

(Pub. L. 95-87, title VII, §716, Aug. 3, 1977, 91 Stat. 526.)

## REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in text, is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

**§ 1307. Water rights and replacement**

(a) Nothing in this chapter shall be construed as affecting in any way the right of any person to enforce or protect, under applicable law, his interest in water resources affected by a surface coal mining operation.

(b) The operator of a surface coal mine shall replace the water supply of an owner of interest in real property who obtains all or part of his supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where such supply has been affected by contamination, diminution, or interruption proximately resulting from such surface coal mine operation.

(Pub. L. 95-87, title VII, §717, Aug. 3, 1977, 91 Stat. 526.)

**§ 1308. Advance appropriations**

Notwithstanding any other provision of this chapter, no authority to make payments under this chapter shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

(Pub. L. 95-87, title VII, §718, Aug. 3, 1977, 91 Stat. 526.)

**§ 1308a. Use of civil penalty funds to reclaim lands**

In fiscal year 2009 and thereafter, the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected for civil penalties assessed under section 1268 of this title, to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended.

(Pub. L. 111-8, div. E, title I, Mar. 11, 2009, 123 Stat. 712.)

## CODIFICATION

Section was enacted as part of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009, and also as part of the Omnibus Appropriations Act, 2009, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

**§ 1308b. Transfer of computer hardware, software and other technical equipment**

In fiscal year 2015 and each fiscal year thereafter, with funds available for the Technical Innovation and Professional Services program in this or any other Act with respect to any fiscal year, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

(Pub. L. 113-235, div. F, title I, Dec. 16, 2014, 128 Stat. 2407.)

## REFERENCES IN TEXT

This Act, referred to in text, is div. F of Pub. L. 113-235, Dec. 16, 2014, 128 Stat. 2396, known as the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2015. For complete classification of this Act to the Code, see Tables.

## CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of the Surface Mining Control and Reclamation Act of 1977 which comprises this chapter.

## SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriations act:

Pub. L. 113-76, div. G, title I, Jan. 17, 2014, 128 Stat. 299.

**§ 1309. Certification and training of blasters**

In accordance with this chapter, the Secretary of the Interior (or the approved State regulatory authority as provided for in section 1253 of this title) shall promulgate regulations requiring the training, examination, and certification of persons engaging in or directly responsible for blasting or use of explosives in surface coal mining operations.

(Pub. L. 95-87, title VII, §719, Aug. 3, 1977, 91 Stat. 526.)

**§ 1309a. Subsidence****(a) Requirements**

Underground coal mining operations conducted after October 24, 1992, shall comply with each of the following requirements:

(1) Promptly repair, or compensate for, material damage resulting from subsidence caused to any occupied residential dwelling and structures related thereto, or non-commercial building due to underground coal mining operations. Repair of damage shall include rehabilitation, restoration, or replacement of the damaged occupied residential dwelling and structures related thereto, or non-commercial building. Compensation shall be provided to the owner of the damaged occupied residential dwelling and structures related thereto or non-commercial building and shall be in the full amount of the diminution in value resulting from the subsidence. Compensation may be accomplished by the purchase, prior to mining, of a noncancellable premium-prepaid insurance policy.

(2) Promptly replace any drinking, domestic, or residential water supply from a well or spring in existence prior to the application for a surface coal mining and reclamation permit, which has been affected by contamination, diminution, or interruption resulting from underground coal mining operations.

Nothing in this section shall be construed to prohibit or interrupt underground coal mining operations.

**(b) Regulations**

Within one year after October 24, 1992, the Secretary shall, after providing notice and opportunity for public comment, promulgate final regulations to implement subsection (a).