817, Permanent program performance standards—underground mining activities; 62 IAC 1825.14, High capability lands: soil replacement; 62 IAC 1840, Department inspections; 62 IAC 1843, State enforcement; 62 IAC 1845.12, When penalty will be assessed; 62 IAC 1847, Administrative and judicial review; 62 IAC 1845.5, Notice of

hearing; and 62 IAC 1850, Training, examination and certification of blasters.

OSM announced receipt of the proposed amendment in the February 27, 1995, Federal Register (60 FR 10522) and invited public comment on its adequacy. The public comment period ended March 29, 1995.

During its review of the amendment, OSM identified concerns relating to 62 IAC 1701, Appendix A, definition of wetlands; 62 IAC 1773.20, general procedures for improvidently issued permits; 62 IAC 1773.23, review of ownership or control and violation information; 62 IAC 1773.24, procedures for challenging ownership or control shown in the Applicant Violator System; 62 IAC 1785.17, prime farmlands; 62 IAC 1816/1817.13 and 1816/1817.15, casing and sealing of drilled holes; 62 IAC 1816/1817.116(a)(3)(F) and 62 IAC 1816.116(a)(4)(A)(ii), revegetation standards for small isolated areas; 62 IAC 1816.116(a)(4)(D), revegetation standards for hay production; 62 IAC 1816/1817.116(a)(5), wetlands revegetation; 62 IAC 1816/1817.116(c), revegetation reference areas; and 62 IAC 1816, Appendix A, permit specifics yield standards. OSM notified Illinois of the concerns by letters dated April 28 and August 3, 1995 (Administrative Record Nos. IL-1649 and IL-1660, respectively). Illinois responded in a letter dated November 1, 1995 (Administrative Record No. IL-1663), by submitting a revised amendment and additional explanatory information.

Throughout the revised amendment, Illinois proposes to change its references of the "Illinois Department of Mines and Minerals" to the "Illinois Department of Natural Resources, Office of Mines and Minerals" in order to reflect a reorganization change which was effective July 1, 1995, and to change its references of the "Soil Conservation Service" and "S.C.S." to the "Natural Resources Conservation Service." Illinois, also, corrected typographical errors, revised cross-references, and revised paragraph notations to reflect organizational changes within the amended regulations. In addition, Illinois proposes revisions to and/or additional explanatory information for the following specific regulations.

A. 62 IAC 1701, Appendix A Definition of Wetlands

In its letter dated April 28, 1995 (Administrative Record No. 1649), OSM requested Illinois to provide a statement which explains the meaning of the last sentence of the "wetlands" definition [Areas which are restored or created as