

118TH CONGRESS
2D SESSION

H. R. 8062

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

APRIL 18, 2024

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

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”.

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

8 (a) RECLAMATION PLAN REQUIREMENTS.—Section
9 508(a)(7) of the Surface Mining Control and Reclamation

1 Act of 1977 (30 U.S.C. 1258(a)(7)) is amended by insert-
2 ing “, not to exceed the time and distance standards estab-
3 lished in section 515(g)” after “reclamation plan”.

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

7 (1) by redesignating paragraph (3) as para-
8 graph (5); and

9 (2) by inserting after paragraph (2) the fol-
10 lowing:

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

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

19 “(A) unless the permit is in compliance with
20 time and distance standards established in section
21 515(g) and does not have any variances from such
22 standards; and

23 “(B) until the date on which the regulatory au-
24 thority approves—

“(i) a reasonable plan submitted by the operator to return to production not later than 1 year after the date on which the operator is notified that the applicable permit is considered out of compliance under this paragraph; or

“(ii) an application for a revision of the permit submitted by the permittee under paragraph (1).”.

(c) ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS.—Section 515 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1265) is amended—

(1) in subsection (b)—

(A) in paragraph (16)—

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

(ii) in subparagraph (D), by striking the period at the end and inserting a semicolon;

(B) in paragraph (20)—

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

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

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

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

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

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

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

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

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

18 “(1) For contour mining, within 60 days or
19 1,500 linear feet following coal removal, whichever
20 occurs first.

21 “(2) For area mining, within 180 days fol-
22 lowing coal removal, and not more than 4 spoil
23 ridges behind the pit being worked, the spoil from
24 the active pit constituting the first ridge.

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

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

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

10 “(2) the regulatory authority shall—

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

14 “(B) specify those—

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

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

24 “(iii) records of well logs and borehole
25 data to be maintained; and

1 “(iv) monitoring sites to record pre-
2 cipitation;”;

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

5 (3) by inserting after paragraph (2) the fol-
6 lowing:

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

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

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