

Senator floor statement by Senator Ben Cardin of Maryland (for himself and Senator Lamar Alexander):

S. 696. - A bill to amend the Federal Water Pollution Control Act to include a definition of fill material; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today the Obama administration is taking an important first step in ending mountaintop mining, one of the most environmentally destructive practices currently in use in this country. More than 1 million acres of Appalachia have already been destroyed. An estimated 1,200 miles of headwater streams have been buried under tons of mining wastes. Over 500 mountains have been permanently scarred. Homes have been ruined and drinking water supplies contaminated. It is time to end this especially destructive method of coal mining.

By stopping the issuance of some of the most destructive permits, today the administration is sending the right signals that the days of mountaintop mining are being relegated to the dust bin of the past, where they belong.

Today, Senator Lamar Alexander and I are introducing bipartisan legislation that will go one step further. Our bill, the Appalachia Restoration Act, will make clear that mining wastes cannot be dumped into our streams, smothering them and sending plumes of toxic run-off into groundwater systems. This Cardin-Alexander legislation amends the Clean Water Act, specifically preventing the so-called "excess spoil" of mining wastes from entering our streams and rivers. This simple legislation will restore the Clean Water Act to its original purpose. In doing so, it will stop the wholesale destruction of some of America's most beautiful and ecologically significant regions.

Mountaintop mining produces less than five percent of the coal mined in the United States. This bill does not ban other methods of coal mining. Instead, it is narrowly tailored to stop a practice that has earned the condemnation of communities across Appalachia as well as citizens across the rest of the country.

I applaud the Obama administration for the steps it is taking today, and Senator Alexander and I look forward to working with the Administration to pass the Cardin-Alexander Appalachia Restoration Act later this year.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 696 - Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Appalachia Restoration Act''.

SECTION 2. FILL MATERIAL.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

``(26) FILL MATERIAL.--

``(A) IN GENERAL.--The term `fill material' means any pollutant that--

``(i) replaces a portion of the waters of the United States with dry land;
or

``(ii) modifies the bottom elevation of a body of water for any purpose.

``(B) EXCLUSIONS.--The term `fill material' does not include--

``(i) the disposal of excess spoil material (as described in section 515(b)(22) of the Surface Mining Control and Reclamation Act (30 U.S.C. 1265(b)(22))) in waters of the United States; or

``(ii) trash or garbage.'