

# *Resolution*

## *Interstate Mining Compact Commission*

### **A Resolution Concerning the SMCRA Title IV AML Emergency Program**

***BE IT KNOWN THAT:***

***WHEREAS***, Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) established the Abandoned Mine Land (AML) reclamation program; and

***WHEREAS***, The Interstate Mining Compact Commission (IMCC) is a multi-state organization representing the natural resource and environmental protection interests of its 26 member states, including the reclamation of land and water resources adversely affected by past mining and left in an abandoned or inadequately restored condition; and

***WHEREAS***, Pursuant to the cooperative federalism approach contained in SMCRA, many IMCC member states administer AML programs approved, funded and overseen by the Office of Surface Mining Reclamation and Enforcement (OSMRE) within the U.S. Department of the Interior; and

***WHEREAS***, Addressing AML emergencies such as mine subsidence, blow-outs, and landslides is the AML programs' highest priority in fulfilling the mission of SMCRA Title IV; and

***WHEREAS***, An AML emergency is defined as "a sudden danger or impairment related to coal mining that presents a high probability of substantial physical harm to the health, safety, or general welfare of people before the danger can be abated under normal AML program operation procedures" (30 CFR 700.5); and

***WHEREAS***, Nationally, hundreds of AML emergencies occur each year and, due to the tens of thousands of abandoned mines with the potential to cause sudden devastating impacts, these emergencies will continue to occur indefinitely; and

***WHEREAS***, The Title IV AML programs are typically the only government agencies with the ability to address AML emergencies; and

***WHEREAS***, The nature of AML emergencies makes planning difficult since the number and cost of the emergencies cannot be predicted; and

**WHEREAS**, Sections 401(g)(3) and 410 of SMCRA Title IV authorize OSMRE to declare and fund AML emergencies; and

**WHEREAS**, Prior to 2010, OSMRE provided supplemental emergency funding to state and tribal AML programs from OSMRE's federal share of AML fee collections, which allowed states to move quickly to address these dangers and safeguard the coalfield citizens whose lives and property were threatened; and

**WHEREAS**, In 2010, OSMRE discontinued funding for AML emergencies and notified the states that, going forward, emergencies must be funded from regular state title IV grants; and

**WHEREAS**, The need to divert state AML grant money away from projects intended to correct very hazardous non-emergency conditions in order to address emergencies seriously interferes with planning by state AML programs, making it more difficult to make progress toward reduction of AML inventories; and

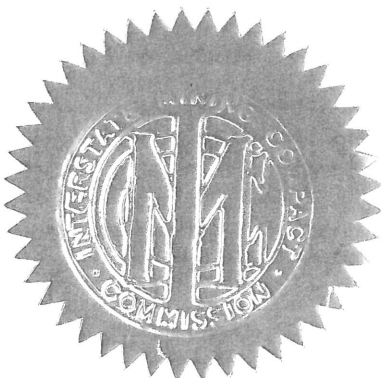
**WHEREAS**, Minimum program states are particularly vulnerable to AML emergencies, as a single significant emergency event forces them to apply the entirety of their regular AML grant funding, which is already extremely limited, to the emergency instead of addressing other hazardous AML conditions according to their plans.

**NOW THEREFORE BE IT RESOLVED**, that the Interstate Mining Compact Commission:

Believes that OSMRE's assistance in funding AML emergencies from the federal share is crucial to the state and tribal AML programs' ability to adequately protect coalfield residents from the effects of AML emergencies

Urges the Trump Administration and Congress to direct OSMRE to reinstate AML emergency funding for the states from the federal share of AML fee receipts

Urges that the necessary funding for the AML emergency program be provided in OSMRE's budgets for FY 2020 and beyond, and that OSMRE make emergency program funding a top priority for discretionary spending.



Issued this 24<sup>th</sup> day of October, 2018

ATTEST:

  
Executive Director