

STATE OF MARYLAND

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Robert M. Summers, PhD., Acting Secretary

BILL NO: House Bill 210

COMMITTEE: Environmental Matters

POSITION: Support

TITLE: Environment – Mining – Acid Mine Drainage Abatement and Treatment Fund

BILL ANALYSIS:

This corrective legislation would make the Environment Article consistent with current federal law allowing a higher percentage (30% as opposed to only 10%) of Federal Abandoned Mine Reclamation Funds to be utilized for Acid Mine Drainage (AMD) activities.

POSITION AND RATIONALE:

The Department seeks this legislation in order for the Maryland Bureau of Mines to set aside sufficient funding to conduct activities to treat and improve the waters of the State that are impaired by acid mine drainage (AMD) from abandoned coal mines.

On December 20, 2006, Title IV of the federal Surface Mine Control and Reclamation Act (“Act”) was amended. Title IV of the Act provides states that have a federally approved Abandoned Mine Land (AML) Reclamation Program to receive annual grants for reclamation of “pre-Act” mine sites. Maryland’s AML program was approved in 1982. Maryland’s current Federal grant is approximately \$2.7 million and is used to reclaim abandoned surface mines, perform stream restoration, treat acid mine drainage, control mine subsidence, expand public drinking water, etc.

The AMD Account is being used to fund the operation and maintenance of the 38 existing acid mine drainage treatment systems, including 10 active lime dosers and 28 passive treatment systems. The annual operations and maintenance cost is approximately \$550,000 and covers staff salaries and materials, such as lime and calcium oxide. The 38 treatment systems have improved or restored 82 miles of streams and rivers in Allegany and Garrett Counties, of which 35 miles were restored in the North Branch Potomac River. According to the December 2010 report, *Benefits of Acid Mine Drainage Remediation on the North Branch Potomac River*, it is estimated that the restoration of the North Branch Potomac River has yielded a \$3 million of economic activity in the watershed with an additional \$4 million of activity that may be realized in the near future, equal to 40 full-time jobs and \$266,000 in State and local taxes.

Section 402(g)(6) of the revised Federal Act allows states to deposit up to 30% of certain Abandoned Mine Reclamation Funds into an Acid Mine Drainage (AMD) Treatment Account. Prior to the 2006 amendments, only 10% of the federal funds could be deposited into the AMD account. The Annotated Code of Maryland, Environment Article, §15-1103(b)(2) currently only allows 10% to be deposited because it refers to the Act “as amended through October 1, 1992.” This corrective legislation would make the Environment Article consistent with current federal law allowing a higher percentage (30% as opposed to only 10%) of Federal Abandoned Mine Reclamation Funds to be utilized for AMD activities in Maryland. It would also allow Maryland law to continue to adjust with the federal law as it may be amended into the future. This additional funding could be utilized to repair impaired waterways, which could, in turn, increase economic activity in the areas of the mine drainage impairments.

FOR MORE INFORMATION,
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