

Understanding the  
**Tennessee Scenic Vistas Protection Act.**  
**SB 3822 HB 3348**

**Summary:** This bill intends to address three specific problems related to surface coal mining.

**Problem One:** The Environmental Impact Study (EIS) used to regulate coal mining and related water permits on the state and federal level is over 20 years old. It does not use modern scientific methods nor contemplate current mining methods such as mountain top removal or cross ridge mining. Consequently, all state and federal permitting decisions for surface coal mining are being made without basic and necessary information. The Governor and Tennessee Department of Environment and Conservation (TDEC) have requested that OSM conduct an Environmental Impact Study and have been repeatedly refused.

**Solution One:** Part (a) of the bill provides that TDEC will not issue or renew any water permits for surface coal mining until there is a new EIS. Conducting an EIS is the responsibility of the federal Office of Surface Mining (OSM). This will create an industry incentive to foster an EIS rather than block one.

**Problem Two:** OSM has a regulation that prohibits surface coal mining activities within 100 feet of either side of a body of water, known as the Stream Buffer Zone. This buffer is designed to minimize the effects of surface coal mining on water quality. The state enforces this same buffer, but it is a matter of policy only, not regulation. OSM is in the process of amending the stream buffer zone to make it optional. This will create industry pressure on the state stream buffer zone policy and could result in surface coal mining close to and through streams, creating an unnecessary and significant degradation of the waters of the State of Tennessee.

**Solution Two:** Part (b)(1) of the bill makes the Tennessee policy of a 100 foot stream buffer zone state law to protect our water quality.

**Problem Three:** There are currently several surface coal mining sites in Tennessee practicing mountain top removal coal mining (MTR), sometimes called cross ridge mining. This practice, rampant in Eastern Kentucky and West Virginia, removes as much as 1000 feet of a mountain to get to the seam of coal inside. It destroys the hydrology of the water shed, blights the view shed, causes wells to go bad, increases flooding, causes disruption and displacement of communities due to blasting noise and dust, decreases property values, forgoes development potential, and in general diminishes the heritage and pride of the mountain communities. In Kentucky and West Virginia, MTR has irreversibly damaged the land and water quality without enriching those states or the mountain communities. We should learn from their mistakes, not repeat them.

**Solution Three:** Part (b)(2) prohibits TDEC water permits for surface coal mining that would alter or disturb a ridge line above 2000 feet sea level.