

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 191 Session of 2019

INTRODUCED BY YUDICHAK, FARNESE, FONTANA, IOVINO, ARGALL, GORDNER, COSTA, YAW, PITTMAN AND TARTAGLIONE, AUGUST 7, 2019

SENATOR YAW, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED, OCTOBER 22, 2019

A CONCURRENT RESOLUTION

1 Urging the Congress of the United States to reauthorize
2 provisions related to the Abandoned Mine Reclamation Fund.

3 WHEREAS, Substantial coal mining has occurred in the
4 Commonwealth of Pennsylvania for more than 130 years and the
5 industry has been a significant employer of our residents for
6 most of these years; and

7 WHEREAS, At least 44 of Pennsylvania's 67 counties are
8 affected by abandoned coal mines; and

9 WHEREAS, At least 1.4 million Pennsylvanians live within one
10 mile of abandoned mine lands; and

11 WHEREAS, Abandoned mines in Pennsylvania pose serious
12 hazards, including dangerous shafts, mountains of black waste,
13 scarred landscapes and acidic drainage, which has polluted more
14 than 5,500 miles of Pennsylvania streams and other hazards
15 threatening human health and safety; and

16 WHEREAS, Abandoned mines and abandoned mine lands create
17 negative impacts on local economies by destroying recreational

1 opportunities, lowering land values and leaving desolate
2 communities when the mines are exhausted; and

3 WHEREAS, Abandoned mine lands ruin sites for further
4 residential, forestry, commercial or agricultural uses and
5 threaten the human health and safety of people living in our
6 coal field communities; and

7 WHEREAS, The estimated cost of Pennsylvania's abandoned mine-
8 related cleanup is \$15 billion; and

9 WHEREAS, Reclamation of abandoned mine sites can add to the
10 economy by creating jobs, increasing community pride, increasing
11 property values, decreasing stress-related costs through stream-
12 based recreation, restoring the health of the environment and
13 providing future sites for commercial and industrial endeavors;
14 and

15 WHEREAS, The Congress of the United States enacted the
16 Abandoned Mine Reclamation Fund under Title IV of the Surface
17 Mining Control and Reclamation Act of 1977 (SMCRA), which
18 reclaimed areas abandoned before 1977 and established the modern
19 environmental standards requiring mine operators to reclaim
20 their sites; and

21 ~~WHEREAS, The SMCRA imposed on coal operators a fee of 35¢ per <--~~
22 ~~ton on surface mined coal, 15¢ per ton on deep mined coal and~~
23 ~~10¢ per ton on mined lignite to provide a source of revenue for~~
24 ~~the Abandoned Mine Reclamation Fund; and~~

25 WHEREAS, The scope of the abandoned mine problem continues to
26 outpace available resources; and

27 WHEREAS, In 2006 Congress reauthorized the SMCRA, which
28 extended fee collection through 2021, increased the set-aside
29 for acid mine drainage from 10% to 30% and provided for
30 mandatory distribution of abandoned mine lands money; and

1 WHEREAS, The Abandoned Mine Reclamation Fund is not derived
2 from a tax and is not funded from the United States Treasury;
3 and

4 WHEREAS, Money in the Abandoned Mine Reclamation Fund is
5 derived from a per-ton fee assessed on coal mined by the active
6 mining industry that can only be used for purposes authorized
7 under Title IV of the SMCRA; and

8 WHEREAS, The deposit of mined coal fees into the Abandoned
9 Mine Reclamation Fund under Title IV of the SMCRA is set to
10 expire in 2021; and

11 WHEREAS, Pennsylvania has relied upon the Abandoned Mine
12 Reclamation Fund as a primary source of money to clean up toxic
13 mine water in our water supplies, restore land, extinguish mine
14 fires and eliminate other dangerous abandoned mine hazards;
15 therefore be it

16 RESOLVED (the ~~Senate~~ HOUSE concurring), That the General <--
17 Assembly of the Commonwealth of Pennsylvania urge the Congress
18 of the United States to reauthorize the collection of fees on
19 mined coal at ~~the restored 1977 levels of 35¢~~ 28¢ per ton on <--
20 surface mined coal, ~~15¢~~ 12¢ per ton on deep mined coal and ~~10¢~~ <--
21 8¢ per ton on mined lignite; and be it further <--

22 RESOLVED, That the General Assembly of the Commonwealth of
23 Pennsylvania urge the Congress of the United States to extend
24 the collection of fees through 2036, exempt the Surface Mining
25 Control and Reclamation Act Title IV grants from sequestration
26 and require all Title IV sequestered money to be transferred to
27 states retroactively to fiscal year 2013; and be it further

28 RESOLVED, That the General Assembly of the Commonwealth of
29 Pennsylvania urge the Congress of the United States to raise the
30 mandatory distribution from the Abandoned Mine Reclamation Fund

1 for minimum program states to \$5 million; and be it further
2 RESOLVED, That the General Assembly of the Commonwealth of
3 Pennsylvania urge the Congress of the United States to establish
4 in the budget of the United States Office of Surface Mining
5 Reclamation and Enforcement a direct line item for emergency
6 projects to reflect the need for remediating abandoned mine land
7 emergencies in all states and tribes; and be it further

8 RESOLVED, That the General Assembly of the Commonwealth of
9 Pennsylvania urge the Congress of the United States to continue
10 mandatory distribution of future allocated reclamation money and
11 to maintain the current definition of "reclamation priorities"
12 to adequately address all land and water problems created by
13 abandoned mines, including water polluted by acid mine drainage;
14 and be it further

15 RESOLVED, That the General Assembly of the Commonwealth of
16 Pennsylvania urge the Congress of the United States to use
17 future allocations from the Abandoned Mine Reclamation Fund in
18 ways that promote reclamation, leverage private investment,
19 encourage development where appropriate and complement or match
20 other funds available for redevelopment of abandoned mine land
21 sites; and be it further

22 RESOLVED, That the General Assembly of the Commonwealth of
23 Pennsylvania urge the Congress of the United States to limit the
24 transfer of interest generated by the Abandoned Mine Reclamation
25 Fund to the Combined Benefit Fund to defray health costs for
26 retired miners and their dependents whose companies are bankrupt
27 or are no longer in business and maintain the SMCRA 30% set-
28 aside option.