

(Pub. L. 95–87, title IV, §413, formerly §412, Aug. 3, 1977, 91 Stat. 466, renumbered §413, Pub. L. 101–508, title VI, §6010(1), Nov. 5, 1990, 104 Stat. 1388–296.)

#### REFERENCES IN TEXT

The Federal Water Pollution Control Act (33 U.S.C.A. 1151, et seq. as amended), referred to in subsec. (d), is act June 30, 1948, ch. 758, 62 Stat. 1155, formerly classified to chapter 23 (§1151 et seq.) of Title 33, Navigation and Navigable Waters, which was completely revised by Pub. L. 92–500, §2, Oct. 18, 1972, 86 Stat. 816, and is classified generally to chapter 26 (§1251 et seq.) of Title 33. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

#### PRIOR PROVISIONS

A prior section 413 of Pub. L. 95–87 was renumbered section 414 and is classified to section 1243 of this title.

#### § 1243. Interagency cooperation

All departments, boards, commissioners, and agencies of the United States of America shall cooperate with the Secretary by providing technical expertise, personnel, equipment, materials, and supplies to implement and administer the provisions of this subchapter.

(Pub. L. 95–87, title IV, §414, formerly §413, Aug. 3, 1977, 91 Stat. 467, renumbered §414, Pub. L. 101–508, title VI, §6010(1), Nov. 5, 1990, 104 Stat. 1388–296.)

#### § 1244. Remining incentives

##### (a) In general

Notwithstanding any other provision of this chapter, the Secretary may, after opportunity for public comment, promulgate regulations that describe conditions under which amounts in the fund may be used to provide incentives to promote remining of eligible land under section 1234 of this title in a manner that leverages the use of amounts from the fund to achieve more reclamation with respect to the eligible land than would be achieved without the incentives.

##### (b) Requirements

Any regulations promulgated under subsection (a) shall specify that the incentives shall apply only if the Secretary determines, with the concurrence of the State regulatory authority referred to in subchapter V, that, without the incentives, the eligible land would not be likely to be remined and reclaimed.

##### (c) Incentives

###### (1) In general

Incentives that may be considered for inclusion in the regulations promulgated under subsection (a) include, but are not limited to—

(A) a rebate or waiver of the reclamation fees required under section 1232(a) of this title; and

(B) the use of amounts in the fund to provide financial assurance for remining operations in lieu of all or a portion of the performance bonds required under section 1259 of this title.

###### (2) Limitations

###### (A) Use

A rebate or waiver under paragraph (1)(A) shall be used only for operations that—

(i) remove or reprocess abandoned coal mine waste; or

(ii) conduct remining activities that meet the priorities specified in paragraph (1) or (2) of section 1233(a) of this title.

##### (B) Amount

The amount of a rebate or waiver provided as an incentive under paragraph (1)(A) to remine or reclaim eligible land shall not exceed the estimated cost of reclaiming the eligible land under this section.

(Pub. L. 95–87, title IV, §415, as added Pub. L. 109–432, div. C, title II, §207, Dec. 20, 2006, 120 Stat. 3018.)

### SUBCHAPTER V—CONTROL OF THE ENVIRONMENTAL IMPACTS OF SURFACE COAL MINING

#### § 1251. Environmental protection standards

(a) Not later than the end of the ninety-day period immediately following August 3, 1977, the Secretary shall promulgate and publish in the Federal Register regulations covering an interim regulatory procedure for surface coal mining and reclamation operations setting mining and reclamation performance standards based on and incorporating the provisions set out in section 1252(c) of this title. The issuance of the interim regulations shall be deemed not to be a major Federal action within the meaning of section 4332(2)(c)<sup>1</sup> of title 42. Such regulations, which shall be concise and written in plain, understandable language shall not be promulgated and published by the Secretary until he has—

(A) published proposed regulations in the Federal Register and afforded interested persons and State and local governments a period of not less than thirty days after such publication to submit written comments thereon;

(B) obtained the written concurrence of the Administrator of the Environmental Protection Agency with respect to those regulations promulgated under this section which relate to air or water quality standards promulgated under the authority of the Federal Water Pollution Control Act, as amended [33 U.S.C. 1251 et seq.]; and the Clean Air Act, as amended [42 U.S.C. 7401 et seq.]; and

(C) held at least one public hearing on the proposed regulations.

The date, time, and place of any hearing held on the proposed regulations shall be set out in the publication of the proposed regulations. The Secretary shall consider all comments and relevant data presented at such hearing before final promulgation and publication of the regulations.

(b) Not later than one year after August 3, 1977, the Secretary shall promulgate and publish in the Federal Register regulations covering a permanent regulatory procedure for surface coal mining and reclamation operations performance standards based on and conforming to the provisions of this subchapter and establishing procedures and requirements for preparation, submission, and approval of State programs; and devel-

<sup>1</sup> So in original. Probably should be “4332(2)(C)”.