

118TH CONGRESS  
2D SESSION

# H. R. 6233

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IN THE SENATE OF THE UNITED STATES

APRIL 10, 2024

Received; read twice and referred to the Committee on Energy and Natural  
Resources

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## AN ACT

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

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 MEMORANDA OF UNDERSTANDING FOR CER-**  
11 **TAIN REMEDIATION.**

12 Section 405 (30 U.S.C. 1235) is amended by insert-  
13 ing after subsection (l) the following:

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

16 “(1) IN GENERAL.—A State with a State pro-  
17 gram approved under subsection (d) may enter into  
18 a memorandum of understanding with relevant Fed-  
19 eral or State agencies (or both) to remediate mine  
20 drainage on abandoned mine land and water im-  
21 pacted by abandoned mines within the State. The  
22 memorandum may be updated as necessary and re-  
23 submitted for approval under this subsection.

24 “(2) MEMORANDA REQUIREMENTS.—Such  
25 memorandum shall establish a strategy satisfactory  
26 to the State and Federal agencies that are parties

1 to the memorandum, to address water pollution re-  
2 sulting from mine drainage at sites eligible for rec-  
3 lamation and mine drainage abatement expenditures  
4 under section 404, including specific procedures  
5 for—

6 “(A) ensuring that activities carried out to  
7 address mine drainage will result in improved  
8 water quality;

9 “(B) monitoring, sampling, and the report-  
10 ing of collected information as necessary to  
11 achieve the condition required under subpara-  
12 graph (A);

13 “(C) operation and maintenance of treat-  
14 ment systems as necessary to achieve the condi-  
15 tion required under subparagraph (A); and

16 “(D) other purposes, as considered nec-  
17 essary by the State or Federal agencies, to  
18 achieve the condition required under subpara-  
19 graph (A).

20 “(3) PUBLIC REVIEW AND COMMENT.—

21 “(A) IN GENERAL.—Before submitting a  
22 memorandum to the Secretary and the Admin-  
23 istrator for approval, a State shall—

1 “(i) invite interested members of the  
2 public to comment on the memorandum;  
3 and

4 “(ii) hold at least one public meeting  
5 concerning the memorandum in a location  
6 or locations reasonably accessible to per-  
7 sons who may be affected by implementa-  
8 tion of the memorandum.

9 “(B) NOTICE OF MEETING.—The State  
10 shall publish notice of each meeting not less  
11 than 15 days before the date of the meeting, in  
12 local newspapers of general circulation, on the  
13 Internet, and by any other means considered  
14 necessary or desirable by the Secretary and the  
15 Administrator.

16 “(C) RESPONSE TO PUBLIC COMMENT.—  
17 The memorandum shall include responses to  
18 substantive concerns raised by the public in  
19 comments and during public meetings if re-  
20 ceived within 30 days of such meetings and op-  
21 portunity to comment.

22 “(4) SUBMISSION AND APPROVAL.—The State  
23 shall submit the memorandum to the Secretary and  
24 the Administrator of the Environmental Protection  
25 Agency for approval. The Secretary and the Admin-

1       istrator shall approve or disapprove the memo-  
2       randum within 120 days after the date of its sub-  
3       mission if the Secretary and Administrator find that  
4       the memorandum will facilitate additional activities  
5       under the State Reclamation Plan under subsection  
6       (e) that improve water quality.

7               “(5) TREATMENT AS PART OF STATE PLAN.—

8       A memorandum of a State that is approved by the  
9       Secretary and the Administrator under this sub-  
10      section shall be considered part of the approved  
11      abandoned mine reclamation plan of the State.

12             “(n) COMMUNITY RECLAIMER PARTNERSHIPS.—

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

18                     “(A) the proposed project will be con-  
19                     ducted by a Community Reclaimer as defined in  
20                     this subsection or approved subcontractors of  
21                     the Community Reclaimer;

22                     “(B) for any proposed project that remedi-  
23                     ates mine drainage, the proposed project is con-  
24                     sistent with an approved State memorandum of  
25                     understanding under subsection (m);

1           “(C) the proposed project will be con-  
2           ducted on a site or sites inventoried under sec-  
3           tion 403(c);

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

6           “(E) the relevant State has entered into an  
7           agreement with the Community Reclaimer  
8           under which the State shall assume all respon-  
9           sibility with respect to the project for any costs  
10          or damages resulting from any action or inac-  
11          tion on the part of the Community Reclaimer in  
12          carrying out the project, except for costs or  
13          damages resulting from gross negligence or in-  
14          tentional misconduct by the Community Re-  
15          claimer, on behalf of—

16                 “(i) the Community Reclaimer; and

17                 “(ii) the owner of the proposed project  
18                 site, if such Community Reclaimer or  
19                 owner, respectively, did not participate in  
20                 any way in the creation of site conditions  
21                 at the proposed project site or activities  
22                 that caused any lands or waters to become  
23                 eligible for reclamation or drainage abate-  
24                 ment expenditures under section 404;

1           “(F) the State has the necessary legal au-  
2           thority to conduct the project and will obtain all  
3           legally required authorizations, permits, li-  
4           censes, and other approvals to ensure comple-  
5           tion of the project;

6           “(G) the State has sufficient financial re-  
7           sources to ensure completion of the project, in-  
8           cluding any necessary operation and mainte-  
9           nance costs (including costs associated with  
10          emergency actions covered by a contingency  
11          plan under paragraph (2)(K)); and

12          “(H) the proposed project is not in a cat-  
13          egory of projects that would require a permit  
14          under title V.

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

18               “(A) a description of the proposed project,  
19               including any engineering plans that must bear  
20               the seal of a professional engineer;

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

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

4           “(D) the agreement or contract between  
5 the relevant State and the Community Re-  
6 claimer to carry out the project;

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

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

14          “(G) a cost estimate for the project and  
15 evidence that the Community Reclaimer has  
16 sufficient financial resources to ensure the suc-  
17 cessful completion of the proposed project (in-  
18 cluding any operation or maintenance costs);

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

21          “(I) an agreement between the Community  
22 Reclaimer and the current owner of the site  
23 governing access to the site;



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

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

8           “(L) detailed plans for any proposed recy-  
9           cling or reprocessing of historic mine residue to  
10          be conducted by the Community Reclaimer (in-  
11          cluding a description of how all proposed recy-  
12          cling or reprocessing activities contribute to the  
13          remediation of the abandoned mine site); and

14          “(M) a requirement that the State provide  
15          notice to adjacent and downstream landowners  
16          and the public and hold a public meeting near  
17          the proposed project site before the project is  
18          initiated.

19          “(3) REPROCESSING OF MATERIALS.—A Com-  
20          munity Reclaimer may reprocess materials recovered  
21          during the implementation of a remediation plan  
22          only if—

23                 “(A) the applicable land management  
24                 agency has signed a decision document approv-

1 ing reprocessing as part of the approved aban-  
2 doned mine reclamation plan of the State;

3 “(B) the proceeds from the sale or use of  
4 the materials are used—

5 “(i) to defray the costs of the remedi-  
6 ation; and

7 “(ii) to reimburse the Administrator  
8 or the head of a Federal land management  
9 agency for the purpose of carrying out this  
10 Act; and

11 “(C) the materials only include historic  
12 mine residue.

13 “(4) COMMUNITY RECLAIMER DEFINED.—For  
14 purposes of this section, the term ‘Community Re-  
15 claimer’ means any person who—

16 “(A) seeks to voluntarily assist a State  
17 with a reclamation project under this section,  
18 which may include companies that currently  
19 hold reclamation liability elsewhere from the  
20 proposed site or active mine sites that require  
21 a performance bond;

22 “(B) did not participate in any way in the  
23 creation of site conditions at the proposed  
24 project site or activities that caused any lands  
25 or waters at the proposed project site to become

1 eligible for reclamation or drainage abatement  
2 expenditures under section 404; and

3 “(C) is not subject to outstanding viola-  
4 tions listed pursuant to section 510(c).”.

5 **SEC. 4. CLARIFYING STATE LIABILITY FOR MINE DRAINAGE**  
6 **PROJECTS.**

7 Section 413(d) (30 U.S.C. 1242(d)) is amended by  
8 inserting “unless such control or treatment will be con-  
9 ducted in accordance with a State memorandum of under-  
10 standing approved under section 405(m) of this Act” after  
11 “under the Federal Water Pollution Control Act”.

12 **SEC. 5. CONFORMING AMENDMENTS.**

13 Section 405(f) (30 U.S.C. 1235(f)) is amended—

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

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

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

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

**1 SEC. 6. SUNSET PROVISION.**

2      This Act shall be in effect until September 30, 2030.

Passed the House of Representatives April 9, 2024.

Attest: KEVIN F. MCCUMBER,  
Clerk.