

U.S.

U.S. Proposes New Rules to Protect Streams From Coal Pollution

By NICHOLAS FANDOS JULY 16, 2015

WASHINGTON — The Interior Department on Thursday proposed a new rule aimed at protecting streams from the high level of pollution caused by a technique known as mountaintop removal mining.

The proposed rule, which updates a 1983 regulation, quickly met fierce opposition from the mining industry and some Republicans. The rule would have the greatest effect on states in the Appalachian Mountains, where the disputed mining practice is most common.

Obama administration officials and environmental groups said that even in the Appalachians, the rule was unlikely to be a significant deterrent to mountaintop mining.

Regulators are aiming to maintain a buffer zone that currently prohibits surface mining activity, including the dumping of excess refuse, within 100 feet of streams. Although the rule would make allowances in certain cases if state regulators approved and the damage could be offset by coal companies' making environmental improvements elsewhere in the same watershed, it would require additional testing and cleanup by coal companies.

Specifically, the rule mandates that coal companies test and monitor the

Senator Mitch McConnell, Republican of Kentucky and the majority leader, echoed Mr. Manchin, saying that the measure was “aimed squarely at the lifeblood” of the families he represents.

“Taken together with other Washington regulations that are already having a devastating impact, it’s impossible not to conclude that the Obama administration is engaging in all-out economic warfare on these communities,” Mr. McConnell said in a statement.

Environmental advocates, who say the mining practice has polluted thousands of miles of streams, praised the proposed rule in muted tones on Thursday, saying it takes a step in the right direction but does not go far enough in limiting mining activity.

“This is a long-overdue effort to improve the protection for streams from mountaintop-removal coal mining, which is an extremely destructive form of coal extraction,” Neil Gormley, a senior associate lawyer for the environmental advocacy group Earthjustice, said on Thursday. But, he said, the proposal “does not do enough to protect streams.”

Mr. Gormley said that Earthjustice and other groups preferred a rule prohibiting mining activities entirely within the buffer zone. He also warned that without strengthening federal oversight of state regulators, who often decide whether federal standards are put into practice, the new rule could go unenforced even if adopted.

Joe Lovett, the founder of Appalachian Mountain Advocates in West Virginia, had a mixed reaction to the new rule. He said that while the proposal would make some important improvements to the current standards, “From my perspective, this is a capitulation to the coal industry.”

The National Coal Mining Association, however, said the proposed rule was costly and unnecessary, and called on Congress to block the measure.

“This is a rule in search of a problem,” Hal Quinn, the coal mining association’s president and chief executive, said in a statement. “It has nothing to do with new science and everything to do with an old and troubling agenda for separating more coal miners from their jobs.”

The Interior Department’s Office of Surface Mining Reclamation and Enforcement developed the proposed rule, which officials said they favored over eight alternatives that had been examined over several years. The agency expects the approval process to last into 2016.

Former President George W. Bush introduced a measure in 2008 that would have significantly eased government regulation of coal mining near streams, but it was struck down in federal court after environmental advocacy groups sued.

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