

Statement of  
William Michael Sharp  
Assistant Director, Division of Abandoned Mine Land  
Oklahoma Conservation Commission

On Behalf of  
the State of Oklahoma

Concerning the  
Abandoned Mine Land (AML) Reclamation Program

Before the  
House Subcommittee on Energy and Mineral Resources

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**Statement of William Michael Sharp, Assistant Director**  
**Division of Abandoned Mine Land, Oklahoma Conservation Commission**

Good morning , Madam Chairman. My name is William Michael Sharp, assistant director of the Abandoned Mine Land (AML) Reclamation Program for Oklahoma. I appreciate the opportunity to appear before you to present testimony for the state of Oklahoma on the reauthorization of the Abandoned Mine Land Reclamation fee and changes to the Surface Mining Control and Reclamation Act of 1977 (PL 95-87).

**Minimum Program States**

Of the 26 states and tribes with an approved AML Reclamation Program, eight states (Alaska, Arkansas, Iowa, Kansas, Maryland, Missouri, North Dakota, and Oklahoma) are considered as "Minimum" Program states. Webster's defines "minimum" as "least attainable." So, to many the word could mean low level, which in terms of AML problems might be misinterpreted as not having very many AML problems. Over the years, coal production in these states declined to the point that there was not sufficient coal tax revenue to administer an AML Reclamation Program as mandated by PL 95-87, even though these states had multiple AML problem areas posing a threat to the health and safety of the public. As a result, the "Minimum Program" was established by Congress in FY 1988 requiring that each State and Tribe receive no less than \$1.5 million annually. In FY 1989 actual funding fell to \$1 million, but in FY 1990 and 1991 it returned to \$1.5 million.

With \$500 to \$600 million of high hazard Priority 1 and 2 AML problems resulting in many mine related deaths and injuries each year, these eight "Critically Underfunded States," with broad-based support, convinced Congress that their annual program funding should be at least \$2 million. As a result, Congress passed the Abandoned Mine Reclamation Act of 1990 amending PL 95-87 (adding Section 402(g)(8)), which set an annual funding level of not less than \$2 million for each state and tribe having an eligible AML Reclamation Program. For the next three fiscal years (FY 1992 thru FY 1994), the Minimum Program States received the annual \$2 million. However, for the last 10 fiscal years (FY 1995 thru FY 2004) these States received an annual appropriation of only \$1.5 million (excluding a small amount of funding for AML emergencies and Cleans Streams Initiative projects).

There are several billion dollars of Priority 1 and 2 AML problems yet to be reclaimed nationwide. At least 25 percent of these problems are in the eight Minimum Program States, but these eight states receive only 10 percent of the funding each year.

An annual appropriation of \$1.5 million is simply inadequate to reclaim the number of high-hazard Priority 1 and 2 AML sites in each respective state. Why? Because at this level, AML staffs are reduced to a "bare bones" staff, reclamation contracts must be phased over several years(which results in not reclaiming the total AML hazard), project inspection is cutback (which is critical to quality control), and less on-the-the-ground reclamation is completed.

In the last few years, there seems to be a misconception that Minimum Program States have reclaimed all of their high priority areas, therefore, they need less funding. In fact, the opposite is true. AML problems in Minimum Program States continue to take human lives and property, as well as degrade water quality. For example, subsidence continues to plague buildings and structures in North Dakota and Kansas. Acid mine drainage from underground coal mines in Maryland continues to degrade the water quality of the Potomac River, and deaths and injuries associated with dangerous highwalls in Oklahoma persist.

The lack of funding at the annual \$2 million level the last ten years has resulted in a total loss of over \$40 million to the eight Minimum Program States. For these States to again operate a more effective, viable, and efficient AML reclamation program, we were very encouraged to see that recent House and Senate bills concerning AML reauthorization contained language that Minimum Program States will receive not less than \$2 million annually.

### **Reallocation of Rural Abandoned Mine Land Program (RAMP) Funds**

In PL95-87 the Natural Resources Conservation Service (formerly SCS) also has AML Trust Fund monies set aside for reclamation purposes under RAMP. Since the passage of PL95-87, RAMP averaged approximately \$4-9 million per year for projects nationwide. Several Minimum Program States were very active in RAMP, including Arkansas and Oklahoma, receiving \$500,000 to \$600,000 each year. Since FY 1996 Congress has not appropriated any RAMP funds to States. So, in addition to the ten-year \$5 million loss due to Minimum Program underfunding, Oklahoma has also lost between \$4.5 and \$5.4 million in RAMP funds in the last nine years. Furthermore, since funds dedicated to RAMP have not been appropriated by Congress, there exists a balance of over \$ 300 million in the AML Trust Fund earmarked for RAMP. The proposed legislation before us today is to eliminate RAMP under Title IV and reallocate the accumulated RAMP balance to States and Tribes using the historic coal production formula (H.R. 3778) or to transfer it to the Combined Benefit Fund (H.R. 3796). With either proposal, Minimum Program States will see no increased funding to address their Priority 1 and 2 AML problems.

If one of the goals of reauthorizing SMCRA is to eliminate Priority 1 and 2 AML problems, then how can that be accomplished with funding Minimum Program States annually at \$2 million? We would like the Congress to address this critical issue with regard to the Minimum Program States. One suggestion we ask to be considered is to earmark a portion of the RAMP balance in the AML Trust Fund such that Minimum Program States could apply to OSM for supplemental grants from these earmarked funds above their annual \$2 million grant. If the state is capable of obligating these funds in a timely manner, they could continue to apply for these funds in future years. Once Minimum Program States have exhausted their existing inventory of Priority 1 and 2 AML hazards, they could no longer apply for these funds.

## **Oklahoma AML Inventory**

Approximately \$90 million in high priority AML problem areas in Oklahoma continue to threaten death or injury to the public. In our state over 30,000 acres were surfaced mined for coal and over 40,000 acres were mined underground for coal. In many cases, coal companies would mine through 100 feet of overburden to obtain 18 to 24 inches of coal. As a result, many sites are abandoned leaving 100-foot dangerous highwalls and water-filled strip pits. This is the reason so many deaths and injuries have occurred and will continue to occur in Oklahoma's 16-county AML area. These AML hazards are located in heavily populated areas near major cities such as Tulsa (population 367,302) and two of the fastest growing areas of the state, Claremore (29 miles northeast of Tulsa) and Broken Arrow (a suburb of Tulsa). Both of these cities have numerous high priority AML hazards. Near the town of Foyil, north of Claremore, 7 known deaths have occurred in a radius of two miles. Just recently, we received a call from a landowner north of Claremore that witnessed a young boy who had tied a garden hose to a tree and was repelling down an 80-foot highwall. Open mine shafts/portals and subsidence related to underground coal mines also have the potential for death or injury.

## **Conclusion**

In summary:

- Since deaths and injuries related to AML problems continue, we support Congress in their effort to amend the Surface Mining Control and Reclamation Act of 1977 (PL95-87) by reauthorization and reform of the Abandoned Mine Reclamation Program, especially H.R. 3796.
- We support present legislation that provides Minimum Program States no less than \$2 million per year since Minimum Program States have many AML problem areas that pose a health and safety threat to the public. Oklahoma has approximately \$90 million of high priority AML problem areas.
- Congress should require all states and tribes to reclaim Priority 1 and 2 AML problems before addressing lower priority problems.
- Minimum Program states should be given the opportunity to apply for supplemental grants based on their ability to timely obligate those funds toward reclaiming high hazard Priority 1 and 2 AML problems.

We wish to thank the House Subcommittee on Energy and Mineral Resources for this opportunity to present this testimony today. I would be glad to answer any questions you may have.