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	U.S. DEPARTMENT OF THE INTERIOR **OFFICE OF SURFACE MINING** **RECLAMATION AND ENFORCEMENT** **DIRECTIVE SYSTEM**	**Subject Number:** REG-5-3 **Transmittal Number:** 805 **Date:** JAN 26 1994

Subject: Processing of Proposed State Regulatory Programs, Amendments and Part 732 Notifications

Approval: Anne H. Shields **Title:** Acting Director

Directive REG-5, Transmittal Number 686, dated August 13, 1991, is revised to clarify that the time required for a State to respond to an issue letter does not count against the Office of Surface Mining Reclamation and Enforcement's (OSM) 6 months to complete its amendment processing and to reflect the Environmental Protection Agency's (EPA) new procedures for review of State program submissions and amendments by the EPA Director, Water Management Division in the appropriate EPA region.

Specifically, the following three changes have been made:

1. Appendix 2 is revised to add a new sentence to the end of Part 2.b.(9) to read as follows:

   * The time required for the State to respond to the letter does not count against OSM's 6 months (pursuant to 30 CFR 732.17 (h)(13)) to complete action on the amendment.

2. Appendix 7 (first page) is revised to read as follows:

Appendix 7

Distribution List for State Program Submissions and State Program Amendments

All Field Offices must distribute all formal submittals to the listed agencies denoted by asterisks (**), except where the agency has otherwise requested as noted on the list. Field Offices shall poll the other agencies or offices listed to determine their interest in receiving and commenting on proposed State program amendments. Field Offices should also periodically query agencies on their distribution lists to update names and addresses and, for those agencies not denoted by an asterisk, to ascertain whether they wish to remain on the comment solicitation list.

Addresses are provided only where an agency has centralized all or part of its amendment review functions in one location nationwide. The FOD is responsible for obtaining addresses of the appropriate district, regional, area or field offices of the other agencies or agency units listed below with respect to the State(s) within his or her area of responsibility.

CHANGE NOTICE

**	Director, Office of Water Enforcement and Permits Environmental Protection Agency, EN 336 401 M Street, S.W. Washington, D.C. 20160	[**Note:** Send <u>only</u> State program submissions.]
**	Regional Administrator Environmental Protection Agency (See Appendix 8 for addresses.)	
**	Executive Director Advisory Council on Historic Preservation 1100 Pennsylvania Avenue, N.W. Room 809 Washington, D.C. 20004	(Iowa, Minnesota, Missouri, and States east of the Mississippi River)
	-or-	
**	Executive Director Advisory Council on Historic Preservation 730 Simms Street Room 450 Golden, CO 80401	(States west of the Mississippi River, except Iowa, Minnesota and Missouri)

3. Appendix 8 is revised to read as follows:

Appendix 8

<u>Environmental Protection Agency Concurrence Procedures</u>

1. <u>Proposed State programs submitted under 30 CFR Part 731</u>.

a. Within five days of receipt of a proposed State program, the FOD shall provide one copy to the Director of the Water Management Division of the EPA region within which the State is located (see Part 3 for addresses), with a request to, within 90 days, either identify any issues concerning air or water quality standards or concur with approval of the proposed program. The FOD's letter to EPA shall cite those portions of the program that OSM considers to be relevant to air or water quality standards promulgated under the authority of the Clean Air Act or the Federal Water Pollution Control Act. See 30 CFR 732.13(b)(2).

b. The FOD shall extend an invitation to the Director of the Water Management Division to attend and participate in any public meeting or hearing held on a State program submission. The FOD shall also provide the Director of the Water Management Division with a copy of the meeting summary or hearing transcript.

c. Within five days of receipt, the FOD shall promptly provide the Director of the Water Management Division with a copy of any subsequent program modifications submitted by the State prior to program approval. The letter shall request that EPA respond within 15 days or such other length of time as provided for public comment in the Federal Register document announcing receipt.

d. Any concerns that cannot be eliminated through the cooperative efforts of the State, the FOD, the AD/SC and the Director of the Water Management Division shall be forwarded by the AD/SC to the AD/RRP for resolution with the Director of EPA's Office of Wastewater Enforcement and Compliance.

e. No State program shall be approved until EPA concurrence is received.

2. Proposed State program amendments (formal submittals).

a. Within five days of receipt of a proposed State program amendment (formal submittal), the FOD shall provide one copy to the Director of the Water Management Division of the EPA region within which the State is located (see Part 3 for addresses) with a request to provide any comments within 30 days. If the proposed amendment contains any provisions concerning air or water quality standards promulgated under the Clean Air Act or the Federal Water Pollution Control Act, the letter to the EPA shall identify those provisions and request concurrence with its approval.

b. Within five days of receipt, the FOD shall provide the Director of the Water Management Division with a copy of any subsequent modifications of the amendment submitted by the State. The letter shall request that EPA respond within 15 days or such other length of time as provided for public comment in the Federal Register notice announcing receipt.

c. Any concerns not eliminated through the cooperative efforts of the State, the FOD, the AD/SC and the Director of the Water Management Division shall be forwarded by the AD/SC to the AD/RRP for resolution with the Director of EPA's Office of Wastewater Enforcement and Compliance.

d. In accordance with 30 CFR 732.17(h)(11)(ii), no State program amendment concerning air or water quality standards promulgated under the authority of the Clean Air Act or the Federal Water Pollution Control Act shall be approved until EPA concurrence is received. However, when such concurrence is not received in a timely fashion, action shall not be delayed on other amendment provisions.

3. Addresses of EPA offices.

Director, Water Management Division US EPA, Region I John F. Kennedy Bldg. Boston, MA 02203	(New England)
Director, Water Management Division US EPA, Region II 26 Federal Plaza New York, New York 10278	(New York, New Jersey)
Director, Water Management Division US EPA, Region III 841 Chestnut Street Philadelphia, PA 19107	(Pennsylvania, Maryland, Delaware, Virginia, West Virginia)
Director, Water Management Division US EPA, Region IV 345 Courtland Street, N.E. Atlanta, GA 30365	(Kentucky, Tennessee, North and South Carolina, Mississippi, Alabama, Georgia, Florida)
Director, Water Management Division US EPA, Region V 77 West Jackson Blvd. Chicago, IL 60604	(Ohio, Indiana, Illinois, Wisconsin, Michigan, Minnesota
Director, Water Management Division US EPA, Region VI Allied Bank Tower 1445 Ross Avenue Dallas, TX 75270	(Arkansas, Oklahoma, Texas, Louisiana, New Mexico)
Director, Water Management Division US EPA, Region VII 726 Minnesota Avenue Kansas City, KS 66101	(Iowa, Missouri, Kansas, Nebraska)

Director, Water Management Division US EPA, Region VIII One Denver Place 999 18th Street Denver, CO 80202-2413	(Montana, North and South Dakota, Wyoming, Utah, Colorado)
Director, Water Management Division US EPA, Region IX 75 Hawthorne Street San Francisco, CA 94105	(California, Nevada, Hawaii, Arizona)
Director, Water Management Division US EPA, Region X 1200 Sixth Avenue Seattle, WA 98101	(Washington, Oregon, Alaska, Idaho)