

PREVENTING ZOMBIE MINES



Policies to Ensure the Reclamation of Modern-Era Coal Mines

Problem 1: Existing coal bonding systems are not sufficient to guarantee reclamation in a declining industry

Recommended Solutions:

1. Establish new systems of financial assurances for reclamation, such as permit-specific trust funds and/or a new industry-funded federal reclamation fund.
2. Shore up the current coal mine bond system by:
 - a. Ensuring sureties are able to cover the bonds they provide
 - b. Phasing out bond pools and self-bonding
 - c. Setting performance bonds at an amount sufficient to cover the actual, current cost of reclamation, accounting for contingency costs, third-party contract fees and inflation
 - d. Adjusting bond release phases to incentivize full reclamation
 - e. Improve bonding and requirements for long-term water treatment.

Problem 2: Coal companies are not conducting contemporaneous reclamation

Recommended Solutions:

1. Require timely reclamation by setting enforceable deadlines for reclamation milestones.
2. Require public input when coal operators pause coal production via “temporary cessation,” and require operators to show that reclamation is up to date and that they have the equipment and financial resources to maintain sediment controls and other safety features.
3. Ensure disturbed areas are planted promptly with non-invasive species appropriate for current and anticipated future conditions.
4. Ensure full compliance with water monitoring and Clean Water Act requirements through full reclamation.

Problem 3: Permit transfers allow companies to shed responsibilities, including during bankruptcy

Recommended Solutions:

1. Set more stringent requirements for permit transfers between companies.
2. Close loopholes that allow out-of-compliance companies to create subsidiaries and obtain new permits, renew applications or receive transferred permits.
3. Close loopholes that allow companies to remain eligible for new permits or permit transfers while appealing violations.

Problem 4: Companies and regulators are not planning for mine closures

Recommended Solutions:

1. Require coal mining companies to provide mine closure plans when a) permits are transferred, b) if mines have been idled for more than 6 months, c) if production dips, or d) if other factors indicate risk of closure.
2. Increase public input and transparency so that mine closures, production pauses, reclamation delays, changes to reclamation plans, bond forfeitures and other changes trigger public notice and hearing requirements.
3. Impose new requirements for permit renewals so that regulators can better evaluate the company's ability to meet reclamation requirements.

The following 52 organizations have endorsed this platform:

Appalachian Citizens' Law Center	Eco-Justice Collaborative	PennFuture
Appalachian Voices	Faith in Place	Powder River Basin Resource Council
Alliance for Appalachia	Fox Valley Citizens for Peace & Justice	Prairie Rivers Network
Amphibian and Reptile Conservancy	Friends For Environmental Justice	ReImagine Appalachia
Appalachian Mountain Advocates	Friends of Bell Smith Springs	Rise Up WV
Appalshop CMI	Friends of the Cheat	Sierra Club
Black Warrior Riverkeeper	Greater Highland Area Concerned Citizens	Southern Appalachian Mountain Stewards
Center for Biological Diversity	Green West Strategies	Statewide Organizing for Community eMpowerment (SOCM)
Center for Coalfield Justice	Gwendolyn Ridge, LLC	Sweet Springs Resort Park, Sweet Springs Watershed Assoc.
Center for Rural Strategies	Headwaters, Inc.	The Sludge Hub & Company
Central Illinois Healthy Community Alliance	Jewish Climate Action Network	West Virginia Environmental Council
Christians For The Mountains	Jewish Earth Alliance PA	West Virginia Highlands Conservancy
Citizens Against Longwall Mining	Kentucky Resources Council, Inc.	WV Rivers Coalition
Citizens Coal Council	Metro East Green Alliance	Western Organization of Resource Councils
Coal River Mountain Watch	Mountain Association	
CoolHouse Inc.	Mountain Watershed Association	
Earth Action, Inc.	National Wildlife Federation	
Earth Ethics, Inc.	Northern Plains Resource Council	
Earthjustice	Ohio Environmental Council	

To learn more about these issues and new legislative opportunities to help solve them, please contact Chelsea@AppVoices.org

A detailed version of this policy platform can be found [here](#). Photo: Image from December 2023 of a mine in Pike County, Kentucky, that has not produced coal since 2019. Credit: Appalachian Voices

