

Your Rights Under SMCRA: A Community Fact Sheet

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) was created because impacted citizens demanded protection- from unsafe mining, polluted water, damaged homes, and abandoned mines left behind by coal companies. SMCRA gives you specific, enforceable rights to know what is happening near your community, to participate in decisions, and to seek enforcement when regulators or mining operators fail to follow the law.

This fact sheet summarizes the rights guaranteed to you under federal law.

1. Your Right to Information

Access to Permit Files

You have the right to:

- Review all coal mining permit applications
- View maps, hydrology reports, subsidence predictions, and operator histories
- Request digital copies or inspect files in person at no cost (agencies may charge for copies)

Notice of Mining Activities

You must receive public notice for:

- New or expanded mining
- Permit renewals, revisions, or transfers
- Water discharge permits
- Bond release applications
- Longwall mining plans

Access to Enforcement Records

You can view:

- Violations, citations, and enforcement actions
 - Operators' compliance histories
 - Inspection reports and penalty records
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2. Your Right to Participate in Decisions

Submitting Public Comments

You have the right to submit written comments on:

- New permits
- Permit revisions
- Reclamation plans
- Bond releases
- NPDES (water discharge) permits

Comments must be accepted and considered before a permit is approved.

Requesting a Public Hearing

You can request:

- A public hearing
- An informal conference

Regulators must grant a hearing if:

- There is significant community interest, or
- You raise specific questions or concerns that require clarification

Being Heard Early

The agency must:

- Notify you of hearing dates
 - Provide opportunities to question company representatives
 - Issue written findings in response to your concerns
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3. Your Rights When Mining Damages Your Home, Land, or Water

Protection from Subsidence (Longwall & Underground Mining)

You have the right to:

- Pre-mining inspections
- Post-mining surveys
- Repair or compensation for subsidence damage to homes, buildings, and water supplies

Replacement of Water Supplies

If mining damages your:

- Wells
- Springs
- Streams

...you have the right to:

- Temporary water
- Long-term replacement water of equal or better quality

Protection of Land & Property

You are entitled to:

- Compensation for mining-related damage
 - Repair of land, foundations, or structures
 - Access to company data on predicted impacts
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4. Your Rights to Environmental Protection

Protection of Streams & Watersheds

SMCRA requires mining companies to:

- Prevent material damage to the hydrologic balance
- Control sediment and runoff
- Meet water quality standards
- Treat polluted water

If they fail, you may request an investigation.

Reclamation Requirements

Mining companies must:

- Restore land to its pre-mining capability
- Stabilize soils and slopes and replant vegetation
- Seal shafts and portals
- Properly handle toxic materials
- Maintain long-term stability

You can comment on- and challenge- reclamation plans.

5. Your Rights to Oversight, Inspection, and Enforcement

Requesting a Federal or State Inspection

If you believe mining violates the law, you have the right to:

- File a Citizen's Complaint
- Request an immediate inspection

Anonymous Complaints

You may request confidentiality if you fear retaliation.

Participating in the Inspection

You have the right to:

- Accompany the inspector (if safe)
- Point out areas of concern
- Receive follow-up reports

Right to Formal Review

If regulators refuse to inspect or enforce the law, you can:

- Request a formal review
 - Appeal decisions
 - Challenge violations not properly addressed
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6. Your Rights Under the “Citizen Suit” Provisions

If agencies or companies fail to uphold SMCRA, you can:

- Sue a coal company for ongoing violations
- Sue a regulatory agency for failing to enforce the law

You can also seek:

- Court orders requiring compliance
- Penalties for illegal mining
- Compensation for damages

Citizen suits are a foundational accountability tool built into SMCRA.

7. Your Rights on Abandoned Mines

Under the Abandoned Mine Land (AML) Program, you have rights to:

- Request information about AML projects
 - Comment on cleanup plans
 - Report dangerous abandoned mine features
 - Request emergency AML assistance if land or water contamination poses an immediate threat
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8. Your Rights to Stay Informed and Involved

SMCRA guarantees that you:

- Are notified of important mining decisions
 - Can access all public records
 - Can challenge incorrect or incomplete agency findings
 - Can ensure regulators do their job
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Why These Rights Matter

SMCRA was built on community power.

Every comment filed, every inspection requested, and every complaint submitted strengthens enforcement and protects people living in coalfield communities.

You are not expected to fight alone- these rights exist so that residents can hold mining companies *and* regulators accountable to the law.