

27—40.1(17A,207) Authority and scope. The following sets forth the rules and procedures through which the department of agriculture and land stewardship, division of soil conservation and water quality, will implement the regulatory program pursuant to Iowa Code chapter 207 and the federal Surface Mining Control and Reclamation Act of 1977 (SMCRA).

40.1(1) Parts and sections of the federal regulations of the U.S. Office of Surface Mining Reclamation and Enforcement, U.S. Department of Interior, promulgated pursuant to the Surface Mining Control and Reclamation Act of 1977 (Public Law 95-87), are incorporated by reference as rules of the division as specified in this chapter, with exceptions as indicated. Rules incorporated by reference, as specified in each specific rule, are those from the Code of Federal Regulations (30 CFR), as in effect on July 1, 2010.

40.1(2) The following general word substitutions are made in all incorporated federal regulations except as otherwise indicated:

“Act” refers to Iowa Code chapter 207.

“Administrator” is to be substituted for “director”, “regional director”, and “secretary”.

“Division of soil conservation and water quality” is to be substituted for “department”, “the office”, “OSM”, “OSMRE”, “office of surface mining reclamation and enforcement”, “regulatory authority”, “State regulatory program”, and “regulatory program”.

“These rules” is to be substituted for “chapter” and “subchapter”.

40.1(3) Delete from 30 CFR 779.25(b), 780.14(c), and 783.25(b) the words “or in any State which authorizes land surveyors to prepare and certify such cross sections, maps and plans, a qualified, registered, professional land surveyor.” Also, replace “,” with “or” between “professional engineer” and “professional geologist”.

Delete from 30 CFR 780.25(a)(1)(i), 780.25(a)(3)(i), 784.16(a)(1)(i), and 784.16(a)(3)(i) the words “or in any State which authorizes land surveyors to prepare and certify such plans, a qualified, registered, professional land surveyor.” Also, replace “,” with “or” between “professional engineer” and “professional geologist”.

Delete from 30 CFR 816.46(b)(3) the words “or in any State which authorizes land surveyors to prepare and certify plans in accordance with §780.25(a) of this chapter a qualified, registered, professional land surveyor.”.

Delete from 30 CFR 817.46(b)(3) the words “or in any State which authorizes land surveyors to prepare and certify plans in accordance with §784.16(a) of this chapter a qualified, registered, professional land surveyor.”.

Delete from 30 CFR 816.151(a) and 817.151(a) the words “or in any State which authorizes land surveyors to certify the construction or reconstruction of primary roads, a qualified, registered, professional land surveyor.”.

40.1(4) Delete “or qualified, registered, professional land surveyor” from 30 CFR 816.49(a)(3) and 816.49(a)(11)(ii).

40.1(5) Delete “registered, professional engineer” from 30 CFR Parts 779, 780, 783, 784, 816 and 817, and replace it with “professional engineer, registered with the State of Iowa”.

[ARC 9575B, IAB 6/29/11, effective 8/3/11; ARC 2192C, IAB 10/14/15, effective 11/18/15]