

**§ 942.823**

**§ 942.823 Special performance standards—Operations on prime farmland.**

Part 823 of this chapter, *Special Permanent Program Performance Standards—Operations on Prime Farmland*, shall apply to any person who conducts surface coal mining operations on prime farmland.

**§ 942.824 Special performance standards—Mountaintop removal.**

Part 824 of this chapter, *Special Permanent Program Performance Standards—Mountaintop Removal*, shall apply to any person who conducts surface coal mining and reclamation operations constituting mountaintop removal.

**§ 942.827 Special performance standards—Coal preparation plants not located within the permit area of a mine.**

Part 827 of this chapter, *Permanent Program Performance Standards—Coal Preparation Plants Not Located Within the Permit Area of a Mine*, shall apply to any person who conducts surface coal mining and reclamation operations which include the operation of a coal preparation plant not located within the permit area of a mine.

**§ 942.828 Special performance standards—In situ processing.**

Part 828 of this chapter, *Special Permanent Program Performance Standards—In Situ Processing*, shall apply to any person who conducts surface coal mining and reclamation operations which include the in situ processing of coal.

**§ 942.842 Federal inspections.**

Part 842 of this chapter, *Federal Inspections*, shall apply to all exploration and surface coal mining and reclamation operations.

**§ 942.843 Federal enforcement.**

Part 843 of this chapter, *Federal Enforcement*, shall apply regarding enforcement action on coal exploration and surface coal mining and reclamation operations.

**30 CFR Ch. VII (7–1–25 Edition)**

**§ 942.845 Civil penalties.**

Part 845 of this chapter, *Civil Penalties*, shall apply to the assessment of civil penalties for violations on coal exploration and surface coal mining and reclamation operations.

**§ 942.846 Individual civil penalties.**

Part 846 of this chapter, *Individual Civil Penalties*, shall apply to the assessment of individual civil penalties under section 518(f) of the Act.

[53 FR 3676, Feb. 8, 1988]

**§ 942.955 Certification of blasters.**

Part 955 of this chapter, *Certification of Blasters in Federal Program States and on Indian Lands*, shall apply to the training, examination and certification of blasters for surface coal mining and reclamation operations.

[51 FR 19462, May 29, 1986]

**PART 943—TEXAS**

Sec.

943.1 Scope.

943.10 State regulatory program approval.

943.15 Approval of Texas regulatory program amendments.

943.16 Required program amendments.

943.20 Approval of Texas abandoned mine land reclamation plan.

943.25 Approval of Texas abandoned mine land reclamation plan amendments.

AUTHORITY: 30 U.S.C. 1201 *et seq.*

**§ 943.1 Scope.**

This part contains all rules applicable only within Texas which have been adopted under the Surface Mining Control and Reclamation Act of 1977.

[45 FR 13008, Feb. 27, 1980]

**§ 943.10 State regulatory program approval.**

The Secretary approved the Texas regulatory program, as submitted on July 20, 1979, and amended on November 13, 1979, and December 20, 1979, effective February 16, 1980. Copies of the approved program are available at:

(a) Surface Mining and Reclamation Division, Railroad Commission of Texas, Capitol Station, P.O. Box 12967, Austin, TX 78711.

**Surface Mining Reclamation and Enforcement, Interior**

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(b) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135-6548.

[64 FR 20168, Apr. 26, 1999]

**§ 943.15 Approval of Texas regulatory program amendments.**

The following is a list of the dates amendments were submitted to OSM,

the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
March 27, 1980 .....	June 18, 1980, November 26, 1980.	TCMR 051.07.04.023, .070.
September 18, 1981	June 3, 1982 .....	TCMR 05.07.01.313(a).
August 31, 1984 .....	July 9, 1985 .....	TCMR 051.07.04.008, .138, .184, .201, .340, .510, .620 through .625.
August 24, 1988 .....	December 11, 1989	TCMR 806.309(j)(1)(A) through (H), (2)(A) through (D), (4)(A), (B), (C), (5)(A), (B), (6)(A) through (E), (7), (8).
June 24, 1991 .....	February 19, 1992 ..	TCMR 806.309(j)(1)(H), (I), 806.309(j)(2), (3), (7), (8), (9).
December 23, 1991 ..	April 17, 1992 .....	TCMR 816.394.
September 12, 1989	May 21, 1992 .....	TCMR 701.008(53), 778.116(a) through (I), (n); 786.215(e)(2), .221(d), .225(h).
September 22, 1989	August 19, 1992 .....	TCMR 700.002(b)(2), .003(22), .008(18), (56), (81), (85); 762.074(1), (2); 770.100(c), .101, .102(c); 771.107(d), .108; 776.111(a)(3)(A), (7), (b), (1); 779.125(b), .126(a), .133; 780.144(a), .145(b)(4), .151; 783.171(b), .172, .179; 784.187(b)(4), .191, .194(a), (e), (f), .195(a); 785.200(a), (b), (c), (f) through (i); 786.216(p); 788.230(a)(4), (5), (6); 788.232(c)(1), (d), (e); 795.237(b)(5), (c), (d), .238(d)(4), .243(a); 800.301(b); 808.317; 815.327(a), (f); 816.339(a), .344(a), .353(d), .359 through .362, .363(j), (i), (o), (p), .368(c), .369(a), .371(c)(3), .375(d), .377(b), .380(b), (c), .384(b)(2), .390(a); 817.509(a), .514(a), .531(j), (i), (o), (p), .547(b), (c), .551(b)(2), .562(c), .565(e); 819.600(c)(1); 840.672(b); 843.680(a), .682(f); 845.695(b)(2); 850.700, .701, .702(a) through (d), .703 through .710; recodification of the TCMR 700.001 through 845.698.
February 8, 1993 .....	March 21, 1994 .....	TCMR 778.116(l), (m); 786.215(e)(1), (2), (g); 788.225(e), (1)(A), (2), (3), (f), (1), (2), (g); 843.680(c).
May 24, 1994 .....	March 27, 1995 .....	TCMR 778.116(m); 786.215(e)(1), (f), .216(i) through (o), .225(f)(3), (4), (g), (1), (i) through (iv), (2), (h).
August 11, 1995 .....	December 13, 1995	TCMR 806.309(j)(2)(C)(iv)(I)(A) through (C), (II)(A) through (C).
December 20, 1995 ..	April 8, 1996 .....	TCMR 701.008(71); 780.154(a) through (c); 784.198(a) through (c); 816.400 through 403; 815.327(c); 817.569 through 572; 827.651(b).
August 30, 1995, September 18, 1995.	June 18, 1996 .....	TSMCRA Article 5920-11, 6(b), 21(a), (c); TCMR 701.008(104); 778.116(m), .225(g)(1).
August 24, 1995 .....	January 30, 1997 ...	Recodification of TSMCRA Article 5920-11, 1 through 38; 4 Ch. 134.001 through .188.
May 13, 1993 .....	March 26, 1997 .....	TCMR 700.002(b)(4), (5), (f); .003(1), (3); 701.008(4), (5), (9), (10), (18), (19), (21), (24), (25), (26), (34), (41), (55), (67), (68), (69), (70), (76), (82), (84), (95), (102), (107); 705.010(a)(3), (c); .011(2), (3), (5), (9); .013(a); .014; .015(a); .016(a); 707.022; 709.025; .026; .027; .028; .029; .030; .031; .032; .033; .034; 760.069; .070(5), (6), (7), (9), (11); 761.071 (a) through (e); .072 (a) through (h); .073; 762.074(3), (4), (5); .075(a), (b); .076(a); .077; 764.078; .079(a), (b), (c); .080(a)(1), (2), (4) through (7), (b), (c), (d); .081(a), (b); .082(a)(3), (b), (c), (d); .083(a), (b); .084(a), (b); .085(b); 770.101; 776.111(a)(e)(E); 779.126(d); .127(a), (b), (c); .128(a), (3), (4), (b); .129, (a), (b), (1), (3); 780.141(g), (h); .142(b)(11), (c), (d), .146 (a) through (e); .148(a)(3)(i), (c)(1), (2), (3); 783.172(d); .173 (a) through (e); .174(a), (3), (4), (b); .175, (a), (b), (1), (3); 784.188 (a) through (f); .190 (a)(3)(i), (c)(1), (2), (3); .197(c), (d); 785.201(b), (c), (d)(2); .202(b)(1)(i), (2), (3); 786.210 (a) through (e); .216(c), (e); .220(d); 800.301(b)(2); .311(d); 807.312(a), (b), (c); .313(a)(2); 815.327(a); .328(a), (b); 816.330(f); .340; .341; .342; .344; .347; .348; .349; .350; .355; .357(a), (c), (d); .358 (a) through (d); .360(a)(2), (A), (B), (f)(1)(A), (g)(2), (h)(1), (2), (3), (i); .362(d); .376 (a) through (d), .377, .378(a), (c); .380(e)(10); .385(b)(3); .390; .395; .396; 817.500(f); .509(a); .510; .511; .512; .514; .517; .519; .522(f); .524; .526(b), (c), (d); .527 (a) through (d); .528 (a) through (i); .529; .530, (c), (d), (e), (g), (j), (s), (t); .535(c); .538(c)(3); .543 (a) through (d); .544; .545(a), (c); .547(e)(10); .552(b)(3); .555; .560; .561; 823.620(a), (b), (c); .621(a)(1), (2), (3), (b); .622(a), (b), (c); .623; .624 (a) through (g); .625(a), (b); 843.681(c), (f) through (j); .682(a)(1); .695(b)(1); 846.001; .002; .003; .004; .005; 850.703(b)(1)(A); .704(b); .706(a).
October 21, 1996 .....	April 29, 1997 .....	TCMR 701.008(77); 779.130; 816.352.

§ 943.16

30 CFR Ch. VII (7–1–25 Edition)

Original amendment submission date	Date of final publication	Citation/description
December 1, 1997 ....	March 3, 1998 .....	TSCMRA 134.004(3); 134.005(a)(2); 134.008; 134.014(b); 134.022(c); 134.056(2); 134.068; 134.069(a)(2) and (b); 134.084(a) through (d); 134.092(a)(2); 134.163(1). Vernon's Texas Civil Statutes Article 5920–11, Sections 6(b), 21(c), 33(e) and 21a.
January 23, 1998 .....	April 22, 1998 .....	Recodification; 16 TAC 12.1 through 12.710.
December 1, 1997 ....	June 8, 1998 .....	16 TAC 12.3; 12.201(d)(5); 12.237(2), (2)(B) and (C); 12.243(a), (a)(4) and (5); 12.309(1); 12.312(a) and (b); 12.313(a), (b), (d), and (f); 12.387; 12.388.
January 28, 1999 .....	May 3, 1999 .....	Sections 12.143(a)(2), (b)(1) and (b)(2); .145(b)(3); .187(b)(3); .199(2); .379; .389; .546; .554; and .651(9) and (13).
May 13, 1999 .....	August 12, 1999 .....	Procedures and Standards for Determining Revegetation Success on Surface-Mined Lands in Texas; Normal Husbandry Practices for Surface-Mined Lands in Texas.
August 24, 2000 .....	November 24, 2000 .....	TAC § 12.80(a)(1), (3)–(7); (b)(2)–(3); § 12.385(a); (e)–(e)(2)(D); § 12.552(a); (e)–(e)(2)(D); and § 12.651(13).
July 25, 2001 .....	November 6, 2002 .....	Sections 12.3(169) definition of "surface coal mining operations which exist on the date of enactment [removed] and 12.3(187) definition of "valid existing rights;" 12.71–.74; 12.77; 12.111(1)(H); 12.112(b)(4); 12.113(a); 12.118(a) and (c); 12.151(a)(2); 12.158(a) and (c); 12.191(a)(2); 12.207(a)(5); and 12.216(4)(A).
February 12, 2003 ....	July 7, 2003 .....	16 TAC § 1.130.
July 10, 2003 .....	November 5, 2003 .....	TAC 12.108(b).
June 4, 2004 .....	September 14, 2004 .....	16 TAC 12.108(b).
October 6, 2005 .....	February 17, 2006 .....	TSCMRA Section 134.055; and 16 TAC 12.108(a) and (b).
July 26, 2005 .....	June 14, 2006 .....	Procedures and Standards for Determining Revegetation Success on Surface-Mined Lands in Texas—Table of Contents; Section V.D.1., D.2.; appendix B; Attachment 2: Normal Husbandry Practices for Surface-Mined Lands in Texas—Table of Contents; Section IV.E.
February 14, 2007 ....	November 19, 2007 .....	TSCMRA 134.174(b); TAC 12.147(a) through (a)(3); 12.309(g)(2); 12.337(a) and (b) through (b)(3); 12.395(a)(1), (b)(1), (b)(3), (b)(3)(A) and (B), and (c)(3) and (4); 12.681(a), (b) through (b)(3), (c), (e), (f), (g), and (h); 12.682(a) and (b); 12.688; 12.689(b) through (b)(3); and 12.693.
October 2, 2007 .....	March 17, 2008 .....	16 TAC 12.108(b)(1) through (b)(3).
January 5, 2010 .....	December 27, 2010 .....	16 TAC 12.108(b)(1) through (b)(3).
May 18, 2011, May 26, 2011, and June 3, 2011.	February 14, 2012 .....	16 TAC 12.100(a); 12.225(a)(3); 12.311(b); TSCMRA 134.004 (7-a) and (15-a); 134.069(c); 134.080(a) and (b); 134.085; 134.092(20); 134.104(1) and (2); and 134.105(a).
February 9, 2012 .....	September 19, 2012 .....	16 TAC 12.108(b)(1)–(3).
August 9, 2012 .....	February 19, 2013 .....	16 TAC Administrative Code Sections: 12.3; 12.100(c); 12.116; 12.155; 12.156; 12.206; 12.215; 12.216; 12.221; 12.225; 12.226; 12.228; 12.232; 12.233; 12.234; 12.235; 12.239; 12.395; 12.560; 12.676; and 12.677.
December 19, 2013 ..	August 6, 2014 .....	16 TAC 12.108(b)(1)–(3).
November 17, 2015 ..	November 17, 2017 .....	16 TAC 12.108(b)(1)–(3).
February 7, 2018 .....	November 20, 2019 .....	16 Texas Administrative Code—Section 12.108, related to permit fees; and Section 12.309, related to self-bonding applications.

[62 FR 9954, Mar. 5, 1997]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 943.15, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.govinfo.gov](http://www.govinfo.gov).

§ 943.16 Required program amendments.

Pursuant to 30 CFR 732.17(f)(1), Texas is required to submit to OSM by the specified date the following written, proposed program amendment, or a description of an amendment to be proposed that meets the requirements of SMCRA and 30 CFR Chapter VII and a timetable for enactment that is consistent with Texas' established administrative or legislative procedures.

(a)–(j) [Reserved]

[51 FR 28555, Aug. 8, 1986, as amended at 57 FR 21607, May 21, 1992; 57 FR 37458, Aug. 19, 1992; 59 FR 13209, Mar. 21, 1994; 60 FR 15680, Mar. 27, 1995; 61 FR 30808, June 18, 1996; 62 FR 14326, Mar. 26, 1997]

§ 943.20 Approval of Texas abandoned mine land reclamation plan.

The Secretary approved the Texas abandoned mine land reclamation plan, as submitted on April 24, 1980, and amended on May 30, 1980, June 2, 1980, and June 4, 1980, effective June 23, 1980.

**Surface Mining Reclamation and Enforcement, Interior**

**§ 944.10**

Copies of the approved plan are available at:

(a) Surface Mining and Reclamation Division, Railroad Commission of Texas, Capitol Station, P.O. Box 12967, Austin, TX 78711.

(b) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135-6548.

[64 FR 20168, Apr. 26, 1999]

**§ 943.25 Approval of Texas abandoned mine land reclamation plan amendments.**

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
May 11 and 26, 1989	August 19, 1992 .....	Certification of the completion of reclamation on all lands adversely impacted by past coal mining.
August 24, 1997 .....	January 30, 1997 ...	Recodification of TSMCRA Article 5920-11, § 3(7); 4 Ch. 134.142.
December 1, 1997 .....	March 3, 1998 .....	TSCMRA 134.142.
January 23, 1998 .....	April 22, 1998 .....	Recodification; 16 TAC 12.800 through 12.817.
December 1, 1997 .....	November 25, 1998	12.800 through .814; .815(d); .816; .818 through .823.
October 11, 2006 .....	February 6, 2007 ....	Emergency response reclamation program; AML Plan sections 884.13(c)(6), (d)(2) and (d)(3).
February 14, 2007 ....	November 19, 2007	TSCMRA 134.150(c) and TAC 12.816(c)
December 3, 2019 .....	September 20, 2023	Replace AML Plan in response to OSMRE 884 Letter. Updates AML Plan to be consistent with changes to Federal program and extends limited liability protection for certain coal and noncoal reclamation projects. 16 TAC Texas Administrative Code Sections: 12.801; 12.802; 12.803; 12.804; 12.805; 12.806; 12.807; 12.808; 12.809; 12.811; 12.812; 12.814; 12.815; 12.815; 12.816; 12.818; 12.819; 12.820; 12.821; 12.822; 12.823.

[62 FR 9954, Mar. 5, 1997, as amended at 63 FR 10320, Mar. 3, 1998; 63 FR 19823, Apr. 22, 1998; 63 FR 65070, Nov. 25, 1998; 72 FR 5333, Feb. 6, 2007; 72 FR 64946, Nov. 19, 2007; 88 FR 64816, Sept. 20, 2023]

**PART 944—UTAH**

**§ 944.10 State regulatory program approval.**

- Sec.
- 944.1 Scope.
- 944.10 State regulatory program approval.
- 944.15 Approval of Utah regulatory program amendments.
- 944.16 State regulatory program amendment provisions not approved.
- 944.20 Approval of Utah abandoned mine plan.
- 944.25 Approval of Utah abandoned mine land reclamation plan amendments.
- 944.30 State-Federal Cooperative Agreement.

The Utah State program as submitted on March 3, 1980, and as amended and clarified on June 16 and July 24, 1980, and resubmitted on December 23, 1980, was conditionally approved effective January 21, 1981. Copies of the approved program, together with copies of the letter of the Division of Oil, Gas and Mining agreeing to the conditions in section 944.11, are available at:

(a) Division of Oil, Gas and Mining, Department of Natural Resources, 3 Triad Center, suite 350, 355 West North Temple, Salt Lake City, UT 84180-1203.

(b) Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Technical Library, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

AUTHORITY: 30 U.S.C. 1201 *et seq.*

**§ 944.1 Scope.**

This part contains all rules applicable only within Utah that have been adopted under the Surface Mining and Reclamation Act of 1977.

[59 FR 17933, Apr. 15, 1994, as amended at 60 FR 54593, Oct. 25, 1995]

[46 FR 5913, Jan. 21, 1981]