



LEGISLATIVE PRIMER: COAL-RELATED LEGISLATION IN THE UNITED STATES

2018

Introduction

The May 2018 Edition of the Legislative Primer: Coal-Related Legislation in the United States is designed to serve as a resource that highlights recently enacted coal legislation from 2016 to 2018 relating to extraction, resource utilization, fiscal issues, technology development, grid reliability, and emissions concerns as well as incentives for carbon dioxide (CO₂) capture and storage and CO₂-enhanced oil recovery technology deployment. At the time of publication, many state legislatures remained in session with pending legislation on these issues.

This document is not meant to be an exhaustive guide to all legislation referencing coal, nor is it a guide to all state legislative efforts to work with their regulatory agencies and utilities on resource planning.

Please contact Turney Foshee at the Southern States Energy Board (770.242.7712) with suggestions for additional legislation that should be included in this document.



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State Legislation

Alabama

2017

HJR 318: JOINT LEGISLATIVE COMMISSION TO STUDY OPERATION AND FUNDING OF THE SURFACE MINING COMMISSION AND DEPARTMENT OF LABOR

Rep. Kyle South

Establishes a study commission on the operation and funding of the Surface Mining Commission and the Department of Labor's Abandoned Mine Program. The bill outlines the procedure and intent for performing a complete and comprehensive review and assessment of state laws and regulations regarding the operation and funding of the Surface Mining Commission and the Department of Labor's Abandoned Mine Program. The Study Commission will identify issues in the law or administrative rules that open gaps or create problems regarding the operation and funding process. The Commission will hold its first meeting no later than August 1, 2017, with all meeting specifics designated by the Speaker of the House of Representatives.

Arizona

2017

HCM2006: CLEAN POWER PLAN—REPEAL AND REPLACE

Rep. Brenda Barton, Rep. Regina Cobb, Rep. Darin Mitchell, Rep. Bob Thorpe

Urges the United States Congress, Environmental Protection Agency, and Department of Energy to repeal and replace the clean power plan with an acceptable coal-fired electricity generation program.

The bill calls for the Administrator of the United States Environmental Protection Agency to repeal the Clean Power Plan and work with the states to develop a responsible replacement program that is acceptable to all parties concerned with coal-fired electricity generation. It also urges the Secretary of the United States Department of Energy to support and develop a strategic plan for responsibly working with the coal-fired electricity generation industry and local governments in attaining the best technology available for clean, economic, and efficient coal-fired systems.

2018

HB 2003: MODIFYING TAXATION RELATED TO COAL MINING

Rep. Finchem

Exempts income derived from coal mining from the retail and mining transaction privilege tax (TPT) and municipal taxes. The bill also establishes a one-half percent county excise tax on the gross proceeds or gross income derived from the sale of coal.

Arkansas

2017

HB 1312: TECHNICAL CORRECTIONS: TITLE 11—LABOR AND INDUSTRIAL RELATIONS

Rep. Matthew Shepherd

Makes technical corrections to Title 11 of the Arkansas Code concerning labor and industrial relations. The bill repeals Arkansas Code § 11-7-401 and in doing so removes obsolete references to the defunct Coal Mine

Examining Board, the powers, duties, and functions of which were previously transferred to the Director of the Department of Labor.

California

2015

AB 1034: RECLAMATION SITES

Asm. Jay Obernolte

Requires a lead agency to consider the construction and operation of a renewable energy generation facility on disturbed mined lands to be an interim use. The bill prohibits a lead agency from requiring an amendment to an approved reclamation plan if specified criteria are met. The permit conditions for the energy facility may not adversely affect the ultimate reclamation of the mined lands or any ongoing mining operation.

SB 185: DIVESTITURE OF THERMAL COAL INVESTMENTS

Sen. Kevin DeLeón

Prohibits the boards of the Public Employees' Retirement System and the State Teachers' Retirement System from making new investments or renewing existing investments of public employee retirement funds in a thermal coal company. The legislation requires the boards to liquidate investments in thermal coal companies on or before July 1, 2017. Additionally, the boards are required, in making a determination to liquidate investments, to constructively engage with thermal coal companies to establish whether the companies are transitioning their business models to adapt to clean energy generation. The measure provides that it does not require a board to take any action unless the board determines in good faith that the action is consistent with the board's fiduciary responsibilities established in the constitution.

2016

SB 1279: CALIFORNIA TRANSPORTATION COMMISSION: FUNDING PROHIBITION: COAL SHIPMENT

Sen. Loni Hancock, Sen. Benjamin Allen

Prohibits the California Transportation Commission from providing money for any new bulk coal terminals in the state. "New bulk coal terminals" are defined as any terminal that stores, handles, or transports coal in bulk to a degree or significance that is categorized as having the potential for significant environmental impacts as a result of the storage, handling, or transport of coal in bulk.

A "new bulk coal terminal" does not include projects designed for the safety, rehabilitation, congestion reduction, modernization, maintenance, or repair of an existing operation or facility, including rail terminals, railyards, rail facilities, rail infrastructure, and rail right-of-way.

Connecticut

2018

HB 5884: PROHIBITING THE USE OF COAL TAR SEALANTS ON STATE AND LOCAL HIGHWAYS

House of Representatives Environment Committee

Prohibits the use or application of any sealant made from coal tar to any state or local highway.

Georgia

2018

HB 792: WASTE MANAGEMENT AND ESTABLISHING SUNSET DATE FOR CERTAIN SOLID WASTE SURCHARGES AND HAZARDOUS WASTE FEES

Reps. Rogers, Rhodes, Efstration, and Nix

Changes the surcharge imposed by host local governments regarding solid waste disposal facilities operated by private enterprises from \$1 to \$2.50 per ton or volume equivalent, in addition to any other negotiated charges or fees that must be paid to the host local government for the facility after July 1, 2019.

The bill also establishes that when a municipal solid waste disposal facility is operated by private enterprise, the host local government is authorized and required to impose a surcharge of \$1.00 per ton or volume equivalent until June 30, 2025, and a surcharge of \$2.00 per ton or volume equivalent effective July 1, 2025, for fly ash, bottom ash, boiler slag, or flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers, in addition to any other negotiated charges or fees paid to the host local government for the facility.

Illinois

2017

HB 3656: ESTABLISHING THE FLUE GAS DESULFURIZATION TASK FORCE ACT

Rep. Bourne & Sen. Manar

Creates the Flue Gas Desulfurization (FGD) Task Force to study the cost benefits of and make recommendations for the construction of new stacks at coal-fired power plants with flue gas desulfurization scrubber technology and the conversion of existing stacks at coal-fired power plants to flue gas desulfurization scrubber technology for the purpose of safely burning more Illinois-mined coal.

The bill establishes criteria for membership of the task force and provides that members serve without compensation, and it requires the task force to report its findings and recommendations to the General Assembly by December 31, 2017.

Indiana

2018

HB 1374: ESTABLISHING THE IFA AND ITS AUTHORITY

Rep. Soliday & Sens. Mishler, Holdman, Tallian, and Randolph

Establishes that the Indiana Finance Authority (IFA) has the power to issue, from time to time, bonds to renew or to pay bonds, including the interest on these bonds, if these bonds have been issued to finance projects that constitute economic development projects.

Property owned by the authority and leased to a person for an economic development project is not public property. Any economic development project financed by a loan under the authority of this chapter is not public property and is not exempt from any state taxes, or any county, city, or other political subdivision of the state, except for pollution control equipment that allows for the environmentally sound use of Indiana coal.

Iowa

2018

SF 2311: MODIFYING PROVISIONS RELATING TO PUBLIC UTILITIES

Senate Commerce Committee

Establishes that a rate-regulated public utility that owns one or more electric power generating facilities fueled by coal and located in this state may, in its sole discretion, file for advanced review of projects for managing regulated emissions from its facilities in a cost-effective manner.

The Department of Natural Resources must determine whether the project meets applicable state or federal environmental requirements for regulated emissions, including requirements related to air, water, or solid waste. If the plan project does not meet these requirements, the department must recommend amendments that outline actions necessary to bring the plan or update project into compliance with current environmental requirements.

Kentucky

2017

HB 234: TECHNICAL CORRECTIONS RELATING TO COAL MINING

Rep. John Blanton, Rep. Suzanne Miles, Rep. Robby Mills, Rep. Melinda Gibbons Prunty

Amends existing statutes (KRS 350.055) to change the reference in the public notice of intention to mine coal from "mining site" to "permitted area." This bill also amends KRS 350.060 to remove the requirement that all areas overlying underground workings of coal mines must receive permitting.

HR 176 /SB 182: URGE CONGRESS AND THE PRESIDENT TO EXTEND TAX INCENTIVES SUPPORTING CARBON CAPTURE RESEARCH AND DEPLOYMENT

Rep. Rocky Adkins / Sen. Dorsey Ridley, Sen. Ray Jones, Sen. Julian Carroll, Sen. Perry Clark, Sen. Denise Angel, Sen. Morgan McGarvey, Sen. Gerald Neal, Sen. Dennis Parrett, Sen. Reginald Thomas, Sen. Johnny Turner, Sen. Robin Webb

Urges Congress and the President of the United States to enact legislation extending and expanding the current federal tax credit for carbon capture, utilization, and storage under 26 U.S.C. Section 45Q of the Internal Revenue Code. The resolution also calls to support the following measures:

- Inclusion of economically and environmentally beneficial carbon capture projects in any forthcoming federal infrastructure initiative;
- Policies to increase the operational efficiency, and thereby the environmental performance of existing electric generating units; and
- Preservation of a fuel-diverse electric generation portfolio critical to our domestic economic, energy, and national security.

2018

HB 2: MODIFYING REIMBURSEMENT PROCEDURES FOR THE KENTUCKY WORKERS' COMPENSATION FUNDING COMMISSION

Rep. Koenig

Provides that in coal workers' pneumoconiosis claims if the physician selected by the commissioner interprets an X-ray as positive for complicated coal workers' pneumoconiosis, then the commissioner must refer the employee to the facility at which the claimant was previously evaluated for a computerized tomography scan in order to verify the findings.

The bill requires that the computerized tomography scan be interpreted by the facility and a report filed with the commissioner. The employer, insurer, or payment obligor must pay the cost of the examination pursuant to the medical fee schedule. Further, the administrative law judge may rely upon the findings in the report in accepting or rejecting ILO radiographic evidence of the disease.

HB 261: AMENDING VARIOUS CURRENT MINING LAWS

Rep. Gooch Jr.

Modifies existing law as it relates to mining in a number of ways including removing the requirement that proposed civil penalty amounts for suspected violations of surface coal mining and reclamation requirements be placed into an escrow account prior to a formal hearing

The bill also amends state law to remove the discretion of the Energy and Environment Cabinet to allow surface coal mining and reclamation permit applicants to submit their own reclamation bonds without separate sureties and it removes both the maximum acreage allowance allowed to be added by an incidental boundary revision for underground mining operations and the ability to apply for a major revision to a permit in the event that an underground mining extension area is not on an incidental boundary and does not include planned subsidence.

Under this law, lighters and vaping apparatuses are added to the list of prohibited items in an underground mine.

HB 366: NEW TIRE FEE APPROPRIATIONS

Rep. Rudy

Extends the new tire fee to July 1, 2020 and allows a half-percent administrative fee to be paid to the Kentucky Infrastructure Authority for the administration of each project funded by the Infrastructure for Economic Development Fund for Coal-Producing Counties and the Infrastructure for Economic Development Fund for Tobacco Counties.

HB 388: MODIFYING REIMBURSEMENT PROCEDURES FOR THE KENTUCKY WORKERS' COMPENSATION FUNDING COMMISSION

Rep. Tipton

Requires that the Kentucky Employers' Mutual Insurance Authority must reimburse the Kentucky Workers' Compensation Funding Commission for any expenses incurred with regard to the collection of assessments for the coal workers' pneumoconiosis fund and other incurred expenses related to the coal workers' pneumoconiosis fund.

The bill also establishes that once all claim payouts are completed, the Kentucky coal workers' pneumoconiosis fund will be abolished.

Montana

2016

HB 421: SEVERANCE TAX COAL WASHING CREDIT

Rep. Tom Berry

Revises the coal severance tax coal washing credit to extend the termination date of the credit by eight years from July 1, 2017, to July 1, 2025.

2017

HB 22: CLOSURE OF COAL-FIRED GENERATION FACILITIES

Rep. Jim Keane

Directs money to the Department of Justice to assist in securing the future of communities affected by the closure of coal-fired generating units in Montana. Effective immediately, the bill requires participation in proceedings and related dockets before out-of-state utility or regulatory commissions that address planning for the future of coal-fired generation facilities located in Montana.

For the biennium beginning July 1, 2017, a sum of \$80,000 will be appropriated to the Department of Justice from the Coal Natural Resource Account. Any funds not expended or encumbered in the biennium revert to the General Fund.

HB 344: COAL BED METHANE PROTECTION PROGRAM

Rep. Geraldine Custer

Provides for a transfer of funds from the Orphan Share State Special Revenue Account to the Coal Bed Methane Protection Account. The bill appropriates money to the Department of Natural Resources and Conservation to allow conservation districts to properly administer the Coal Bed Methane Protection Program.

By June 10, 2017, the State Treasurer must transfer \$190,000 from the Orphan Share State Special Revenue Account to the Coal Bed Methane Protection Account established (but not funded) by previous legislation.

HB: 585: COAL-FIRED GENERATING UNIT LOANS

Rep. Austin Knudsen

Allows the Board of Investments to make loans to an owner of a coal-fired generating unit in Montana from the state's permanent Coal Tax Trust Fund for the operation and maintenance of a coal-fired generating unit.

The bill also provides loan criteria and limitations such as requiring the owner to provide the Board of Investments and the Governor of Montana with a minimum of 90 days' notice prior to filing for bankruptcy, reorganization, or other insolvency proceeding or prior to a merger, sale, or transfer, by operation of law or otherwise.

SB 339: Coal-fired Generating Unit Remediation Act

Sen. Duane Ankney

Establishes the Coal-fired Generating Unit Remediation Act. This measure ensures appropriate remedies are in place when a coal-fired generating unit is retired to ensure the protection of the environmental life support systems from degradation and to provide adequate remedies to prevent unreasonable degradation of natural resources.

No later than three months after a coal-fired generating unit is retired and no earlier than five years prior to a coal-fired generating unit's planned retirement, an owner must submit a proposed remediation plan that contains:

1. The name of the operator of the coal-fired generating unit and the names and addresses of all owners of the coal-fired generating unit;
2. A general overview of the site where the unit is located, the unit itself, and affected property;
3. The current and reasonably anticipated future uses of affected property; and
4. Remediation information, including:
 - i. A list of reports, studies, or other evaluations related to remediation and specific remediation measures already completed or under way pursuant to any applicable legal obligation;
 - ii. The manner in which the remediation measures satisfy the requirements of cleanup; and
 - iii. A description of how the owner will comply.

A remediation plan may consist of a plan for more than one unit that is retired at the same time and planned for simultaneous remediation. The filing of a plan is not a commitment to retire a coal-fired generating unit on any particular date that is not otherwise required by an applicable legal obligation.

The Department of Environmental Quality must review for completeness a remediation plan and provide a written completeness notice to an owner within 60 days of receipt of the remediation plan and within 30 days of receipt of responses to notices of deficiencies. The initial completeness notice must include all deficiencies identified in the information submitted.

The law also establishes penalties for infractions and sets up an appeals process for an owner or person challenging an enforcement action or order.

2018

HB 209: EXTEND FUNDING TO THE COAL BOARD TEMPORARILY

Rep. Usher

Establishes that 5.8 percent of collected severance taxes through June 30, 2019, and beginning July 1, 2019, the amount of 2.9 percent must be credited to the coal natural resource account.

HB 344: PROVIDING FUNDING FOR COAL BED METHANE PROTECTION PROGRAM

Rep. Custer

Codifies the transfer of funds from the orphan share state special revenue account to the coal bed methane protection account and appropriates money to the Department of Natural Resources and Conservation to allow conservation districts to properly administer the coal bed methane protection program.

HB 585: PROVIDE FOR LOANS TO AN OWNER OF A COAL-FIRED GENERATING UNIT

Rep. Knudsen

Allows the Board of Investments to make loans to an owner of a coal-fired generating unit in Montana from the Montana Permanent Coal Tax Trust Fund for the operation and maintenance of a coal-fired generating unit.

According to the bill, the total amount of loans made annually may not exceed \$10 million. In determining the size of a loan, the board shall consider the direct and indirect tax implications to the state if a coal-fired generating unit is retired prematurely, the current and projected ability of an owner to operate and maintain a coal-fired generating unit, and any other matters that the board considers necessary.

SB 140: ALLOWING MUNICIPAL LOANS FROM THE COAL TAX TRUST FUND

Sen. Ankney

Authorizes the Board of Investments to make loans to certain local governments from the Montana permanent coal tax trust fund for the development and maintenance of infrastructure.

Specifically, the board may “make loans from the permanent coal tax trust fund to a city, town, county, or consolidated city-county government impacted by the closure of a coal-fired generating unit to secure and maintain existing infrastructure.”

SB 260: FUNDING SCHOOLS WITH COAL TAX TRUST FUND

Sen. Jones

Creates the School Facilities Fund within the Coal Severance Tax Trust Fund. Starting July 1, 2017, the bill requires the state treasurer transfer quarterly to the school facilities fund 75 percent of the amount in the coal severance tax bond fund in excess of the amount that is specified to be retained in the fund. The budget director must certify to the state treasurer when the balance of the school facilities fund is \$200 million. Beginning with the quarter following this certification, the state treasurer will transfer to the coal severance permanent fund 75 percent of the amount in the coal severance tax bond fund that exceeds the amount that is specified to be retained in the fund.

The state treasurer must also transfer monthly from the school facilities fund to the school facilities special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account. Earnings not transferred to the school facilities special revenue account must be retained by the school facilities fund, according to the bill.

SB 339: COAL-FIRED GENERATING UNIT REMEDIATION ACT

Sen. Ankney

Establishes the degree of remediation required by coal-fired generating units and creates requirements for submission, review, and approval of a remediation plan. The bill also outlines an appeals process for a person whose interests are adversely affected by a final decision of the Department of Environmental Quality to approve or modify a plan.

According to the bill, an owner of a coal-fired generating unit must submit a proposed remediation plan that contains the following:

- The name of the operator of the coal-fired generating unit and the names and addresses of all owners of the coal-fired generating unit;
- A general overview of the site where the unit is located, the unit itself, and affected property;
- The current and reasonably anticipated future uses of affected property; and
- Remediation information, including:

- A list of reports, studies, or other evaluations related to remediation and specific remediation measures already completed or under way pursuant to any applicable legal obligation; and
- The manner in which the remediation measures satisfy the requirements of the law.

SJ 5: INTERIM STUDY REGARDING COAL PHASE-OUT RESOLUTION

Sen. Phillips

Requesting an interim study to investigate threats to the mining and burning of coal in Montana and the consequences of significant reductions in coal mining and usage.

North Dakota

2017

HCR 3037: URGE CONGRESS AND THE PRESIDENT TO EXTEND TAX INCENTIVES SUPPORTING CARBON CAPTURE RESEARCH AND DEPLOYMENT

Sen. Howard Anderson, Sen. Joan Heckaman, Sen. Erin Oban, Sen. Jessica Unruh, Sen. Rich Wardner, Rep. Corey Mock, Rep. Al Carlson, Rep. Jeff Delzer, Rep. Kathy Hogan, Rep. Alisa Mitskog, Rep. Todd Porter, Rep. Jay Seibel

Urges Congress and the President of the United States to enact legislation extending and expanding the current federal tax credit for carbon capture, utilization, and storage under 26 U.S.C. Section 45Q of the Internal Revenue Code. The resolution also calls to support the following measures:

- Inclusion of economically and environmentally beneficial carbon capture projects in any forthcoming federal infrastructure initiative;
- Policies to increase the operational efficiency, and thereby the environmental performance of existing electric generating units; and
- Preservation of a fuel-diverse electric generation portfolio critical to our domestic economic, energy, and national security.

SB 2133: THE COAL CONVERSION FACILITIES PRIVILEGE TAX

Sen. Brad Bekkedahl, Sen. Jim Dotzenrod, Sen. Jessica K. Unruh, Rep. Jason Dockter, Rep. Craig Headland, Rep. Alisa Mitskog

Amends the North Dakota Century Code to reduce the tax on coal conversion facilities gross receipts from four and one tenth to two percent. The bill also modifies the carbon dioxide capture credit language to disallow coal conversion facilities that met capture requirements before January 1, 2017, from claiming the reduction.

SB 2196: REVENUE BONDS FOR THE PURCHASE OF LAND AND CONSTRUCTION OF AN INTEGRATED CARBON PLANT

Sen. Lonnie Laffen, Sen. Dwight Cook, Sen. Gary Lee, Sen. Larry Robinson, Rep. Mark Sanford, Rep. Lois Delmore

Authorizes the issuance of revenue bonds totaling \$22,500,000 to Valley City State University for the construction of an integrated carbon plant including the purchase of land.

Oklahoma

2016

SB 1614: COAL PURCHASE AND PRODUCTION TAX CREDIT

Sen. Clark Jolley, Sen. Greg Treat, Rep. Earl Sears, Rep. Dennis Casey

Modifies the existing coal tax credits to be in the amount of two dollars and eighty-five cents (\$2.85) per ton for each ton of Oklahoma-mined coal purchased. In addition, for the period of July 1, 2006, through December 31, 2006, and except where prohibited, for tax years beginning on or after January 1, 2007, and ending on or before December 31, 2021, there will be allowed a credit in the amount of two dollars and fifteen cents (\$2.15) per ton for each ton of Oklahoma-mined coal purchased.

2017

SB 479: OBSOLETE MINING PROVISIONS

Sen. Nathan Dahm, Rep. Bobby Cleveland

Repeals obsolete mining legislation relating to the following subjects, among others, effective November 1, 2017: convict employment prohibition, Coal Experiment Station, signaling methods, code of signals; sanitary drinking devices, mine closets, dressing rooms, livestock, noon meals, traveling way, eight-hour work day, certificates of competency, granting certificates, certificates from other states, fees for issuance, record of issuance, effect of certificates, power to revoke certificates, power to arrest, mine foreman duties, timbers and drainage, ventilation, shelter holes and manways, air current, daily examination, assistant mine foreman, rules and notices, additional duties, duties of the fire boss, removal of dangers, operators to employ shot-firers, hours worked, reporting to superintendent, and emergency supplies.

2018

HB 1034: INCOME TAX CREDIT MODIFICATIONS

Rep. Wallace & Sen. David

Establishes an annual cap equal to \$5 million for coal tax credits effective tax year 2018. The measure directs the Oklahoma Tax Commission to use a percentage adjustment formula to determine a percentage by which the credits authorized are to be reduced to satisfy the \$5 million annual cap.

In the event that the total tax credits authorized exceed the annual cap, the commission will permit any excess, but must factor the excess into the percentage adjustment formula for subsequent years.

Pennsylvania

2018

HB 1341: AMENDING THE BITUMINOUS COAL MINE SAFETY ACT

Reps. Pyle, Millard, Pickett, Causer, Neilson, Irvin, Heffley, Boback, Zimmerman, DeLuca, Wheeland, Farry, Gabler, and Marshall

Amends the Bituminous Coal Mine Safety Act as it relates to emergency medical personnel and allowing coal mines to employ “emergency medical responders.” An “emergency medical responder” is defined as a coal mine employee who:

- Has been certified by the Department of Health (DOH) as an emergency medical responder;

- Has successfully completed all required courses of additional training approved by the DOH for emergency medical technicians; and
- Has successfully completed any additional courses required by regulation of the Board of Coal Mine Safety.

The bill also defines “advanced emergency medical technician” as a coal mine employee who is certified by the DOH as an advanced emergency medical technician, while updating the definition of “emergency medical technician” to require certification by the DOH as an emergency medical technician. These amendments allow for either an emergency medical responder, emergency medical technician or advanced emergency medical technician to be on duty when miners are engaged in coal extraction activities.

SB 624: AMENDING THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT

Sen. Scarnati

Amends the Bituminous Mine Subsidence and Land Conservation Act providing for planned subsidence when occurring in a planned, predictable, and controlled manner, and not predicted to result in the permanent disruption of a waterway, must not be considered presumptive evidence that a mining operation has the potential to cause pollution in accordance with the Clean Streams Law.

This language is applicable only if the Department of Environmental Protection approves an application that provides for the restoration of the premining range of flows and restoration of premining biological communities in any waterways predicted to be adversely affected by subsidence. The restoration must be consistent with the premining existing and designated uses of waters of the Commonwealth. The provisions of the bill apply to all permits issued after October 8, 2005.

Puerto Rico

2017

SB 81: THE BAN ON THE DEPOSIT AND DISPOSAL OF COAL ASH OR COAL COMBUSTION RESIDUALS IN PUERTO RICO ACT

Creates the “Ban on the Deposit and Disposal of Coal Ash or Coal Combustion Residuals in Puerto Rico Act” that establish a ban on the deposit and disposal of coal ash or coal combustion residuals as public policy in Puerto Rico. The bill also provides penalties for the deposit, disposal, and storage of coal ash or coal combustion residuals.

South Carolina

2016

HB 4857: COAL COMBUSTION RESIDUALS

Rep. David Hiott, Rep. Gary Clary, Rep. Neal Collins

States that coal combustion residuals that result from an electric utility, an electric cooperative, a governmental entity, a corporation, or an individual producing electricity for sale or distribution by burning coal must be placed in a Class 3 solid waste management landfill. The exceptions are coal combustion residuals that are located contiguous with the electric generating unit, intended to be beneficially reused, placed in beneficial use, or placed in an appropriate landfill owned or operated by the entity that produced the residuals. Unless reenacted or extended, the provisions of the bill are repealed five years from the act’s effective date of March 2, 2016.

Tennessee

2018

HB 571/SB 686: THE PRIMACY AND RECLAMATION ACT OF TENNESSEE

Rep. Powers & Sen. Yager

Requires the governor to take all action necessary request federal grant funding and apply to the federal government for Tennessee to assume primacy over the regulation of surface coal mining and reclamation operations within its borders. In order to comply with the requirements of federal law, this amendment does the following:

- Enact a state law that provides for regulation of surface coal mining and reclamation operations in accordance with the Surface Mining Control and Reclamation Act of 1977 (SMCRA);
- Establishes a civil penalty of up to \$5,000 per violation of the amendment or permit conditions, which is the same amount authorized for violations of SMCRA;
- Requires the Department of Environment and Conservation (TDEC) to serve as the state regulatory authority for surface coal mining and reclamation operations; and
- Establishes that no person will be authorized to engage in surface coal mining and reclamation operations in this state without meeting the qualifications for and obtaining issuance of a permit from the commissioner.

The bill also requires that underground coal mining operations obtain insurance to compensate owners of surface rights for property damage that occurs as a result of the underground mining activities. The commissioner must establish a planning process enabling objective decisions to be made based upon competent and scientifically sound data and information as to which, if any, land areas of this state are unsuitable for all or certain types of surface coal mining and reclamation operations pursuant to current standards.

Virginia

2016

SB 182 / HB 1152: LOCAL GAS ROAD IMPROVEMENT AND VIRGINIA COALFIELD ECONOMIC DEVELOPMENT AUTHORITY TAX

Sen. Benton Chafin, Del. James W. Morefield

Authorizes localities comprising the Virginia Coalfield Economic Development Authority to use a portion of the revenues collected from the local gas road improvement and Virginia Coalfield Economic Development Authority tax for the repair or enhancement of existing water or sewer systems and lines.

2017

SB 1398: COAL COMBUSTION RESIDUALS UNIT; CLOSURE PERMIT, ASSESSMENTS REQUIRED

Sen. Scott Surovell, Sen. Amanda Chase

Requires the owner or operator of a coal combustion residuals unit (CCR unit) to identify water pollution and address corrective measures to resolve it, evaluate the clean closure of the CCR unit by recycling the ash for use in cement or moving it to a landfill, and demonstrate the long-term safety of the CCR unit.

The bill also requires the owner or operator of each CCR unit to transmit its assessment to the Department of Environmental Quality (DEQ) and other agencies or legislative committees by December 1, 2017. The bill requires

the Director of DEQ to delay the issuance of a permit to close any CCR unit until May 1, 2018, or the effective date of any legislation adopted during the 2018 Regular Session of the General Assembly that addresses the closure of CCR units, whichever occurs later.

2018

HB 665/SB 378: COALFIELD EMPLOYMENT ENHANCEMENT TAX CREDIT

Del. Kilgore & Sen. Chafin

Reinstates the Coalfield employment enhancement tax credit. The credit, which expired on July 1, 2016, can be earned on and after January 1, 2018, but before January 1, 2023, and only for metallurgical coal.

HB 812: VIRGINIA COAL SURFACE MINING RECLAMATION FUND ADVISORY BOARD MODIFICATIONS

Del. O'Quinn

Increases from five to seven the number of members on the Virginia Coal Surface Mining Reclamation Fund Advisory Board. The bill increases from three to four the number of representatives of the coal industry and adds two representatives of conservation interests. The bill also authorizes the board to serve as the advisory body required by the Interstate Mining Compact.

SB 807: COAL COMBUSTION RESIDUALS AND OTHER UNITS

Sen. Surovell

Instructs the Director of the Department of Environmental Quality to suspend, delay, or defer the issuance of any permit to provide for the closure of any coal combustion residuals (CCR) unit located within the Chesapeake Bay watershed, other than for a permit required for impoundments where coal ash has already been removed and placed in another impoundment on site, is being removed from an impoundment, or is being processed in connection with a recycling or beneficial use project. This measure also requires the owner or operator of any such CCRs unit to issue a request for proposals to determine the following:

- The quantity of CCRs that may be suitable for recycling or beneficial use in such unit;
- The cost of recycling or beneficial use of such CCRs; and
- The potential market demand for material recycled or beneficially used from such CCRs.

By November 15, 2018, the owner or operator of such unit is required to transmit a detailed business plan to the Governor, the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources, the House Committee on Commerce and Labor, the Senate Committee on Agriculture, Conservation and Natural Resources, and the Senate Committee on Commerce and Labor; and to the Directors of the Departments of Environmental Quality and Conservation and Recreation.

HJR 210/SJR 128: COMMENDING THE WELLMORE COAL COMPANY MINE RESCUE RED TEAM

Del. Morefield & Sen. Chafin

Congratulates the Virginia-based Wellmore Coal Company Mine Rescue Red Team on winning the 2017 National Mine Rescue Contest.

Washington

2016

SB 6248: RISK MITIGATION PLANS TO PROMOTE THE TRANSITION OF ELIGIBLE COAL UNITS

Sen. Doug Ericksen

Allows for the state's largest utility, Puget Sound Energy, to put money aside to cover future decommissioning and remediation costs of two coal-powered plants in Colstrip, Montana, if they're closed after 2023.

West Virginia

2016

HB 4435: RATE RECOVERY FOR COAL-FIRED BOILER IMPROVEMENTS

Del. Randy Smith, Del. Woody Ireland, Del. J. B. McCuskey, Del. Justin Marcum

Provides that electric utilities may file with the Public Service Commission (PSC) an application for a multiyear comprehensive program for modernizing and improving coal-fired boilers at power plants located in the state and owned, in whole or in part, by the electric utility. Subject to PSC review and approval, a program may be amended and updated by the electric utility as circumstances warrant. The recovery of costs in support of the program are allowed if the proposed program and related rates are found to be just, reasonable, and based on prudent investments that are used and useful to the utilities' West Virginia ratepayers. Electric utilities may defer incremental operation and maintenance expenditures attributable to regulatory and compliance-related requirements introduced after the electric utility's last rate case proceeding and not included in the electric utility's current base rates. In a future rate case, the PSC will allow recovery of the deferred costs amortized over a reasonable period of time to be determined by the Commission if the Commission finds that the costs were reasonable and prudently incurred and were not reflected in rates in prior rate cases.

HB 4726: REGULATION OF MINING OPERATIONS

Del. Randy Smith

Allows the Department of Environmental Protection to revise and promulgate rules concerning analyses of mine operations and hydrological impact assessments and statements as well as other criteria. The legislation amends the requirements for mine operators to provide private mine rescue teams, allowing them to instead rely on a state-funded team as a backup. Also, the measure eliminates the state Department of Environmental Protection's Office of Explosives and Blasting.

SB 691: AIR POLLUTION STANDARD MODIFICATIONS

Sen. Greg Boso

Provides for legislative findings with respect to the development of a federally mandated state plan relating to carbon dioxide emissions from existing fossil fuel-fired electric generating units. The bill prohibits the submission of a plan absent specific legislative enactment. The legislation provides for a report regarding the feasibility of state compliance and development of separate, flexible standards of performance for emissions. Also, it provides for legal effect and rulemaking authority.

2017

SB 687: COAL MINING, SAFETY, AND ENVIRONMENTAL PROTECTION

Sen. Randy Smith, Sen. David Sypolt, Sen. Craig Blair, Sen. Donna Boley, Sen. Sue Cline, Sen. Ryan Ferns, Sen. Jeffrey Mullins, Sen. Douglas Facemire, Sen. Glenn Jeffries, Sen. Michael Woelfel

Removes language pertaining to water quality that "supports a balanced aquatic community that is diverse in species composition" as determined by the Department of Environmental Protection. The measure also modifies the bond-release requirements for certain mountaintop removal mining operations and limits the spending of money from the state's Special Reclamation Fund to clean up water pollution at abandoned mine sites.

The bill also revises well-plugging processes, preblast survey requirements, and the list of required on-site first aid items to include an automated external defibrillator, or AED, unit.

2018

HB 4626: WEST VIRGINIA INNOVATIVE MINE SAFETY TECHNOLOGY TAX AMENDMENTS

Del. Anderson

Amends the West Virginia Innovative Mine Safety Technology Tax Credit Act. The bill requires that proximity detection systems, cameras, and underground safety shelters and the refurbishing thereof be on the list of approved innovative mine safety technology.

It also extends the tax credit authorized for qualified investment in eligible safety property under the act to December 31, 2025.

HB 525: CERTIFICATION FOR EMERGENCY MEDICAL TRAINING IN MINING

Sen. Gaunch

Adds new certification requirements for emergency medical technicians at mining operations and transfers requirements to the chapter governing miners' health, safety and training. The bill also eliminates the authority of the Director of Miners' Health Safety and Training to authorize providers to administer certification courses and examinations.

SB 626: MINING RELATED PERMITTING AND REGULATIONS

Sen. Smith

Establishes new notice requirements regarding permit applications under the Surface Coal Mining and Reclamation Act and clarifies when certification is granted under the Water Pollution Control Act.

The bill also declares that comprehensive mine safety programs are subject to annual review only when a pattern of safety violations or a serious accident occurs. The bill also establishes the use of MSHA-approved ground control plans for surface operations and requires automated external defibrillators be present on surface operations. The Director of the Office of Miners' Health, Safety, and Training is required to promulgate emergency rules relating to the ground control plan.

Finally, the bill provides that one MSHA-approved plan may be submitted to the director in lieu of separate state-approved plans for ventilation, seals, roof control, belt air, self-contained self-rescuer storage, tracking and communication, and emergency shelters.

HCR 8: FUNDING FOR FEASIBILITY STUDY OF COAL-TO-CHEMICALS PROJECT

Del. Phillips

Requests West Virginia's congressional delegation to ask the United States Department of Energy and the United States Department of Commerce to make available funding for a feasibility study to analyze a coal-to-chemicals project for West Virginia and the Appalachian region.

Wisconsin

2016

AB 804: SULFUR DIOXIDE COMPLIANCE PLANS

Rep. Mike Kuglitsch

Provides that it is the goal of the state for annual sulfur dioxide emissions from all major energy utilities and large sources not to exceed 325,000 tons. The legislation changes requirements relating to the goal by eliminating the requirement for major energy utilities to submit annual plans for complying with sulfur dioxide emission rates to the Public Service Commission (PSC) and the Department of Natural Resources (DNR). The measure also deletes the requirement for DNR to review and approve the plans. DNR is no longer required to make certain determinations and recommendations to the Wisconsin Legislature regarding goals for sulfur dioxide emissions from major energy utilities and large sources. The measure assigns DNR the exclusive responsibility, rather than joint responsibility with PSC, for reviewing requests for a variance from sulfur dioxide emission rates submitted by major energy utilities and determining whether to grant a variance.

Wyoming

2016

SF 28: GEOLOGIC SEQUESTRATION PERMITS

Joint Minerals, Business and Economic Development Interim Committee

Sets standards for when an oil and gas operator ceases oil and gas recovery operations and converts its operations to the geologic sequestration of carbon dioxide (CO₂). When this conversion occurs, regulation of the operations and sequestration site is transferred from the Wyoming Oil and Gas Conservation Commission (WOGCC) to the Department of Environmental Quality (DEQ). The measure specifies that an enhanced oil and gas recovery CO₂ injection permit should be converted into a geological sequestration permit when an oil and gas operator injects CO₂ for the primary purpose of long-term storage and the storage results in an increased risk to an underground source of drinking water. The legislation gives the DEQ Director the authority to determine which permit is appropriate based upon findings and recommendations of the WOGCC Supervisor. The Supervisor's recommendations must be made after a hearing of the WOGCC examiners. Affected operators must be given notice of the Supervisor's findings and recommendations and provided an opportunity for a public hearing before the WOGCC.





Transcending Boundaries

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