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 Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Community Reclamation Partnerships Act”.

SEC. 2. REFERENCE.

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

SEC. 3. STATE AGREEMENTS FOR CERTAIN REMEDIATION.

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

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

“(1) A State with an approved program under subsection (d) may enter into a memorandum of understanding with relevant Federal or State agencies to remediate mine drainage on abandoned mine land and water within the State. The memorandum may be updated as necessary and resubmitted for approval under paragraph (2).

“(2) The State shall submit the memorandum to the Secretary and the Administrator of the Environmental Protection Agency for approval. The Secretary and the Administrator shall approve or dis-
approve the memorandum within 120 days of the
date of its submission if the Secretary and Adminis-
trator find that the memorandum will facilitate addi-
tional activities under the State reclamation plan
under subsection (e).

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

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

“(n) COMMUNITY RECLAIMER PARTNERSHIPS.—

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

“(A) the proposed project will be con-
ducted by a Community Reclaimer as defined in
this subsection or approved subcontractors of
the Community Reclaimer;
“(B) for any proposed project that remediates mine drainage, the proposed project is consistent with an approved State memorandum of understanding under subsection (m);

“(C) the proposed project will be conducted on a site or sites inventoried under section 403(e) (30 U.S.C. 1233);

“(D) the proposed project meets all submission criteria under paragraph (2);

“(E) the relevant State has entered into an agreement with the Community Reclaimer under which the State shall assume all responsibility with respect to the project on behalf of the Community Reclaimer for any costs or damages resulting from any action or inaction on the part of the Community Reclaimer in carrying out the project;

“(F) the State has the necessary legal authority to conduct the project and will obtain all legally required authorizations, permits, licenses and other approvals to ensure completion of the project; and

“(G) that the State has sufficient financial resources to ensure completion of the project, including any necessary operation and mainte-
nance costs (including costs associated with emergency actions covered by a contingency plan under paragraph (2)(K).

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

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

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

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

“(D) the agreement or contract between the relevant State and the Community Reclaimer to carry out the project;

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

“(F) sufficient information to determine whether the Community Reclaimer has the
technical capability and expertise to successfully conduct the proposed project;

“(G) a cost estimate for the project and evidence that the Community Reclaimer has sufficient financial resources to ensure the successful completion of the proposed project (including any operation or maintenance costs);

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

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

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

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

“(L) a requirement to provide notice to adjacent and downstream landowners and the public before the project is initiated;

“(3) COMMUNITY RECLAIMER DEFINED.—For purposes of this section, the term ‘Community Reclaimer’ means any person who—
“(A) seeks to voluntarily assist a State with a reclamation project under this section;

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

“(C) is not a past or current owner or operator of any site with ongoing reclamation obligations or subject to violations listed pursuant to section 510(c) of this Act (30 U.S.C. 1260(c)).”.

SEC. 4. CONFORMING AMENDMENTS.

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

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

(2) by striking the period at the end of paragraph (7) and inserting “; and”;

(3) by inserting at the end the following:

“(8) a list of projects proposed under subsection (n).”.

(b) POWERS OF SECRETARY OF STATE.—Section 413(d) (30 U.S.C. 1242(d)) is amended in the second sentence by inserting before the period at the end of the pro-
viso “unless, for areas within that State, there exists a State memorandum of understanding approved under section 405(m) of this Act”.

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