

Transfer of SMCRA Primacy to the Tennessee Department of Environment and Conservation (TDEC): HB 1832 (Carr) / SB 1883 (Niceley) (*OPPOSE*)

Surface Mining Control and Reclamation Act (SMCRA) is intended to prevent environmental degradation as a result of coal mining including oversight of environmental performance standards, permit requirements, reclamation bond requirements, inspection and enforcement authority, and restrictions on mining on certain lands. The reclamation program consists of an Abandoned Mine Land Reclamation (AML) Fund to pay for the cleanup of abandoned mine sites.

This bill transfers all strip-mine permitting and oversight from the federal Office of Surface Mining (OSM) to the Tennessee Department of Environment and Conservation (TDEC), an agency already stretched thin both monetarily and in personnel, especially in their oversight of NPDES (National Pollutant Discharge Elimination System) permits.

As SOCM members we OPPOSE this legislation because:

TDEC does not have the capacity to adequately perform its existing functions, especially in the area of enforcement, and cannot handle the additional workload. For example, in regulating surface water discharge from coal mines, TDEC has not taken enforcement action against a single company in more than 2 ½ years.

The people of Tennessee cannot allow any delay in the enforcement of laws that ensure the safety of our natural resources, protect our communities, and defend our beautiful Tennessee mountains and lands from industrial greed and neglect.

This change of SMCRA primacy would allow the coal-mining industry to further endanger Tennessee's water quality. And the worst threats will face those of us who can least afford it, such as communities in Claiborne and Campbell counties designated "At Risk" by the Appalachian Regional Commission, reporting a poverty rate more than 180% of the national average.

This legislation is about the expansion of coal-mining and mountaintop removal in Tennessee. The Tennessee Mining Association predicts this legislation will help quadruple coal mining in our state. Because Claiborne and Campbell counties have historically produced the most coal in Tennessee, local residents can only hope environmental and economic conditions there do not worsen.

Recent coal-related contamination of drinking water supplies, both on West Virginia's Elk River and North Carolina's Dan River, under the jurisdiction of state agencies and programs, would have been preventable had state government officials not chosen to protect industry over people. We cannot afford to move further down this path of neglect and lawlessness in Tennessee.

We should not spend taxpayer money on this. A comprehensive and effective state mining program would cost taxpayers between **\$2-4 million annually** during a 5-year development stage, require the hiring and training of hydrologists, geologists, field inspectors and others to

create a whole new bureaucracy that would replicate the staff already in place at OSM's Knoxville field office. The existing program at the Knoxville OSM office operated on a budget of \$4 million last year. Tennessee's taxpayers cannot afford the start-up costs.

The mining industry is promising to support TDEC's oversight through a "voluntary" assessment from mine companies. This **voluntary approach is a conflict-of-interest** and would compromise TDEC's ability to authorize and enforce federal regulatory standards.

Transferring SMCRA primacy to TDEC would vastly increase surface or "cross-ridge" mining in Tennessee, a highly mechanized and destructive form of mountaintop removal (MTR) coal mining that allows major coal companies to reduce labor costs and increase profits.

More surface coal mining in Tennessee will increase acid mine drainage, which kills all stages of aquatic life, poisons livestock and wildlife, and contaminates surface and ground water supplies.