

**FEDERAL REGISTER: 45 FR 40240 (June 13, 1980)**

DEPARTMENT OF THE INTERIOR

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM); Environmental Protection Agency (EPA)

Memorandum of Understanding (MOU) Regarding Implementation of Certain Responsibilities of the Environmental Protection Agency and the Department of the Interior under the Surface Mining Control and Reclamation Act of 1977

ACTION: Announcement of availability to the public of a Memorandum of Understanding (MOU).

**SUMMARY:** Pursuant to Section 503(b)(2) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), OSM and EPA announce the availability of a Memorandum of Understanding (MOU) that provides procedures for coordination between EPA and OSM in obtaining EPA concurrence with respect to OSM regulations and State programs as they relate to air and water quality standards promulgated under the authorities of the Clean Water Act, as amended (33 U.S.C. 1151-1175) and the Clean Air Act, as amended (42 U.S.C. 1857 et seq.). In addition, it provides the framework for the coordination of issues regarding future regulations of both agencies and State programs.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, Washington, D.C. 20240 (202) 343-4225.

**SUPPLEMENTARY INFORMATION:**

**I. STATUTORY BACKGROUND**

Under Section 501 of the SMCRA, 30 U.S.C. 1201 et seq., the Secretary of the Interior (the Secretary) is responsible for obtaining the written concurrence of the Administrator of the EPA (the Administrator) prior to issuing regulations, or revisions to them, that relate to air or water quality standards. EPA has the responsibility under Section 503 of the SMCRA to review State surface coal mining regulatory program submissions. The Secretary may not approve any such program until he has obtained the written concurrence of the Administrator with respect to those aspects of a State program which relate to air or water quality standards. The Secretary is also responsible for soliciting and publicly disclosing the views of the Administrator under Section 503(b)(1) of the SMCRA, and under Section 201(c)(12) for cooperating with other Federal agencies to minimize duplication in enforcement and administration of the SMCRA.

**II. COALS AND OBJECTIVES OF MOU**

The Department of the Interior (the Department), in issuing or amending regulations establishing a permanent regulatory procedure, will provide for protection of air and water quality consistent with the purposes and provisions of the SMCRA, the Clean Air Act and the Clean Water Act, and to this end will work in close partnership with EPA. EPA will seek to identify potential environmental issues arising from proposed State program submissions or regulations drafted by the Department. Both agencies will identify, discuss, and resolve these issues as early as possible in the issuance or approval process. The Department will solicit and publicly disclose the views of the Administrator on proposed State program submissions and, prior to approval of any State program, will obtain the Administrators' written concurrence with respect to those aspects of a State program relating to air and water quality standards.

**III. AVAILABILITY OF COPIES**

Copies of the MOU may be obtained from the following OSM offices:

Headquarters, U.S. Department of the Interior, South Building, Room 35, 1951 Constitution Avenue, N.W., Washington, D.C. 20240 (202) 343-8125.

Region I, Thomas Hill Building, 1st Floor, 950 Kanawha Boulevard, East Charleston, W. VA. 25301 (303) 342-8125.

Region II, Suite 500, 530 Gay Street, S.W., Knoxville, TN 37902 (615) 637-8060.

Region III, Room 502, Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, IN 46204 (317) 269-2600.

Region IV, Scarritt Building, 5th Floor, 818 Grand Avenue, Kansas City, MO 64106.

Region V, Brooks Towers, 1020 15th Street, Denver, CO 80202 (303) 837-5511.

#### IV. EFFECTIVE DATE

The MOU took effect February 12, 1980, according to the terms of the MOU which specifies that the MOU shall take effect upon the date of the last signature by the Secretary and the Administrator and shall continue in effect for five years from that date. The MOU was signed by the Secretary on January 29, 1980, and by the Acting Administrator of EPA on February 12, 1980.

#### V. PRINCIPAL AUTHORS

The principal authors of the MOU are R. Bruce Carroll, Chief, Division of State Programs, and Allan Eckart, Deputy Associate General Counsel, EPA.

Dated: May 30, 1980.

Walter N. Heine, Director, Office of Surface Mining .

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