



U.S. Office of Surface Mining

# News Release



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Contact: Christopher Holmes  
(202) 208-7941  
[cholmes@osmre.gov](mailto:cholmes@osmre.gov)

## Office of Surface Mining Reclamation and Enforcement Announces Notice of Intent to Conduct Environmental Impact Statement, Conducts Stakeholder Meetings to Develop New Rule to Protect Streams

(Washington) – The [Office of Surface Mining Reclamation and Enforcement](#) is taking one of the first steps toward developing a new rule that will increase protection of streams affected by surface coal mining.

The [Federal Register](#) will publish tomorrow a Notice of Intent to prepare an Environmental Impact Statement (EIS) to evaluate alternatives to revise surface mining rules for better protection of streams.

The EIS will examine a range of alternatives that the new rule — to be called the Stream Protection Rule — might address. Those alternatives include keeping the current regulations, as well as other options to prevent downstream impacts without eliminating surface coal mining.

“This is the first of several steps we are taking to arrive at a final rule,” said [OSM Director Joe Pizarchik](#). “As we move forward, we are talking with citizen groups, conservationists, coal industry representatives, state regulators, and others to seek their input in order to write a better rule that will be more protective of streams affected by mining.”

OSM is committed to publish a proposed rule in early 2011 and finalize the rule in mid-2012. Development of the new rule fulfills a commitment the Department of the Interior made last June. OSM is actively pursuing the course of action outlined in the [Memorandum of Understanding](#) with the Environmental Protection Agency and the U.S. Army Corps of Engineers to minimize the adverse consequences of Appalachian surface coal mining.

Some of the draft concepts that the proposed rule might cover include:

- Requiring coal mining companies to gather more extensive and more specific baseline data on a proposed mine site’s hydrology, geology, and aquatic biology;

- Establishing a definition of the term “material damage” to watersheds outside of areas permitted for mining.
- Adding monitoring requirements for surface water, groundwater, and wildlife during mining and reclamation;
- Using monitoring results to establish thresholds for certain mine discharges which, if exceeded, would require a company to take corrective action.
- Limiting variances and exceptions to “approximate original contour,” a requirement of the Surface Mining Control and Reclamation Act that mine operators reclaim mined areas as close as possible to their original shape and size.

As part of the Obama Administration’s commitment to a more open government, OSM is conducting stakeholder outreach. Stakeholder outreach meetings occurred last week in West Virginia and earlier this week in Kentucky. Future stakeholder outreach will take place next week in Washington, D.C., and in Denver during the week of May 10. The EIS and input from stakeholders will give OSM the information to write the best rule possible.

While the Stream Protection Rule will have the greatest impact in Appalachia, where mountaintop mining occurs, the rule will apply nationwide since it will also address aspects of coal mine operations throughout the United States.

For the full text of the Notice of Intent, interested parties may visit the *Federal Register* online, where a copy of the Notice of Intent will be available for public inspection at: <http://edocket.access.gpo.gov/2010/pdf/2010-10091.pdf>. Publication of the Notice of Intent in tomorrow’s *Federal Register* marks the start of a 30-day comment period, which will close on June 1, 2010. Comments may be submitted to [sra-eis@osmre.gov](mailto:sra-eis@osmre.gov).

*The Office of Surface Mining Reclamation and Enforcement carries out the requirements of the [Surface Mining Control and Reclamation Act of 1977](#) in cooperation with states and tribes. OSM’s objectives are to ensure that coal mining activities are conducted in a manner that protects citizens and the environment during mining, to ensure that the land is restored to beneficial use after mining, and to mitigate the effects of past mining by aggressively pursuing reclamation of abandoned coal mines.*