

PROTECT CLEAN, SAFE DRINKING WATER

OPPOSE A RESOLUTION OF DISAPPROVAL ON STREAM PROTECTION RULE

The Stream Protection Rule, finalized by the Department of the Interior in December 2016, helps to make sure communities do not get stuck with the horrible consequences of toxic water pollution from industrial coal mining operations. This common sense regulation provides communities with basic information they desperately need about water pollution caused by nearby coal mining operations, and includes several important protections for clean water and the health of communities impacted by coal mining. This highly anticipated rule is the first major update to surface mining regulations in 30 years. It provides much needed safeguards to ensure that corporate coal does not profit by polluting local drinking water with toxics, yet some Congressional Republicans have already targeted this commonsense rule to be rolled back using the Congressional Review Act.

A resolution of disapproval on the Stream Protection Rule puts coal profits above public health and the environment and defies the public interest by undermining the federal rulemaking process. A CRA attack on this rule should be opposed for the following reasons:

1. An attack on the safeguards in the Stream Protection Rule is an attack on clean, safe drinking water.

- **Contamination from coal mining operations threatens community water supplies across the country.**
 - In Appalachia, mountaintop removal mining has been responsible for the destruction of 2,000 miles of streams and 2.5 million acres of Appalachia's ancient forests. In dozens of peer-reviewed studies, mountaintop removal mining has been linked to cancer, birth defects, and other serious health problems among residents living near these sites.
 - In the semi-arid West, coal mining impacts scarce water resources that farmers and ranchers depend on to support domestic uses and agriculture.
 - In Alaska, vital salmon streams are often located in immediate proximity to coal deposits. Numerous communities depend on the fish that originate in, return to, and spawn in these streams.
- **Everyone has a right to know what's in their water.** The Stream Protection Rule provides for long overdue monitoring of streams, many of which are drinking water sources, for pollutants such as lead, arsenic, selenium, salinity/conductivity and manganese. Given that many of these toxins are known to cause birth defects, developmental delays and other severe human health and environmental impacts, this basic monitoring provision is essential and long overdue.
- **The Stream Protection Rule will provide for both protection and restoration of forests that can help to filter water for surrounding communities and provide recreation jobs in the future.** OSM estimates that the Stream Protection Rule, if fully implemented and enforced, will protect or restore approximately 6,000 miles of streams and 52,000 acres of forest over two decades by promoting the protection and restoration of perennial and intermittent streams and requiring that streams and lands disturbed by surface coal mining be restored.
- **Surface coal mines are huge and have large impacts on streams.** Hobet mine in West Virginia covers an area larger than DC. A 2008 study found that 93% of streams downstream from surface mining operations were impaired based on an assessment of aquatic life.

2. The minimal cost of these essential safeguards cannot be compared to the price of clean water for communities living near toxic coal mining.

- **The economic costs of the Stream Protection Rule are negligible.** According to the Department of the Interior, annual compliance costs for industry are expected to be minimal, amounting to approximately 0.3% of the industry's estimated \$31.2 billion in coal revenues for 2015. Average wholesale electricity prices are expected to increase by only 0.02%.
- **Coal pollution threatens jobs, the Stream Protection Rule does not.** Everything from fishing and outdoor recreation companies, to small businesses like restaurants, farms, and breweries that rely on clean safe water are put at risk from coal contamination of our streams. They have no control over the release or impacts of coal pollutants and should not be forced to bear the economic risks. In addition, contrary to the coal industry talking points about potential job loss that some on the Hill are parroting, the Department of the Interior assessment concluded that **employment will increase by an average of 156 full time jobs annually as a result of the Stream Protection Rule between 2020 and 2040.**
- **Healthy people and a clean environment are important for economic development and diversification of coal-dependent economies.** The rule requires improved, yet flexible practices for restoring lands and waters back to their pre-mining capabilities.

3. People deserve transparency in the political process. The CRA is an extreme and blunt instrument that would do permanent damage to surface mining law and is an attack on essential safeguard.

- **The Stream Protection Rule is the product of more than 8 years of work, incorporating input from a wide range of industry, state, community and environmental stakeholders, and received more than 100,000 public comments.** OSM accepted public comments for over 3 months, held public meetings in six states and extended multiple invitations to a wide range of stakeholders to engage—both formally and informally—in the rulemaking process.
- **A CRA discards the extensive work that went into this rule and undermines the federal rulemaking process.** This is an extreme measure that silences the public in an effort to put corporations above public health. Overturning the rule using the CRA would make the Department of Interior less responsive to the public in the future, because the Department may be unable to issue reforms similar to the Stream Protection Rule, even if the public demands it.
- **The ramifications of a CRA are far-reaching.** The lack of clarity on the scope and meaning of the CRA's prohibition on similar rulemakings may have a very broad chilling effect on future agency efforts to update and improve surface mining regulations. The modest, commonsense improvements in the Stream Protection Rule and its protections for the environment and public health do not warrant such a vicious, extreme attack. Even if you do not support the Stream Protection Rule, spurning any future protection of clean drinking water for communities living near coal mining operations is going too far.

A VOTE FOR A RESOLUTION OF DISAPPROVAL ON THE STREAM PROTECTION PUTS COAL INDUSTRY PROFITS OVER CLEAN WATER AND SHOULD BE VEHEMENTLY OPPOSED.