Resolution Interstate Mining Compact Commission

Re. Bonding for Coal Mining Under SMCRA

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. One of IMCC's primary roles is to coordinate the development of the member states' positions on issues related to mining and environmental protection and to facilitate the communication of those positions to the Office of Surface Mining Reclamation and Enforcement (OSMRE) and others; and

WHEREAS, IMCC represents a majority of the state regulatory authorities (RAs) with responsibility for implementing surface and underground coal mining regulations under SMCRA, including regulations related to financial assurance; and

WHEREAS, the states have decades of experience with respect to the successful implementation and application of financial assurance provisions under SMCRA, as well as state laws related to noncoal mining extractive industries; and

WHEREAS, recent coal industry events have placed increased focus on financial assurance regulatory requirements for all mining commodities; and

WHEREAS, state regulatory authorities continue to effectively implement their respective regulations governing financial assurance for both coal and noncoal mining operations in a manner consistent with the requirements of the applicable laws; and

WHEREAS, OSMRE has recently granted a petition for rulemaking regarding the self-bonding provisions under its permanent program regulations and is in the early stages of developing a proposed rule on bonding requirements under SMCRA; and

WHEREAS, based on their years of experience and high level of expertise in the area, the states are in the best position to determine the impacts of any potential changes to SMCRA bonding provisions on both coal and noncoal mining commodities; and

WHEREAS, the states should be formally engaged in meaningful discussions regarding financial assurance regulations under SMCRA prior to any rule being proposed by OSMRE

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission affirms its continuing support for the protection of human health and the environment and the appropriate development of our Nation's natural resources by providing for clean air, clean water, the proper handling of waste materials, and the restoration of mine lands; and

Supports meaningful and substantial state involvement in the development and implementation of environmental and natural resource statutes, policies, rules, programs, reviews, budgets, and strategic plans; and

Urges OSMRE to draw on the extensive policy and technical expertise of the states in the area of financial assurance prior to developing any proposed rule regarding bonding under SMCRA, including the review of a draft rule and any related draft environmental assessment or environmental impact statement.

Issued this 19th day of October, 2016

ATTEST:

Executive Director