



U.S. Congressman  
**Nick Rahall**  
*WORKING FOR WEST VIRGINIANS*

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**COALFIELD CONCERNS IN HOUSE ENERGY BILL**  
**Rahall Seeks to Tackle Broad Range of Issues**  
***AML Extension, UMWA Health Care, Coal Imports Included***

**WASHINGTON, D.C.** -- In what he termed as a bid to get the interests of coalfield residents on the national energy agenda, U.S. Rep. Nick J. Rahall (D-WV) announced that he has included a number of provisions in the Committee on Interior and Insular Affairs' energy bill made public today.

Rahall, who serves as chairman of the Subcommittee on Mining and Natural Resources, said that the Interior Committee bill will be considered as part of national energy legislation being developed in the U.S. House of Representatives.

"When it comes to fossil energy resources, much of the national debate often focuses on opening the Arctic National Wildlife Refuge to oil and gas development, and Outer Continental Shelf oil and gas leasing issues," Rahall stated. "The provisions I have inserted in the Interior Committee's energy bill are premised on the fact that vast deposits of energy remain relatively untapped in the Appalachian Region."

Rahall stressed that energy development also must take into account the concerns of coalfield residents. "This legislation embraces the concept that responsible energy development in an environmentally and socially responsible manner is possible," he said.

Rahall's provisions of the bill advance the notion that vast deposits of coal in previously mined areas can be remined, with the triple benefit of obtaining additional coal production, reducing the need to mine on virgin lands and providing for needed reclamation. Meanwhile, low-sulfur metallurgical coal resources, as well the coal that remains locked-up in mining and processing wastes, can serve to assist the electric utility industry comply with more stringent clean air requirements.

In addition, the bill recognizes that there is an incredible amount of pipeline quality methane trapped in coalbeds in the Appalachian Region and elsewhere waiting to be extracted. Other provisions of the legislation seek to provide badly needed stability in the federal surface coal mining program by settling controversies over subsidence protections, valid existing rights and the Applicant-Violator System. It would also streamline a program aimed at extinguishing coal fires.

Rahall is also advancing legislation to provide a disincentive to domestic companies from producing foreign coal that is imported into the U.S., displacing production and employment in the Appalachian Region. Further, Rahall sponsored legislation would insure that eastern coal markets are not invaded by low-sulfur federal coal produced in the West.

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*Following are the highlights of Rahall's initiatives:*

**Abandoned Mine Reclamation Program --** In an effort to provide for the reclamation of \$1.6 billion worth of high-priority health and safety threatening abandoned mine sites, Rahall is seeking to authorize the Abandoned Mine Reclamation Program through the year 2010. The program is financed by a reclamation fee assessed on every ton of mined coal which is currently scheduled to expire in 1995. Rahall is also proposing to allow the use of reclamation funds to be transferred to a Coal Industry Retiree Benefit Fund in order to provide health care to retired coal miners and their families.

**Coal Imports --** Due primarily to U.S. financing and technology, foreign coal imports into domestic electric utility markets has increased by 78% since 1982. In order to create a disincentive to domestic corporations from producing foreign coal aimed at U.S. markets, Rahall is advancing legislation that would prohibit the issuance of new federal coal leases to companies responsible for the imports.

**Surface Coal Mining Act Implementation--**

**Subsidence:** At present, federal regulations do not protect coalfield citizens from the types of damages that can occur from land subsidence caused by underground coal mining, either in the form of compensation for, or repair of, damages to homes and other structures as well as replacement of adversely affected water supplies. This provision of the bill would require these protections.

**Valid Existing Rights:** The federal law prohibits surface coal mining operations in federally protected areas such as National Parks and within buffer zones around homes, cemeteries and roads unless there was a pre-existing right to mine in these areas, known as valid existing rights. While the Office of Surface Mining has continually tried to define what constitutes valid existing rights, the vast majority of the states already have settled the issue. Rahall believes the agency's attempts simply create uncertainty and instability in the surface coal mining program, and jeopardizes the law's protections. This section adopts, as the federal valid existing rights standard, the test used by the majority of the coal states.

**Applicant Violator System:** This section also seeks to ensure that the Applicant Violator System, a computer system aimed at ensuring that new surface mining permits are not issued to companies with outstanding violations of the law, is not dismantled by the Office of Surface Mining and that improvements are made to the system.

**Coal Fires:** As a result of forest fires, coal refuse piles, coal outcrops and coal seams often start burning. These coal fires subsequently start new forest fires. However, the Office of Surface Mining is not authorized to use Abandoned Mine Reclamation Program funds to fight coal fires unless they are on abandoned coal mine lands. Rahall has uncovered an old 1954 law that is still on the books that established a program for the control and extinguishment of outcrop and underground coal fires. However, the law caps annual appropriations at \$500,000 and adequate funding levels would not be available. Under this legislation, Rahall is seeking to modernize the 1954 law by lifting the annual cap on appropriations, waive its cost-sharing requirement and require the Interior Secretary to enter into cooperative agreements with states like West Virginia for the purpose of executing projects to control or extinguish fires in coal formations. It would also allow West Virginia and other states to use a portion of their annual Abandoned Mine Reclamation Program grants to fight these fires.

**Coal Remining --** The provisions of this legislation seek to make coal available that otherwise would be bypassed by providing incentives for industry to extract and reprocess, in an environmentally sound manner, coal that remains in abandoned mine lands and refuse piles. Remining has the triple benefit of obtaining additional coal production, reducing the need to mine on virgin lands and providing for needed reclamation.

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***Metallurgical Coal Development*** -- Demand for metallurgical grade coal (such as the types of reserves located in McDowell, Wyoming and Raleigh Counties in West Virginia), which traditionally has been used in steelmaking, has declined due in part to more stringent coke oven emission standards. While often low in sulfur content, technical constraints have served to impede the use of metallurgical coals in electric utility boilers even though recently enacted air quality requirements place a premium on low-sulfur fuels. The legislation seeks to address these constraints by establishing a federal research program aimed at developing techniques that will lead to the use of metallurgical coal as a utility boiler fuel.

***Utilization of Coal Wastes*** -- Physical coal cleaning creates a great deal of coal wastes and refuse that still contain energy values (generally, coal 'fines'). Most of these coal fines are simply discarded into ponds and it is estimated that more than 2 billion tons of coal fines have been disposed in this fashion. The legislation seeks to address impediments to the use of coal fines by authorizing the Bureau of Mines to undertake demonstration projects to facilitate the use of coal from mining and processing wastes as a boiler fuel for the purpose of generating steam to produce electricity.

***Coalbed Methane Development*** -- This legislation is aimed at mitigating impediments to the extraction and utilization of pipeline-quality methane from coalbeds. Conventional natural gas sources will not be capable of meeting future demand without supply shortages and dramatic price increases. Vast deposits of unconventional sources of pipeline-quality methane (estimates range up to 90 Tcf), however, lay trapped within coalbeds. A major impediment to the development of coalbed methane is the legal quandary over its ownership. Under the bill, states like West Virginia which do not have statutes governing coalbed methane ownership and development would be required to establish coalbed methane programs that would include pooling arrangements should a conflict arise over coalbed methane ownership.

***Federal Coal Leasing Considerations*** -- Presently, over 1 billion tons of federal coal in the West are under lease application; an amount equivalent to the annual U.S. coal production rate. However, under the existing program the Interior Department does not consider, prior to approving federal coal leases, whether there is a market for the coal or the effects its production would have on existing mining operations such as those in the Appalachian and Midwestern coalfields. Under the legislation, the Interior Secretary would have to make these considerations prior to issuing new federal coal leases.

***Health, Safety and Mining Technology Research*** -- This legislation would establish a program to provide direction, and better define the objectives, of the Bureau of Mines' Health, Safety and Mining Technology Program in order to improve the health and safety of the Nation's miners. Mining continues to be one of the most dangerous occupations in the country. Health issues such as black lung disease, noise exposure and the carcinogenic effects of diesel exhaust have not been satisfactorily resolved. Safety issues relating to electrical, haulage and transport hazards as well as roof and wall falls continue to plague the Nation's miners. However, much of the Bureau of Mines's health, safety and mining technology research is haphazard in nature, and often fails to address the most pressing mining health and safety concerns. For instance, despite the widely publicized allegations of tampering in the underground coal mining dust monitoring program, the Bureau has done little to develop new tamper-resistant monitoring devices. This legislation would require that five-year plans be developed to guide research and technology development under the program, with input from industry, labor, academia, mine safety regulatory experts and the Bureau itself.