

Dear _____ :

As Chairman of the Mining and Reclamation Advisory Board¹ to the Pennsylvania Department of Environmental Protection, I am writing to urge you and your colleagues in Congress to help us complete the job of restoring the lands and waters polluted by this country's abandoned mines by modifying and reauthorizing the Abandoned Mine Reclamation Fund (Fund).

Modification and reauthorization of the Fund are important to protect our communities and families from hazards posed by coal mines abandoned before 1977. As you know, the authority to collect the fee that supports Pennsylvania's abandoned mine land program will expire on June 30, 2006.

Unregulated coal mines abandoned before the Federal Surface Mining Control and Reclamation Act of 1977 resulted in a legacy of environmental damage. Abandoned mines that encompass over 189,000 acres directly affect 44 of Pennsylvania's 67 counties. According to the Pennsylvania Department of Environmental Protection, over 3,000 miles of the Commonwealth's streams are impaired by Acid Mine Drainage making it the largest contributor to water quality impairment in the Commonwealth.

The price tag for cleaning up Pennsylvania's abandoned mine legacy has been estimated to be as high as \$15 billion. Pennsylvania has committed substantial state and private dollars and countless hours of professional and volunteer time to addressing abandoned mine problems. In recent years, the Commonwealth has been allocated about \$25 million per year from the Abandoned Mine Reclamation Fund to apply to its highest-priority health and safety problems. However, even this modest level of funding has been subject to adjustments, reductions and uncertainty as a result of the budget process. In order to provide consistent funding, in the future funds should be distributed through direct spending (off-budget).

¹ The Mining and Reclamation Advisory Board is authorized and organized pursuant to Section 18(g) of the Pennsylvania Surface Mining Conservation and Reclamation Act (Act 181 of 1984) as amended by Act 173 of 1992. It is charged to assist the Secretary of the Department of Environmental Protection expend funds for the purposes provided by this act and to advise the Secretary on all matter pertaining to surface coal mining and reclamation which shall include, but not be limited to, experimental practices, alternate methods of backfilling, selection of reclamation projects, alternate reclamation methods, obligations for pre-existing pollution liability, alteration of reclamation loans, reclamation fees and bonding rates and methods.

Finish the Job

The Abandoned Mine Reclamation Fund program is not currently structured to efficiently and effectively complete the job of reclaiming coal mine lands abandoned before they received primacy. The states that fueled the coal boom in the early and middle part of this century and helped fight two World Wars currently have low coal production relative to their western counterparts, yet they have the largest legacy of adverse mining impacts from before 1977. The majority of grants distributed to the states are based on current rather than historic production. When the program began in 1977, production in the eastern states was high enough to ensure that our states received a proportion of the funds that roughly aligned with the extent of our problems. Since then, production has shifted away from the eastern states - including Pennsylvania - with high historic production and 94% of the abandoned mine land problems.

The formula should be changed to direct resources from the fund to states based upon historic production. This will correct existing imbalances, direct resources to where the problems are, and allow states with the most pre-1977 problems to finish the job of reclaiming our abandoned mine legacy.

Funding for Abandoned Mine Drainage

Pennsylvania is representative of eastern coal states with abandoned mine drainage problems. Acid Mine Drainage (AMD) is our largest source of water quality impairment. The Pennsylvania Fish and Boat Commission once estimated that the Commonwealth suffers almost \$70 million per year in lost recreational and fishing opportunities due to abandoned mine drainage. These waters are too polluted to allow fishing, boating, and other water-based recreation.

It is critical that abandoned mine drainage problems continue to be eligible for funding to protect the health of our citizens and visitors, improve our economy, and sustain our future. This can be accomplished by increasing the set aside for such work from 10% to 30%.

Increase the Minimum Program Funding

States which have significant abandoned mine problems, but which have small state programs, are supposed to be guaranteed minimum funding of their programs by statutory mandate. Since 1990, this funding has been set at \$2 million. In many years, minimum program states have received significantly less. Increasing this amount would help make up for past under-funding and ensure that states with large abandoned mine problems but low production would be able to continue running effective programs. This potentially affects eleven states.

Annual funding for minimum program states should be raised to \$3 million to

reduce the time needed to finish addressing their abandoned mine problems.

Full allocation to states of future fees

As of September 30, 2005, the fund has an unappropriated balance of nearly \$1.8 billion. The state share of this balance is over \$1,140 million. Pennsylvania maintains the fourth highest balance at over \$60 million. These funds are not being used for their intended purposes while our abandoned mine problems persist.

Future collections to the fund should be fully allocated for their intended purposes of cleaning up abandoned mine problems and reducing the time necessary to meet the goals of the federal Surface Mining Conservation and Recovery Act.

Extend the End Date

The scope of the abandoned mine problem continues to exceed available resources. Based on current funding levels, projected future production, and estimated costs of cleaning up inventoried sites, it will take at least 25 years to address abandoned mine problems. Extending the program until all states are certified would honor the intentions of the original law to unburden communities plagued by unreclaimed coal mines.

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Retain Remining Incentives

In Pennsylvania, remining by coal mine operators of areas previously affected by mining and not adequately reclaimed has resulted in significant land reclamation and water pollution abatement by coal operators at no cost to the government.

The program should retain the existing remining incentives and also new remining incentives should be developed.

Public health and welfare, restoration of land, and cleaning of polluted streams require congressional action. Please act now to modify and reauthorize the Abandoned Mine Reclamation Fund to finish the job of reclaiming our abandoned mine legacy.

Respectfully submitted,

David Osikowicz
Chairman