

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 233 Session of 2011

INTRODUCED BY KRIEGER, CAUSER, HESS, SWANGER, SACCONI, BARBIN, METZGAR, BLOOM, GINGRICH, GOODMAN, GEIST, PICKETT, D. COSTA, TALLMAN, OBERLANDER, VULAKOVICH, RAPP, REESE, MARSHALL, MURT, EVANKOVICH, DUNBAR, CREIGHTON, PYLE, GABLER, HUTCHINSON, METCALFE, PERRY, DENLINGER, PETRARCA AND BENNINGHOFF, APRIL 25, 2011

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, APRIL 25, 2011

A RESOLUTION

1 Urging the United States Department of the Interior and the
2 United States Environmental Protection Agency not to
3 intervene in state permitting matters and from adopting
4 regulations that unwisely reduce coal production, eliminate
5 mining jobs and weaken the economy.

6 WHEREAS, The environmental regulation of coal mining
7 activities is essentially performed in a holistic manner by the
8 states; and

9 WHEREAS, In 1982, The Commonwealth of Pennsylvania became the
10 primary governmental body responsible for developing,
11 authorizing, issuing and enforcing regulations and permits for
12 coal mining and reclamation operations in this State subject to
13 provisions of the Federal Surface Mining Control and Reclamation
14 Act of 1977; and

15 WHEREAS, The Federal Clean Air Act was written by the
16 Congress of the United States to regulate criteria pollutants,
17 not greenhouse gases, and its implementation remains subject to

oversight and guidance from elected representatives; and

WHEREAS, Despite a stringent and effective holistic State program for regulating the environmental effects of mining, Federal agencies such as the Department of the Interior, through the Office of Surface Mining, and the Environmental Protection Agency have steadily usurped the State's statutory and regulatory authority by unilaterally imposing new program requirements on this State or developing overreaching regulations to curb coal mining that are harsh, misguided and not supported by science; and

WHEREAS, Through a flawed rewrite of an internal agency directive, the Office of Surface Mining has overstepped its regulatory oversight of this State's mining program by aggressively inserting itself in State permitting decisions; and

WHEREAS, The Office of Surface Mining is also developing a regulation under the guise of "enhanced stream protection" that it freely acknowledges will be of little environmental benefit, but will alter the use of certain mining technologies, stifle coal production and cost thousands of jobs; and

WHEREAS, The Environmental Protection Agency has proposed or is proposing numerous new regulations, particularly in the area of air quality and regulation of greenhouse gases designed to transform the generation of electricity away from coal, despite recent air quality trends in this State showing a marked reduction in most emission pollutants, including NOx (44% decrease) and SO2 (39% decrease), from coal-fired power plants in this State since 1999; and

WHEREAS, The cumulative impact of these air quality rules could have a deleterious effect on the price and reliability of the supply of electricity in this State and negatively impact

1 jobs in the generation, transport and mining sectors; and

2 WHEREAS, The steam coal market is the largest market for
3 Pennsylvania-produced coal; and

4 WHEREAS, The coal mining industry is a significant
5 contributor to this State's economy, with an economic worth
6 valued at more than \$7 billion annually and a creator of 41,500
7 direct and indirect jobs; and

8 WHEREAS, Because of coal's cost and reliability, it is the
9 major fuel of choice for electricity, accounting for almost 50%
10 of the nation's total electric production and about 54% of this
11 State's generation; and

12 WHEREAS, Unnecessary and unilateral intrusions by Federal
13 agencies into this State's coal mine regulatory program will
14 adversely affect production, jobs and the economy without any
15 documented measurable environmental improvement to this State;
16 therefore be it

17 RESOLVED, That the House of Representatives of the
18 Commonwealth of Pennsylvania urge the Department of the
19 Interior's Office of Surface Mining and the Environmental
20 Protection Agency to respect Pennsylvania's permitting authority
21 and stop its unfettered intervention in this State's permitting
22 affairs; and be it further

23 RESOLVED, That the Congress of the United States be urged to
24 adopt legislation prohibiting the Environmental Protection
25 Agency from regulating greenhouse gases; and be it further

26 RESOLVED, That a copy of this resolution be transmitted to
27 the Secretary of the Interior, the Environmental Protection
28 Agency Administrator, the Director of the Office of Surface
29 Mining, all members of Congress from Pennsylvania and the
30 Governor.