

103^D CONGRESS
1ST SESSION

S. 276

To amend the Surface Mining Control and Reclamation Act of 1977 to improve control of acid mine drainage, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 2 (legislative day, JANUARY 5), 1993

Mr. SARBANES introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Surface Mining Control and Reclamation Act of 1977 to improve control of acid mine drainage, 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 “Acid Mine Drainage
5 Abatement Act of 1993”.

6 **SEC. 2. ACID MINE DRAINAGE.**

7 Section 402(g) of the Surface Mining Control and
8 Reclamation Act of 1977 (30 U.S.C. 1232(g)) is amend-
9 ed—

1 (1) in paragraph (3), by adding at the end the
2 following new subparagraph:

3 “(E) For the purpose of paragraph (7).”; and

4 (2) by striking paragraphs (6) and (7) and in-
5 serting the following new paragraphs:

6 “(6) Any State may receive and retain, without re-
7 gard to the 3-year limitation referred to in paragraph
8 (1)(D), up to 10 percent of the total of the grants made
9 annually to the State under paragraphs (1), (3), and (5)
10 if the amounts are deposited into a special trust fund es-
11 tablished under State law pursuant to which the amounts
12 (together with all interest earned on the amounts) are ex-
13 pended by the State solely to achieve the priorities stated
14 in section 403(a) after September 30, 1995.

15 “(7)(A) Any State may receive and retain, without
16 regard to the 3-year limitation referred to in paragraph
17 (1)(D), up to 30 percent of the total of the grants made
18 annually to the State under paragraphs (1), (3), and (5)
19 if the amounts are deposited into an acid mine drainage
20 abatement and treatment trust fund established under
21 State law pursuant to which the amounts (together with
22 all interest earned on the amounts) are expended by the
23 State to undertake acid mine drainage abatement and
24 treatment projects. The projects shall provide for the
25 abatement of the causes or the treatment of the effects

1 of acid mine drainage within qualified hydrologic units af-
2 fected by coal mining practices.

3 “(B) Any State that receives and retains funds pur-
4 suant to subparagraph (A) may apply to the Secretary for
5 a grant in an amount not to exceed 50 percent of the cost
6 of an acid mine drainage abatement or treatment project.
7 A grant to a State under this paragraph shall be made
8 from amounts available to the Secretary pursuant to para-
9 graph (3). An application submitted to the Secretary
10 under this subparagraph shall include a description of—

11 “(i) the qualified hydrologic unit;

12 “(ii) the extent to which acid mine drainage is
13 affecting the water quality and biological resources
14 within the hydrologic unit;

15 “(iii) the sources of acid mine drainage within
16 the hydrologic unit;

17 “(iv) the project and the measures proposed to
18 be undertaken to abate the causes or treat the ef-
19 fects of acid mine drainage within the hydrologic
20 unit; and

21 “(v) the cost of undertaking the proposed
22 abatement or treatment measures.

23 “(C) If the Secretary determines that an application
24 made pursuant to subparagraph (B) meets the require-
25 ments of this paragraph, the Secretary may approve the

1 application. In approving applications submitted under
2 subparagraph (B), the Secretary shall give priority to ap-
3 plications that will be implemented in coordination with
4 measures undertaken by the Secretary of Agriculture
5 under section 406.

6 “(D) As used in this paragraph, the term ‘qualified
7 hydrologic unit’ means a hydrologic unit—

8 “(i) in which the water quality has been signifi-
9 cantly affected by acid mine drainage from coal min-
10 ing practices in a manner that adversely impacts bi-
11 ological resources; and

12 “(ii) that contains lands and waters that are el-
13 igible pursuant to section 404 and promote any of
14 the priorities stated in paragraph (1), (2), or (3) of
15 section 403(a).”.

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