

Remarks on Mountaintop Mining Rule
Secretary of the Interior Ken Salazar
April 27, 2009

Today, we are taking another step toward changing how the Department of the Interior does business, and cleaning up a major misstep of the previous Administration.

I have closely reviewed the previous Administration's mountaintop coal mining rule, which allowed coal mine operators to dump mountain fill into streambeds, and have determined that it is bad public policy. It reverses the commonsense 1983 Reagan-era rule that was designed to protect water quantity and quality.

The Department of Justice also agrees that the rule is legally defective.

I have asked the Department of the Justice to file a pleading in the U.S. District Court requesting that the rule be vacated due to this deficiency and remanded to the Department of the Interior for further action.

To be clear: the responsible development of our coal supplies is important to America's energy security.

Half of our nation's electricity comes from coal, and our nation is blessed to have extensive coal reserves.

But as we develop these reserves, we must protect our land, water, and wildlife.

This weekend I was in North Dakota, where I visited a coal gasification plant that is capturing carbon emissions, pumping them to areas where the carbon dioxide can be used for enhanced oil recovery, and sequestered.

This is the type of process for developing and using our coal resources that we need to develop and deploy.

The so-called "stream buffer zone rule" from the previous Administration, on other hand, just doesn't pass muster.

The 1983 Reagan-era rule for coal mining gave greater protection for communities and habitat by allowing the dumping of overburden within 100 feet of a perennial or intermittent stream only upon finding that such activities "will not adversely affect the water quantity or quality or other environmental resources of the stream."

If the rule is remanded, DOI's Office of Surface Mining expects to issue guidance to states regarding application of the 1983 rule.

We also intend to gather public comment on how we can update and improve the Reagan-era rule.

It is important that we ensure that SMCRA requirements are coordinated with Clean Water Act obligations that are administered by the U.S. Army Corps of Engineers and the Environmental Protection Agency.

As I said earlier, coal must and will remain an important component of our nation's energy portfolio.

But this type of 11th hour rule – issued a little over a month before the previous Administration passed office – does not adequately protect our waterways and our communities. And it just doesn't pass the smell test.

With that, I'd be happy to take questions.