



Federal Government Continues to Target Big Coal

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The United States Department of Interior's (DOI) Office of Surface Mining Reclamation and Enforcement has proposed new regulations requiring coal mining companies to protect and restore streams impacted by nearby mining activities. DOI's draft Stream Protection Rule is just the latest move in the government's "war on coal." In 2014, EPA forced hundreds of coal fired power plants to shut down or spend millions to get ready to comply with its proposed Clean Power Plan rule restricting carbon emissions. Now, DOI is joining the fight against big coal.

Among other things, the proposed regulations require coal mines to:

- Test and monitor the condition of streams that their mining might impact before, during and after mining operations; and,
- Return streams and land around mining operations to their previous condition.

During the 60-day public comment period that ends on September 25, DOI will hold public hearings on the proposed rule in West Virginia, Kentucky, Pennsylvania, Missouri, and Colorado. However, the National Mining Association and representatives from affected states are already screaming foul, arguing the new rules are unnecessary, lack a scientific basis, and are being proposed to put coal mines out of business.

While anti-mining activists support the proposed rule in principal, some complain it doesn't do enough. For example, unlike the current regulation that requires a 100-foot buffer zone between mines and nearby streams, the proposed rule takes into account local conditions when establishing buffers rather than setting a single national standard. Therefore, environmentalists fear the buffer may be less than 100 feet in some places depending on hydrology and geology.

The proposed regulations were issued after six years of fighting among activists, industry and the government. The fight is not likely to end here. If the litigation to be filed over EPA's now final Clean Power Plan is any indicator, it will be years before a final Stream Protection Rule goes into effect. Stay tuned.

80 Fed .Reg. 44436 (July 27, 2015).

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- Jessica J.O. King – 803.567.4602 – jking@williamsmullen.com

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