



Interstate Mining Compact Commission

437-A Carlisle Drive, Herndon, VA 20170

Phone: 703/709-8654 Fax: 703/709-8655

Web Address: <http://imcc.isa.us> E-Mail: telarke@imcc.isa.us

COMMISSIONERS

GOV. ASA HUTCHINSON
Arkansas, Chair

GOV. JOHN BEL EDWARDS
Louisiana, Vice Chair

GOV. ANDY BESHEAR
Kentucky, Treasurer

GOV. KAY IVEY
Alabama

GOV. MIKE DUNLEAVY
Alaska

GOV. J. B. PRITZKER
Illinois

GOV. ERIC HOLCOMB
Indiana

GOV. LAWRENCE J. HOGAN JR.
Maryland

GOV. TATE REEVES
Mississippi

GOV. MICHAEL L. PARSON
Missouri

GOV. MICHELLE LUJAN GRISHAM
New Mexico

GOV. KATHY HOCHUL
New York

GOV. ROY COOPER
North Carolina

GOV. DOUG BURGUM
North Dakota

GOV. MIKE DEWINE
Ohio

GOV. KEVIN STITT
Oklahoma

GOV. TOM WOLF
Pennsylvania

GOV. HENRY MCMASTER
South Carolina

GOV. BILL LEE
Tennessee

GOV. GREG ABBOTT
Texas

GOV. SPENCER COX
Utah

GOV. GLENN YOUNGKIN
Virginia

GOV. JIM JUSTICE
West Virginia

GOV. MARK GORDON
Wyoming

ASSOCIATE MEMBERS

GOV. JARED POLIS
Colorado

GOV. GREG GIANFORTE
Montana

EXECUTIVE DIRECTOR

THOMAS L. CLARKE

Resolution

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 26 member states; and

WHEREAS, Title IV of the federal Surface Mining Control and Reclamation Act (SMCRA) established an abandoned mine lands (AML) program under which state agencies utilize federal grants funded by a fee on coal production to restore and reclaim lands and waters affected by unregulated and under-regulated coal mining that took place before SMCRA's adoption in 1977; and

WHEREAS, the Infrastructure Investment and Jobs Act (IIJA), Public Law 117-58, adopted November 15, 2021, greatly increased the funding available for restoration of lands and waters affected by past coal mining by transferring approximately \$11.3 billion from the US Treasury to the AML Trust Fund established under SMCRA; and

WHEREAS, effective remediation of acid mine drainage (AMD) from abandoned mines requires construction of a water treatment system with current funds, *plus* dedication of future funds to pay for ongoing costs of operation, maintenance and periodic rehabilitation of such systems; and

WHEREAS, the ongoing costs for operation, maintenance and periodic rehabilitation of an AMD treatment system continue, essentially, in perpetuity, and thus each AMD treatment system for which funds are not dedicated for these future costs represents a long-term unfunded liability for the state that builds it; and

WHEREAS, section 402(g)(6) of SMCRA authorized each state or tribe to address such liabilities by placing up to 30% of its annual grant under the pre-existing fee-based AML program into an interest-bearing state account, known as an AMD "set aside account" to cover long-term AMD remediation expenses; and

WHEREAS, the Interior Department has interpreted the IIJA to lack parallel authority for states to establish set aside accounts with IIJA funds; and

WHEREAS, bipartisan legislation has been introduced in Congress, H.R. 7283 and S. 3957, titled the STREAM Act, that would allow each state or tribe to establish a set aside account with up to 30% of its annual AML grant from the IIJA; and

"Serving the States for Over 40 Years"

WHEREAS, in addition to AMD costs, state AML programs would also benefit greatly from the ability to utilize a set aside account for other types of long-term AML hazards that can be anticipated to occur well beyond the duration of the grant program established by the IIJA, such as mine fires and mine subsidence; and

WHEREAS, the STREAM Act does not authorize any new outlay of federal funds or change the amount of coal AML grant funds any state or tribe will receive under the IIJA; and

WHEREAS, the STREAM Act gives state and tribal AML programs the flexibility they need to fund long-term liabilities out of grants they are already entitled to receive under the IIJA; and

WHEREAS, the STREAM Act was adopted by the House of Representatives with broad bipartisan support, by a vote of 391-9.

NOW THEREFORE BE IT RESOLVED THAT THE INTERSTATE MINING COMPACT COMMISSION:

Affirms its support for using AML funds for the maximum possible societal benefit in addressing land and water impacted by coal mining conducted before 1977; and

Affirms its support for providing the states and tribes with flexibility to use AML funds in the manner that is best suited to the particular types of legacy coal mining impacts they face; and

Believes that authority for states and tribes to establish set aside accounts with IIJA funds, as they have enjoyed under the previous fee-based AML program under Title IV of SMCRA, is vital to achieving the maximum possible societal benefit with funds the IIJA provided for coal AML; and

Believes the STREAM Act should also authorize states and tribes to use set aside accounts for other types of long-term AML hazards, such as mines fires and mine subsidence, and urges the United States Senate to amend the STREAM Act to include such authority; and

Urges the Congress to adopt the STREAM Act as soon as possible; and

Calls upon the President to promptly sign the STREAM Act into law after its adoption by Congress.

Issued this 16th day of November 2022:

ATTEST:



A handwritten signature in black ink, appearing to read 'Thomas L. Clarke', is written over a horizontal line.

Thomas L. Clarke
Executive Director