

113TH CONGRESS  
1ST SESSION

# H. R. 2824

To amend the Surface Mining Control and Reclamation Act of 1977 to stop the ongoing waste by the Department of the Interior of taxpayer resources and implement the final rule on excess spoil, mining waste, and buffers for perennial and intermittent streams, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2013

Mr. JOHNSON of Ohio (for himself and Mr. LAMBORN) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Surface Mining Control and Reclamation Act of 1977 to stop the ongoing waste by the Department of the Interior of taxpayer resources and implement the final rule on excess spoil, mining waste, and buffers for perennial and intermittent streams, 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 “Preventing Govern-  
5 ment Waste and Protecting Coal Mining Jobs in Amer-  
6 ica”.

1 **SEC. 2. INCORPORATION OF SURFACE MINING STREAM**  
2 **BUFFER ZONE RULE INTO STATE PROGRAMS.**

3 (a) IN GENERAL.—Section 503 of the Surface Min-  
4 ing Control and Reclamation Act of 1977 (30 U.S.C.  
5 1253) is amended by adding at the end the following:

6 “(e) STREAM BUFFER ZONE MANAGEMENT.—

7 “(1) IN GENERAL.—In addition to the require-  
8 ments under subsection (a), each State program  
9 shall incorporate the necessary rule regarding excess  
10 spoil, coal mine waste, and buffers for perennial and  
11 intermittent streams published by the Office of Sur-  
12 face Mining Reclamation and Enforcement on De-  
13 cember 12, 2008 (73 Fed. Reg. 75813 et seq.).

14 “(2) STUDY OF IMPLEMENTATION.—The Sec-  
15 retary shall—

16 “(A) at such time as the Secretary deter-  
17 mines all States referred to in subsection (a)  
18 have fully incorporated the necessary rule re-  
19 ferred to in paragraph (1) of this subsection  
20 into their State programs, publish notice of  
21 such determination;

22 “(B) during the 5-year period beginning on  
23 the date of such publication, assess the effec-  
24 tiveness of implementation of such rule by such  
25 States; and

1           “(C) upon the conclusion of such period,  
2           submit a comprehensive report on the impacts  
3           of such rule to the Committee on Natural Re-  
4           sources of the House of Representatives and the  
5           Committee on Energy and Natural Resources of  
6           the Senate, including—

7                   “(i) an evaluation of the effectiveness  
8                   of such rule;

9                   “(ii) an evaluation of any ways in  
10                  which the existing rule inhibits energy pro-  
11                  duction; and

12                  “(iii) a description in detail of any  
13                  proposed changes that should be made to  
14                  the rule, the justification for such changes,  
15                  all comments on such changes received by  
16                  the Secretary from such States, and the  
17                  projected costs and benefits of such  
18                  changes.

19           “(3) LIMITATION ON NEW REGULATIONS.—The  
20           Secretary may not issue any regulations under this  
21           Act relating to stream buffer zones or stream protec-  
22           tion before the date of the publication of the report  
23           under paragraph (2), other than a rule necessary to  
24           implement paragraph (1).”.

1 (b) DEADLINE FOR STATE IMPLEMENTATION.—Not  
2 later than 2 years after the date of the enactment of this  
3 Act, a State with a State program approved under section  
4 503 of the Surface Mining Control and Reclamation Act  
5 of 1977 (30 U.S.C. 1253) shall submit to the Secretary  
6 of the Interior amendments to such program pursuant to  
7 part 732 of title 30, Code of Federal Regulations, incor-  
8 porating the necessary rule referred to in subsection (e)(1)  
9 of such section, as amended by this section.

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