

106TH CONGRESS
1ST SESSION

H. R. 2753

To authorize the Secretary of the Army to carry out a program for the restoration of abandoned mine sites.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1999

Mr. GIBBONS introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Secretary of the Army to carry out a program for the restoration of abandoned mine sites.

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 “Abandoned Mine Res-
5 toration Act of 1999”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act, the following definitions apply:

1 (1) NON-FEDERAL ENTITIES.—The term “non-
2 Federal entities” includes nonprofit and private enti-
3 ties.

4 (2) PROGRAM.—The term “program” means
5 the program authorized under section 3(a).

6 (3) SECRETARY.—The term “Secretary” means
7 the Secretary of the Army.

8 **SEC. 3. RESTORATION OF ABANDONED MINE SITES PRO-**
9 **GRAM.**

10 (a) IN GENERAL.—Subject to the requirements of
11 this section, the Secretary may carry out a program to
12 assist stewards of lands owned by the United States and
13 non-Federal entities to address environmental and water
14 quality problems caused by drainage and related activities
15 from abandoned, inactive, and post-production noncoal
16 mines. The program shall be managed by the head of the
17 Sacramento District Office of the Corps of Engineers.

18 (b) CONSULTATION.—The Secretary shall coordinate
19 actions taken under the program with appropriate Fed-
20 eral, State, and local agencies. Any project conducted
21 under the program on lands owned by the United States
22 shall be undertaken in consultation with the head of the
23 Federal entity with administrative jurisdiction over the
24 lands.

25 (c) ASSISTANCE.—

1 (1) TYPES OF ASSISTANCE.—In carrying out
2 the program, the Secretary may provide technical,
3 planning, design, restoration, remediation, and con-
4 struction assistance to Federal and non-Federal en-
5 tities for the purpose of carrying out projects to ad-
6 dress problems described in subsection (a).

7 (2) REQUIREMENT FOR ASSISTANCE.—The Sec-
8 retary may only provide assistance for a project
9 under the program, if the Secretary determines that
10 the project—

11 (A) will improve the quality of the environ-
12 ment and is in the public interest; and

13 (B) is cost-effective.

14 (d) SPECIFIC MEASURES.—Assistance may be pro-
15 vided under the program in support of a Federal or non-
16 Federal project for the following purposes:

17 (1) Response, control, and remediation of haz-
18 ardous, toxic, and radioactive waste and improve-
19 ment of the quality of the environment associated
20 with an abandoned, inactive, or post-production
21 noncoal mine, if the Secretary finds that such activi-
22 ties are integral to carrying out the environmental
23 restoration project.

24 (2) Restoration and protection of streams, riv-
25 ers, wetlands, and other waterbodies and all eco-

1 systems degraded, or with the potential to become
2 degraded, by drainage from an abandoned, inactive,
3 or post-production noncoal mine.

4 (3) Demonstration of treatment technologies,
5 including innovative and alternative technologies, to
6 minimize or eliminate adverse environmental effects
7 associated with an abandoned, inactive, or post-pro-
8 duction noncoal mine.

9 (4) Demonstration of management practices to
10 address environmental effects associated with an
11 abandoned, inactive, or post-production noncoal
12 mine.

13 (5) Remediation and restoration of an aban-
14 doned, inactive, or post-production noncoal mine site
15 for public health or safety purposes.

16 (6) Expedite the closure, remediation, or res-
17 toration of an abandoned, inactive, or post-produc-
18 tion noncoal mine to minimize adverse impacts to
19 the environment.

20 (e) COST-SHARING.—

21 (1) IN GENERAL.—Except as provided by para-
22 graph (2), the Federal share of the cost of a project
23 carried out under the program shall be 65 percent
24 of such cost.

1 (2) PROJECTS ON FEDERAL LANDS.—With re-
2 spect to projects carried out under the program on
3 Federal lands, the Federal share of the cost of the
4 project shall be 100 percent of such cost.

5 (f) CREDITS.—For purposes of subsection (e), a non-
6 Federal entity shall receive credit toward the non-Federal
7 share of the cost of a project—

8 (1) for all lands, easements, rights-of-way, and
9 relocations, but not to exceed 25 percent of total
10 project cost;

11 (2) for design and construction services and
12 other in-kind work;

13 (3) for grants and the value, as determined by
14 the Secretary, of work performed on behalf of the
15 non-Federal entity by State and local agencies; and

16 (4) for such costs as are incurred by the non-
17 Federal entity in carrying out studies and any
18 preconstruction, engineering, or design activities re-
19 quired for any construction to be conducted under
20 the project, if the Secretary determines that such ac-
21 tivities are integral to the project.

22 (g) GRANTS AND REIMBURSEMENTS.—

23 (1) GRANTS.—The Federal share of the cost of
24 a project under the program may be provided in the
25 form of grants to the non-Federal entity or direct

1 reimbursements to the non-Federal entity of project
2 costs.

3 (2) REIMBURSEMENTS.—Subject to the avail-
4 ability of appropriations, the Secretary may reim-
5 burse a non-Federal interest an amount equal to the
6 estimate of the Federal share, without interest, of
7 the cost of any work (including work associated with
8 studies, planning, design, and construction) carried
9 out by the non-Federal entity otherwise made eligi-
10 ble for non-Federal assistance under this section.

11 (3) REIMBURSEMENTS FOR CONSTRUCTION
12 WORK.—Reimbursements for construction work by a
13 non-Federal entity as part of a project under the
14 program may be made only—

15 (A) if, before initiation of construction of
16 the project, the Secretary approves the plans
17 for construction of the project by the non-Fed-
18 eral entity;

19 (B) if the Secretary finds, after a review of
20 studies and design documents prepared pursu-
21 ant to this section, that construction of the
22 project meets the requirements in subsection
23 (d); and

24 (C) if the Secretary determines that the
25 work for which reimbursement is requested has

1 been performed in accordance with applicable
2 permits and approved plans.

3 (h) OPERATION AND MAINTENANCE.—The non-Fed-
4 eral share of operation and maintenance costs for a project
5 carried out under the program shall be 100 percent, except
6 that, in the case of a project undertaken on Federal lands,
7 the Federal agency with management responsibility for the
8 lands shall be responsible for all operation and mainte-
9 nance costs.

10 (i) EFFECT ON AUTHORITY OF SECRETARY OF THE
11 INTERIOR.—Nothing in this section shall affect the au-
12 thority of the Secretary of the Interior under the Mining
13 Law of 1872 or title IV of the Surface Mining Control
14 and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

15 (j) COST LIMITATION.—Not more than \$10,000,000
16 of the amounts appropriated to carry out this section may
17 be allotted for projects in a single locality, but the Sec-
18 retary may accept funds voluntarily contributed by the
19 non-Federal or Federal entity for the purpose of expand-
20 ing the scope of the services requested by the non-Federal
21 or Federal entity.

22 (k) LIMITATION ON ACTIONS.—Notwithstanding any
23 other provision of law, the Secretary or any State or polit-
24 ical subdivision (including any local district) which has im-
25 plemented or will implement any remedial action which is

1 consistent with a State and Environmental Protection
2 Agency approved remediation plan, and any State ap-
3 proved modification thereof, at an abandoned mine site
4 and adjacent lands to provide water quality protection,
5 shall not be treated, based on actions taken consistent
6 with the plan, to be—

7 (1) the owner or operator of the site, or ar-
8 ranger or transporter for disposal;

9 (2) responsible for any discharge or release of
10 pollutants, contaminants, or hazardous substances
11 on or from the abandoned mine site or adjacent
12 lands, including discharges or releases which have
13 been affected by the activities of the remedial action;
14 or

15 (3) subject to any enforcement action pursuant
16 to Federal law, except for violations involving gross
17 negligence.

18 In this subsection, the term “gross negligence” means
19 reckless, willful, or wanton misconduct.

20 (1) WESTERN UNIVERSITIES MINE-LAND RECLAMA-
21 TION AND RESTORATION CONSORTIUM.—The Secretary
22 may provide assistance to the Western Universities Mine-
23 Land Reclamation and Restoration Consortium, which in-
24 cludes the University of Nevada, the New Mexico Institute
25 of Mining and Technology, the University of Idaho, and

1 the University of Alaska, for the purposes of carrying out
2 the purposes of the program.

3 (m) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$45,000,000 for fiscal years beginning after September
6 30, 1999.

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