

[Discussion Draft]

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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. _____

To amend the Surface Mining Control and Reclamation Act of 1977 to authorize partnerships between States and non-governmental entities for the purpose of reclaiming and restoring land and water resources adversely affected by coal mining activities before August 3, 1977, and other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LAHOOD 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 authorize partnerships between States and non-governmental entities for the purpose of reclaiming and restoring land and water resources adversely affected by coal mining activities before August 3, 1977, and other purposes.

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

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1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Community Reclama-
3 tion Partnerships Act”.

4 **SEC. 2. REFERENCE.**

5 Except as otherwise specifically provided, whenever in
6 this Act an amendment is expressed in terms of an amend-
7 ment to a provision, the reference shall be considered to
8 be made to a provision of the Surface Mining Control and
9 Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

10 **SEC. 3. STATE AGREEMENTS FOR CERTAIN REMEDIATION.**

11 (a) AGREEMENTS AUTHORIZED.—Section 405 (30
12 U.S.C. 1235) is amended by inserting after subsection (l)
13 the following:

14 “(m) STATE MEMORANDA OF UNDERSTANDING FOR
15 REMEDIATION OF MINE DRAINAGE.—

16 “(1) A State with an approved program under
17 subsection (d) may enter into a memorandum of un-
18 derstanding with relevant Federal or State agencies
19 to remediate mine drainage on abandoned mine land
20 and water within the State. The memorandum may
21 be updated as necessary and resubmitted for ap-
22 proval under paragraph (2).

23 “(2) The State shall submit the memorandum
24 to the Secretary and the Administrator of the Envi-
25 ronmental Protection Agency for approval. The Sec-
26 retary and the Administrator shall approve or dis-

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1 approve the memorandum within 120 days of the
2 date of its submission if the Secretary and Adminis-
3 trator find that the memorandum will facilitate addi-
4 tional activities under the State reclamation plan
5 under subsection (e).

6 “(3) Once approved by the Secretary and the
7 Administrator, a memorandum between the State
8 and a State or Federal agency shall not be consid-
9 ered a rule, regulation, order or permit for the pur-
10 poses of section 520(f) of this Act.

11 “(4) Once approved by the Secretary and the
12 Administer, a memorandum shall be considered part
13 of an approved State Reclamation Program and sub-
14 section (l) shall apply to any projects carried out
15 under the memorandum.

16 “(n) COMMUNITY RECLAIMER PARTNERSHIPS.—

17 “(1) PROJECT APPROVAL.—Within 120 days
18 after receiving such a submission, the Secretary
19 shall approve a Community Reclaimer project to re-
20 mediate abandoned mine lands if the Secretary finds
21 that—

22 “(A) the proposed project will be con-
23 ducted by a Community Reclaimer as defined in
24 this subsection or approved subcontractors of
25 the Community Reclaimer;

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1 “(B) for any proposed project that remedi-
2 ates mine drainage, the proposed project is con-
3 sistent with an approved State memorandum of
4 understanding under subsection (m);

5 “(C) the proposed project will be con-
6 ducted on a site or sites inventoried under sec-
7 tion 403(e) (30 U.S.C. 1233);

8 “(D) the proposed project meets all sub-
9 mission criteria under paragraph (2);

10 “(E) the relevant State has entered into an
11 agreement with the Community Reclaimer
12 under which the State shall assume all respon-
13 sibility with respect to the project on behalf of
14 the Community Reclaimer for any costs or dam-
15 ages resulting from any action or inaction on
16 the part of the Community Reclaimer in car-
17 rying out the project;

18 “(F) the State has the necessary legal au-
19 thority to conduct the project and will obtain all
20 legally required authorizations, permits, licenses
21 and other approvals to ensure completion of the
22 project; and

23 “(G) that the State has sufficient financial
24 resources to ensure completion of the project,
25 including any necessary operation and mainte-

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1 nance costs (including costs associated with
2 emergency actions covered by a contingency
3 plan under paragraph (2)(K).

4 “(2) PROJECT SUBMISSION.—The State shall
5 submit a request for approval to the Secretary that
6 shall include—

7 “(A) a description of the proposed project,
8 including any engineering plans which must
9 bear the seal of a Professional Engineer;

10 “(B) a description of the proposed project
11 site or sites, including, if relevant, the nature
12 and extent of pollution resulting from mine
13 drainage;

14 “(C) identification of the past and current
15 owners or operators of the proposed project
16 site;

17 “(D) the agreement or contract between
18 the relevant State and the Community Re-
19 claimer to carry out the project;

20 “(E) a determination that the project will
21 facilitate the activities of the State reclamation
22 plan under subsection (e);

23 “(F) sufficient information to determine
24 whether the Community Reclaimer has the

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1 technical capability and expertise to successfully
2 conduct the proposed project;

3 “(G) a cost estimate for the project and
4 evidence that the Community Reclaimer has
5 sufficient financial resources to ensure the suc-
6 cessful completion of the proposed project (in-
7 cluding any operation or maintenance costs);

8 “(H) a schedule for completion of the
9 project;

10 “(I) an access agreement to the proposed
11 project site between the Community Reclaimer
12 and the current owner of the site;

13 “(J) sufficient information to ensure that
14 the Community Reclaimer meets the definition
15 under paragraph (3);

16 “(K) a contingency plan designed to be
17 used in response to unplanned adverse events
18 that includes emergency actions, response, and
19 notifications;

20 “(L) a requirement to provide notice to ad-
21 jacent and downstream landowners and the
22 public before the project is initiated;

23 “(3) COMMUNITY RECLAIMER DEFINED.—For
24 purposes of this section, the term ‘Community Re-
25 claimer’ means any person who—

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1 “(A) seeks to voluntarily assist a State
2 with a reclamation project under this section;

3 “(B) did not participate in any way in the
4 creation of, or activities that caused any lands
5 and waters to become eligible for reclamation or
6 drainage abatement expenditures under section
7 404 of this Act (30 U.S.C. 1234); and

8 “(C) is not a past or current owner or op-
9 erator of any site with ongoing reclamation obli-
10 gations or subject to violations listed pursuant
11 to section 510(c) of this Act (30 U.S.C.
12 1260(c)).”.

13 **SEC. 4. CONFORMING AMENDMENTS.**

14 (a) STATE RECLAMATION PROGRAM.—Section 405(f)
15 (30 U.S.C. 1235(f)) is amended—

16 (1) by striking the “and” after the semicolon in
17 paragraph (6);

18 (2) by striking the period at the end of para-
19 graph (7) and inserting “; and”; and

20 (3) by inserting at the end the following:

21 “(8) a list of projects proposed under sub-
22 section (n).”.

23 (b) POWERS OF SECRETARY OF STATE.—Section
24 413(d) (30 U.S.C. 1242(d)) is amended in the second sen-
25 tence by inserting before the period at the end of the pro-

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- 1 viso “unless, for areas within that State, there exists a
- 2 State memorandum of understanding approved under sec-
- 3 tion 405(m) of this Act”.