
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 439 Session of
2019

INTRODUCED BY FRANKEL, MILLARD, KINSEY, SNYDER, WEBSTER, RYAN,
YOUNGBLOOD, HILL-EVANS, READSHAW, VITALI, PASHINSKI,
McCLINTON, CALTAGIRONE, BULLOCK, FREEMAN, MULLERY, JOHNSON-
HARRELL, ULLMAN, ROZZI, KORTZ, RABB, KAUFER, HOWARD AND KIM,
SEPTEMBER 3, 2019

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
SEPTEMBER 3, 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

1 negative impacts on local economies by destroying recreational
2 opportunities, lowering land values and leaving desolate
3 communities when the mines are exhausted; and

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

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

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

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

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

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

28 WHEREAS, In 2006, Congress reauthorized the SMCRA, which
29 extended fee collection through 2021, increased the set-aside
30 for acid mine drainage from 10% to 30% and provided for

1 mandatory distribution of abandoned mine lands money; and

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

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

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

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

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

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

29 RESOLVED, That the General Assembly of the Commonwealth of
30 Pennsylvania urge the Congress of the United States to raise the

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

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

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

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