

TITLE 30 - MINERAL LANDS AND MINING
CHAPTER 25 - SURFACE MINING CONTROL AND RECLAMATION
SUBCHAPTER IV - ABANDONED MINE RECLAMATIONS

§ 1239. Filling voids and sealing tunnels

(a) Congressional declaration of hazardous conditions

The Congress declares that voids, and open and abandoned tunnels, shafts, and entryways resulting from any previous mining operation, constitute a hazard to the public health or safety and that surface impacts of any underground or surface mining operation may degrade the environment. The Secretary, at the request of the Governor of any State, or the the ¹ governing body of an Indian tribe, is authorized to fill such voids, seal such abandoned tunnels, shafts, and entryways, and reclaim surface impacts of underground or surface mines which the Secretary determines could endanger life and property, constitute a hazard to the public health and safety, or degrade the environment. State regulatory authorities are authorized to carry out such work pursuant to an approved abandoned mine reclamation program.

(b) Limitation on funds

Funds available for use in carrying out the purpose of this section shall be limited to those funds which must be allocated to the respective States or Indian tribes under the provisions of paragraphs (1) and (5) of section 1232 (g) of this title.

(c) Limitation on expenditures

(1) The Secretary may make expenditures and carry out the purposes of this section in such States where requests are made by the Governor or governing body of an Indian tribe for those reclamation projects which meet the priorities stated in section 1233 (a)(1) of this title, except that for the purposes of this section the reference to coal in section 1233 (a)(1) of this title shall not apply.

(2) The provisions of section 1234 of this title shall apply to this section, with the exception that such mined lands need not have been mined for coal.

(3) The Secretary shall not make any expenditures for the purposes of this section in those States which have made the certification referred to in section 1240a (a) of this title.

(d) Disposal of mine wastes

In those instances where mine waste piles are being reworked for conservation purposes, the incremental costs of disposing of the wastes from such operations by filling voids and sealing tunnels may be eligible for funding providing that the disposal of these wastes meets the purposes of this section.

(e) Land acquisition

The Secretary may acquire by purchase, donation, easement, or otherwise such interest in land as he determines necessary to carry out the provisions of this section.

Footnotes

¹ So in original.

(Pub. L. 95–87, title IV, § 409, Aug. 3, 1977, 91 Stat. 465; Pub. L. 101–508, title VI, § 6009, Nov. 5, 1990, 104 Stat. 1388–296.)

Amendments

1990—Subsec. (a). Pub. L. 101–508, § 6009(1), substituted “the governing body of an Indian tribe” for “chairman of any tribe”.

Subsec. (b). Pub. L. 101–508, § 6009(2), substituted “Indian tribes under the provisions of paragraphs (1) and (5) of section 1232 (g) of this title” for “Indian reservations under the provisions of subsection 1232(g) of this title”.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

Subsec. (c). Pub. L. 101–508, § 6009(3), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The Secretary may make expenditures and carry out the purposes of this section without regard to provisions of section 1234 of this title in such States or Indian reservations where requests are made by the Governor or tribal chairman and only after all reclamation with respect to abandoned coal lands or coal development impacts have been met, except for those reclamation projects relating to the protection of the public health or safety.”

Effective Date of 1990 Amendment

Amendment by Pub. L. 101–508 effective Oct. 1, 1991, see section 6014 of Pub. L. 101–508 set out as a note under section 1231 of this title.