

Resolution
Interstate Mining Compact Commission

Re. State Title V Program Funding

BE IT KNOWN THAT:

WHEREAS, the Interstate Mining Compact Commission (IMCC) is a multi-state governmental organization representing the natural resource and related environmental protection interests of its 25 member states; and

WHEREAS, states currently perform the vast majority of environmental and natural resource protection tasks in America, including significant percentages of permitting, enforcement and compliance actions and collection of environmental quality data to support those decisions; and

WHEREAS, pursuant to the cooperative federalism approach embodied in many national environmental and natural resource protection laws, state governments serve as primary regulators, while also functioning as partners with various federal agencies that share similar authorities and responsibilities for the development and implementation of national environmental and natural resource protection laws; and

WHEREAS, under SMCRA Title V, 24 states have been granted primacy in the regulation of active coal mines. These programs receive federal financial support in the form of annual grants; and

WHEREAS, as a direct result of the experience and expertise of the states in implementing these regulatory programs, the federal government has realized significant savings based on what it would otherwise cost federal agencies to implement equivalent programs; and

WHEREAS, in addition to federal grants, many primacy programs under SMCRA Title V rely in part on fees generated by coal production and on state match of federal funds to administer their programs; and

WHEREAS, domestic coal production has been declining since 2009. As coal production declines, the various fees generated by that production, on which the state programs rely, have and will continue to decline; and

WHEREAS, declining coal production, coal operator bankruptcies, and mine closures increase the regulatory burden for state Title V programs, as these situations present many additional challenges to regulators; and

WHEREAS, the delegation of new federal environmental and natural resource protection rules and policies to the states by federal agencies, such as the proposed Stream Protection Rule, continues at a steady pace and involve additional requirements and therefore require additional funding; and

WHEREAS, reductions in federal support, especially when combined with a decline in other supplementary funding sources such as permit and production fees, adversely affects the states' ability to implement their respective regulatory programs and to protect human health and the environment and appropriately develop our Nation's natural resources; and

WHEREAS, a disregard for the importance of continued, adequate funding will undermine the effective implementation of SMCRA. It may eventually be necessary for federal financial support of state primacy programs to increase in order to compensate for reductions as a result of the decline in coal production and fee receipts

THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission affirms the need for and urges the continuation of adequate federal funding for environmental and natural resource programs at the state level given the vitally important role of these programs; and

Affirms the states' commitment to implementing effective and fiscally responsible programs in their role as primary regulators; and

Affirms the states' intent to work cooperatively with federal agencies to achieve the most cost efficient use of limited resources for the greatest environmental benefit.



Issued this 19th day of October, 2016

ATTEST:


Executive Director