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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend the Surface Mining Control and Reclamation Act of 1977 to strengthen control of the environmental impacts of surface coal mining, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BEYER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Surface Mining Control and Reclamation Act of 1977 to strengthen control of the environmental impacts of surface coal mining, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stream Protection and
5 Vegetation Restoration Act”.

1 **SEC. 2. AMENDMENTS TO SURFACE MINING CONTROL AND**
2 **RECLAMATION ACT.**

3 (a) RECLAMATION PLAN REQUIREMENTS.—Section
4 508(a)(7) of the Surface Mining Control and Reclamation
5 Act of 1977 (30 U.S.C. 1258(a)(7)) is amended by insert-
6 ing “, not to exceed the time and distance standards estab-
7 lished in section 515(g)” after “reclamation plan”.

8 (b) REVISION OF PERMITS.—Section 511(a) of the
9 Surface Mining Control and Reclamation Act of 1977 (30
10 U.S.C. 1261(a)) is amended—

11 (1) by redesignating paragraph (3) as para-
12 graph (5); and

13 (2) by inserting after paragraph (2) the fol-
14 lowing:

15 “(3) A request to temporarily cease or suspend min-
16 ing operations is a significant permit revision for purposes
17 of paragraph (2).

18 “(4) In each case where no active coal removal or
19 reclamation has occurred at a permitted mine for more
20 than 6 months during any 3-year period, the applicable
21 permit shall be considered out of compliance with the rec-
22 lamation plan—

23 “(A) unless the permit is in compliance with
24 time and distance standards established in section
25 515(g) and does not have any variances from such
26 standards; and

1 “(B) until the date on which the regulatory au-
2 thority approves—

3 “(i) a reasonable plan submitted by the op-
4 erator to return to production not later than 1
5 year after the date on which the operator is no-
6 tified that the applicable permit is considered
7 out of compliance under this paragraph; or

8 “(ii) an application for a revision of the
9 permit submitted by the permittee under para-
10 graph (1).”.

11 (c) ENVIRONMENTAL PROTECTION PERFORMANCE
12 STANDARDS.—Section 515 of the Surface Mining Control
13 and Reclamation Act of 1977 (30 U.S.C. 1265) is amend-
14 ed—

15 (1) in subsection (b)—

16 (A) in paragraph (16)—

17 (i) by inserting “, not to exceed the
18 time and distance standards established in
19 subsection (g)” after “contemporaneously
20 as practicable with the surface coal mining
21 operations”; and

22 (ii) in subparagraph (D), by striking
23 the period at the end and inserting a semi-
24 colon;

25 (B) in paragraph (20)—

1 (i) in subparagraph (A), by inserting
2 “and” at the end; and

3 (ii) in subparagraph (B), by striking
4 the period at the end and inserting a semi-
5 colon;

6 (C) in paragraph (22)(I), by striking the
7 period at the end and inserting a semicolon;

8 (D) in paragraph (23), by striking “and”
9 at the end;

10 (E) in paragraph (25), by striking the pe-
11 riod at the end and inserting “; and”; and

12 (F) by adding at the end the following:

13 “(26) conduct contemporaneous reclamation so
14 as not to exceed the time and distance standards es-
15 tablished in subsection (g).”; and

16 (2) by adding at the end the following:

17 “(g) Rough backfilling and grading for surface min-
18 ing activities shall be completed according to one of the
19 following schedules:

20 “(1) For contour mining, within 60 days or
21 1,500 linear feet following coal removal, whichever
22 occurs first.

23 “(2) For area mining, within 180 days fol-
24 lowing coal removal, and not more than 4 spoil

1 ridges behind the pit being worked, the spoil from
2 the active pit constituting the first ridge.

3 “(3) For other surface mining methods, in ac-
4 cordance with the schedule established by the regu-
5 latory authority. For States with approved State
6 programs, schedules are subject to the State pro-
7 gram approval process.”.

8 (d) INSPECTIONS AND MONITORING.—Section 517(b)
9 of the Surface Mining Control and Reclamation Act of
10 1977 (30 U.S.C. 1267(b)(2)) is amended—

11 (1) in paragraph (2), to read as follows:

12 “(2) the regulatory authority shall—

13 “(A) require quarterly monitoring of both
14 surface water and ground water during mining
15 and reclamation; and

16 “(B) specify those—

17 “(i) monitoring sites to record the
18 quantity and quality of surface drainage
19 above and below the mine site as well as
20 in the potential zone of influence;

21 “(ii) monitoring sites to record level,
22 amount, and samples of ground water and
23 aquifers potentially affected by the mining
24 and also directly below the lowermost
25 (deepest) coal seam to be mined;

1 “(iii) records of well logs and borehole
2 data to be maintained; and

3 “(iv) monitoring sites to record pre-
4 cipitation;”;

5 (2) by redesignating paragraph (3) as para-
6 graph (5); and

7 (3) by inserting after paragraph (2) the fol-
8 lowing:

9 “(3) the regulatory authority shall conduct an
10 annual assessment of the biological condition of
11 streams to demonstrate progress with respect to re-
12 storing of the pre-mining biological condition of the
13 stream;

14 “(4) the regulatory authority shall conduct an
15 inspection of surface water runoff control structures
16 after each precipitation event that is at least as in-
17 tense as a 100-year, 6-hour precipitation event;
18 and”.