

Wyoming changed its plan a number of times since the Secretary first approved it. In 1984, we accepted the State's certification that it addressed all known coal-related impacts in Wyoming that were eligible for funding under its program. As a result, the State may now reclaim low priority non-coal reclamation projects. You can read about the certification and OSM's acceptance in the May 25, 1984, **Federal Register** (49 FR 22139). At the same time, we also accepted Wyoming's proposal that it will ask us for funds to reclaim any additional coal-related problems that occur during the life of the Wyoming AML program as soon as it becomes aware of them. In the April 13, 1992, **Federal Register** (57 FR 12731), we announced our decision to accept other changes in Wyoming's plan that describe how it will rank eligible coal, non-coal, and facility projects for funding. Those changes also authorized the Governor of Wyoming to elevate the priority of a project based upon the Governor's determination of need and urgency. They also expanded the State's ability to construct public facilities under section 411 of SMCRA. We approved additional changes in Wyoming's plan concerning noncoal lien authority and contractor eligibility that improve the efficiency of the State's AML program. That approval is described in the February 21, 1996, **Federal Register** (61 FR 6537).

Once a State certifies that it has addressed all remaining abandoned coal mine problems, and the Secretary concurs, then it may request funds to undertake abandoned noncoal mine reclamation, community impact assistance, and public facilities projects under sections 411(b), (e), and (f), of SMCRA.

State law and regulations that apply to the proposed Medicine Bow Water Treatment Plant Improvement project funding request include Wyoming Statute 35-11-1202 and Wyoming Abandoned Mine Land Regulations Chapter VII, of the Wyoming Abandoned Mine Program.

### III. Wyoming's Request To Fund Part of the Cost of the Medicine Bow Water Treatment Plant Improvement Project

The Wyoming Department of Environmental Quality submitted to us a grant application requesting new funding for the FY2002 consolidated grant. In that application, Wyoming asked for \$324,150 that it will use to pay for part of the cost of building the Medicine Bow Water Treatment Plant Improvement project. This project is a public facility in a community impacted by coal or mineral mining activities. The

requested funding is 50 percent of the project's total cost. Money for the balance of the project cost will come from the Town of Medicine Bow (50 percent). The Governor of Wyoming certified the need and urgency to fund the Medicine Bow Water Treatment Plant project prior to completing the State's remaining inventory of non-coal reclamation, as allowed by section 411(f) of SMCRA. That certification says the project is in a community impacted by coal and mineral mining activities. The project consists of constructing an ion exchange water treatment facility designed to remove Radium 226 and 228 from the Medicine Bow municipal public water supply. The project will bring the supply into compliance with EPA drinking water standards and will rectify inadequacies that have resulted in an Enforcement Order against the town. Current treatment consists of chlorination only.

The Governor's certification states that the project meets the requirements for his certification under the authority of Wyoming Statute W.S. 35-11-1202(c) and the AML Regulations, Chapter VII, Section 6(c).

### IV. How We Will Review Wyoming's Grant Application

We will review this grant application with respect to the regulations at 30 CFR 875.15, specifically subsections 875.15(e) through (7). As stated in those regulations, the application must include the following information: (1) The need or urgency for the activity or the construction of the public facility; (2) the expected impact the project will have on Wyoming's coal or minerals industry; (3) the availability of funding from other sources and, if other funding is provided, its percentage of the total costs involved; (4) documentation from other local, State, and Federal agencies with oversight for such utilities or facilities describing what funding they have available and why their agency is not fully funding this specific project; (5) the impact on the State, the public, and the minerals industry if the facility is not funded; (6) the reason why this project should be selected before a priority project relating to the protection of the public health and safety or the environment from the damages caused by past mining activities; and (7) an analysis and review of the procedures Wyoming used to notify and involve the public in this funding request, and a copy of all comments received and their resolution by the State. Wyoming's application for the Medicine Bow Water Treatment Plant Improvements project contains the information described in these seven subsections.

Section 875.15(f) requires us to evaluate all comments we received and determine whether the funding meets the requirements of sections 875.15(e)(1) through (7) described above. It also requires us to determine if the request is in the best interests of the State's AML program. We will approve Wyoming's request to fund this project if we conclude that it meets all the requirements of 30 CFR 875.15.

### V. What To Do if You Want To Comment on the Proposed Project

We are asking for public comments on Wyoming's request for funds to pay for part of the cost of completing the Medicine Bow Water Treatment Plant Improvements Project. You are welcome to comment on the project. If you do, please send us written comments. Make sure your comments are specific and pertain to Wyoming's funding request in the context of the regulations at 30 CFR 875.15 and the provisions of section 411 of SMCRA. You should explain any recommendations you make. If we receive your comments after the time shown under **DATES** or at locations other than the Casper Field Office, we will not necessarily consider them in our final decision or include them in the administrative record.

Dated: September 12, 2000.

**Guy Padgett,**

*Director, Casper Field Office.*

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### Proposed Frannie Sewer Line Replacement Project in Wyoming

**AGENCY:** Office of Surfacing Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Notice of application for grant funding; public comment period on request to fund the Frannie sewer line replacement project.

**SUMMARY:** OSM is announcing its receipt of a grant application from the Wyoming Department of Environmental Quality, Abandoned Mine Land Division (AMLDD). Wyoming is requesting \$249,050 from the Abandoned Mine Reclamation Fund to pay approximately 50 percent of the cost of building the Frannie Sewer Line Replacement Project in Park and Big Horn county, Wyoming. In its application, the State proposes paying for part of the reconstruction cost as a public facility project that will

benefit a community impacted by coal and mineral mining activities.

This notice describes when and where the Wyoming abandoned mine land (AML) program and the grant application for funding the Frannie Sewer Line Replacement project are available for you to read. It also sets the time period during which you may send written comments on the request to us.

**DATES:** We will accept written comments until 4 p.m., m.s.t., October 23, 2000.

**ADDRESSES:** You should mail or hand-deliver written comments to Guy V. Padgett, Casper Field Office Director, at the address shown below. You may read Wyoming's grant application for this proposed project during normal business hours Monday through Friday (excluding holidays) at the same address. Also, we will send one free copy of the grant application to you if you contact OSM's Casper Field Office: Guy V. Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building, Rm. 2403, 100 East "B" Street, Casper, Wyoming 82601-1918.

**FOR FURTHER INFORMATION CONTACT:** Guy V. Padgett, Telephone: (307) 261-6555.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representative or officials of organizations or businesses, available for public inspection in their entirety.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background on Title IV of SMCRA**

Title IV of the Surface Mining Control and Reclamation Act (SMCRA) established an Abandoned Mine Land Reclamation (AMLR) program. The purpose of the AMLR program is to reclaim and restore lands and waters that were adversely affected by past mining. The program is funded by a reclamation fee paid by active coal mining operations. Lands and waters eligible for reclamation under Title IV

are primarily those that were mined, or affected by mining, and abandoned or inadequately reclaimed before August 3, 1977, and for which there is no continuing reclamation responsibility under State, Federal, or other laws.

Title IV of SMCRA allows States to submit AMLR plans to us. We, on behalf of the Secretary, review those plans and consider any public comments we receive about them. If we determine that a State has the ability and necessary legislation to operate an AMLR program, the Secretary can approve it. The Secretary's approval gives a State exclusively authority to put its AMLR plan into effect.

Once the Secretary approves a State's AMLR plan, the State may annually apply to use for money to fund specific projects that will achieve the goals of its approved plan. We follow the requirements of the Federal regulations at 30 CFR Parts 874, 875, and 886 when we review and approve such applications.

##### **II. Background on the Wyoming AMLR Plan**

The Secretary of the Interior approved Wyoming's AMLR plan on February 14, 1983. You can find background information on the Wyoming AML program, including the Secretary's findings and our responses to comments, in the February 14, 1983 **Federal Register** (48 FR 6536). Wyoming changed its plan a number of times since the Secretary first approved it. In 1984, we accepted the State's certification that it addressed all known coal-related impacts in Wyoming that were eligible for funding under its program. As a result, the State may now reclaim low priority non-coal reclamation projects. You can read about the certification and OSM's acceptance in the May 25, 1984, **Federal Register** (49 FR 22139). At the same time, we also accepted Wyoming's proposal that it will ask us for funds to reclaim any additional coal-related problems that occur during the life of the Wyoming AML program as soon as it becomes aware of them. In the April 13, 1992, **Federal Register** (57 FR 12731), we announced our decision to accept other changes in Wyoming's plan that describe how it will rank eligible coal, non-coal, and facility projects for funding. Those changes also authorized the Governor of Wyoming to elevate the priority of a project based upon the Governor's determination of need and urgency. They also expanded the State's ability to construct public facilities under section 411 of SMCRA. We approved additional changes in Wyoming's plan concerning noncoal

lien authority and contractor eligibility that improve the efficiency of the State's AML program. That approval is described in the February 21, 1996, **Federal Register** (61 FR 6537).

Once a State certifies that it has addressed all remaining abandoned coal mine problems, and the Secretary concurs, then it may request funds to undertake abandoned noncoal mine reclamation, community impact assistance, and public facilities projects under sections 411(b), (e), and (f), of SMCRA.

State law and regulations that apply to the proposed Frannie Sewer Line Replacement funding request include Wyoming Statute 35-11-1202 and Wyoming Abandoned Mine Land Regulations, Chapter VII, of the Wyoming Abandoned Mine Program.

##### **III. Wyoming's Request To Fund Part of the Cost of the Frannie Sewer Line Replacement Project**

The Wyoming Department of Environmental Quality submitted to us a grant application requesting new funding for the FY2002 consolidated grant. In that application, Wyoming asked for \$249,050 that it will use to pay for part of the cost of building the Frannie Sewer Line Replacement project. This project is a public facility in a community impacted by bentonite and gypsum mineral mining activities. The requested funding is 50 percent of the project's total cost. Money for the balance of the project cost will come from the Town of Frannie (50 percent). The Governor of Wyoming certified the need and urgency to fund the Frannie Sewer Line Replacement project prior to completing the State's remaining inventory of non-coal reclamation, as allowed by section 411(f) of SMCRA. That certification says the project is in a community impacted by mineral mining activities. The project will rectify a threat to human health and safety and to the environment. This project will replace a sewer system with numerous failures that have threatened to contaminate groundwater aquifers in the area. A need and urgency for the project exists, and an impact on the coal or minerals industry has been documented. Sewer line failures are increasing, and each failure poses a threat to area groundwater aquifers, and thus a threat to both human health and safety and to the environment.

The Governor's certification states that the project meets the requirements for his certification under the authority of Wyoming Statute W.S. 35-11-1202(c) of the AML Regulations, Chapter VII, Section 6(c).

#### IV. How We Will Review Wyoming's Grant Application

We will review this grant application with respect to the regulations at 30 CFR 875.15, specifically subsections 875.15(e) (1) through (7). As stated in those regulations, the application must include the following information: (1) The need or urgency for the activity or the construction of the public facility; (2) the expected impact the project will have on Wyoming's coal or minerals industry; (3) the availability of funding from other sources and, if other funding is provided, its percentage of the total costs involved; (4) documentation from other local, State, and Federal agencies with oversight for such utilities or facilities describing what funding they have available and why their agency is not fully funding this specific project; (5) the impact on the State, the public, and the minerals industry if the facility is not funded; (6) the reason why this project should be selected before a priority project relating to the protection of the public health and safety or the environment from the damages caused by past mining activities, and (7) an analysis and review of the procedures Wyoming used to notify and involve the public in this funding request, and a copy of all comments received and their resolution by the State. Wyoming's application for the Frannie Sewer Line Replacement project contains the information described in these seven subsections.

Section 875.15(f) requires us to evaluate all comments we receive and determine whether the funding meets the requirements of sections 875.15(e) (1) through (7) described above. It also requires us to determine if the request is in the best interests of the State's AML program. We will approve Wyoming's request to fund this project if we conclude that it meets all the requirements of 30 CFR 875.15.

#### V. What To Do if You Want To Comment on the Proposed Project

We are asking for public comments on Wyoming's request for funds to pay for part of the cost of completing the Frannie Sewer Line Improvements Project. You are welcome to comment on the project. If you do, please send us written comments. Make sure your comments are specific and pertain to Wyoming's funding request in the context of the regulations at 30 CFR 875.15 and the provisions of section 411 of SMCRA. You should explain any recommendations you make. If we receive your comments after the time shown under **DATES** or at locations other than the Casper Field Office, we will not

necessarily consider them in our final decision or include them in the administrative record.

Dated: September 12, 2000.

**Guy Padgett,**

*Director, Casper Field Office.*

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#### DEPARTMENT OF THE INTERIOR

##### Office of Surface Mining Reclamation and Enforcement

##### Proposed Greybull Sewer Improvements Project in Wyoming

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Notice of application for grant funding; public comment period on request to fund the Greybull sewer improvements project.

**SUMMARY:** OSM is announcing its receipt of a grant application from the Wyoming Department of Environmental Quality, Abandoned Mine Land Division (AMLDD). Wyoming is requesting \$105,668 from the Abandoned Mine Reclamation Fund to pay approximately 50 percent of the cost of building the Greybull Sewer Improvement project in Big Horn County, Wyoming. In its application, the State proposes paying for part of the reconstruction cost as a public facility project that will benefit a community impacted by coal and mineral mining activities.

This notice describes when and where the Wyoming abandoned mine land (AML) program and the grant application for funding the Greybull Sewer Improvement project are available for you to read. It also sets the time period during which you may send written comments on the request to us.

**DATES:** We will accept written comments until 4:00 p.m., m.s.t., October 23, 2000.

**ADDRESSES:** You should mail or hand-deliver written comments to Guy V. Padgett, Casper Field Office Director, at the address shown below. You may read Wyoming's grant application for this proposed project during normal business hours Monday through Friday (excluding holidays) at the same address. Also, we will send one free copy of the grant application to you if you contact OSM's Casper Field Office: Guy V. Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building, Rm. 2403, 100 East "B" Street, Casper, Wyoming 82601-1918.

**FOR FURTHER INFORMATION CONTACT:** Guy V. Padgett, Telephone: (307) 261-6555.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representative or officials of organizations or businesses, available for public inspection in their entirety.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on Title IV of SMCRA

Title IV of the Surface Mining Control and Reclamation Act (SMCRA) established an Abandoned Mine Land Reclamation (AMLR) program. The purpose of the AMLR program is to reclaim and restore lands and waters that were adversely affected by past mining. The program is funded by a reclamation fee paid by active coal mining operations. Lands and waters eligible for reclamation under Title IV are primarily those that were mined, or affected by mining, and abandoned or inadequately reclaimed before August 3, 1977, and for which there is no continuing reclamation responsibility under State, Federal, or other laws.

Title IV of SMCRA allows States to submit AMLR plans to us. We, on behalf of the Secretary, review those plans and consider any public comments we receive about them. If we determine that a State has the ability and necessary legislation to operate an AMLR program, the Secretary can approve it. The Secretary's approval gives a State exclusive authority to put its AMLR plan into effect.

Once the Secretary approves a State's AMLR plan, the State may annually apply to us for money to fund specific projects that will achieve the goals of its approved plan. We follow the requirements of the Federal regulations at 30 CFR Parts 874, 875, and 886 when we review and approve such applications.