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MINE Update
MINING INDUSTRY NEWS E-COMM UPDATE

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Brought to you by the National Mining Association

This Week in the News

Congress has until February 18 to pass a government funding bill as discussions continue over what other legislative priorities to pursue in this midterm election year with an upcoming high-profile nomination process for a new Supreme Court justice to take the place of retiring Justice Breyer. With no shortage of foreign affairs challenges emerging for the White House, regulatory agencies continue to churn out proposals to advance Biden administration priorities. The National Mining Association (NMA) remains focused on actively engaging to advance mining's interests at both ends of Pennsylvania Avenue. Plus, we have updates on how the mining and energy markets are faring.

Safety Share

The Edison Electric Institute published tips to “[protect against the invisible killer](#)” – carbon monoxide.

DOE Reestablishes National Advisory Committee on Coal



Yesterday, the U.S. Department of Energy (DOE) placed a [notice in the Federal Register](#) announcing the charter of a new National Advisory Committee on Coal (NACC). Late last year, the DOE announced it would not renew the federal charter of the [National Coal Council \(NCC\)](#), a group that has advised the Secretary of Energy on federal policies that affect coal production, marketing and use since 1984. NMA members have served on the NCC over the years along with NMA President and CEO, Rich Nolan. Upon DOE’s announcement that the federal charter would not be renewed, members of the House and Senate made public comments and introduced legislation to continue the NCC. In fact, due

to congressional interest in the charter, the President's nominee for Assistant DOE Secretary of the Office of Fossil Energy and Carbon Management has been held up from receiving a confirmation vote in the U.S. Senate. Yesterday's announcement does not reinstate the NCC but creates a new NACC with a new scope and new members to be appointed by the DOE Secretary.

House Committee Meets on U.S.-China Competition Legislation

Yesterday evening, the House Committee on Rules met to establish a rule for the [America Competes Act of 2022](#) (H.R. 4521). The structured rule [makes in order](#) 261 of the 600+ amendments [submitted](#) to the bill and provides two hours of general debate on the bill, equally divided by the chair and ranking minority member of the Committee on Science, Space and Technology. The House began consideration of the amendments on Wednesday, with expectations of a final passage vote for the bill on Thursday or Friday. Following House passage, the House and Senate will begin the conference process to resolve differences with the Senate-passed U.S. Innovation and Competition Act (S. 1260). Several NMA-developed amendments were introduced to H.R. 4521 to address domestic mineral production and supply chains, including an [amendment](#) offered by Rep. Gonzalez (D-Texas) to authorize a grant program for critical mineral production and secondary recovery projects and an [amendment](#) offered by Reps. Costa (D-Calif.), Rep. Garamendi (D-Calif.) and Gonzalez to report to Congress on China's involvement in foreign mineral supply chains on which the U.S. relies.

Introduction of Bipartisan Good Samaritan Legislation for Hardrock

For the first time since 2009, a bipartisan Good Samaritan bill will be introduced in Congress. Tomorrow, Senators Martin Heinrich (D-N.M.) and Jim Risch (R-Idaho) will introduce the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2022. This is the culmination of several years of hard work between the NMA, the American Exploration & Mining Association, and Trout Unlimited to craft legislation that allows the mining industry, together with conservation groups and other good Samaritans, to utilize our equipment, skills and experience to clean up these sites without fear of incurring additional legal liability. In addition to Heinrich and Risch, Senators Ben Ray Lujan (D-N.M.), Steve Daines (R-Mont.), Jon Tester (D-Mont.), Mike Crapo (R-Idaho) and John Barrasso (R-Wyo.) have signed on as original cosponsors. The NMA will continue to work with the bill's sponsors to generate additional support for the legislation and urge consideration by the Senate Environment and Public Works Committee. The NMA is also working to find bipartisan sponsors for the bill in the House of Representatives.

USGS Mineral Commodity Summaries Annual Report Released



This week, the United States Geological Survey (USGS) [released](#) its 2022 Mineral Commodity Summaries. The report provides an assessment of the United States import

reliance for key minerals and metals, which in 2021 provided \$3.32 trillion in value to downstream industries. The report concludes that imports made up more than one-half of the U.S. consumption for 47 nonfuel mineral commodities – up from 46 last year – and the U.S. was 100 percent net import reliant for 17 of those, and that China was a primary source of imports for 25 minerals. Of the 35 critical minerals identified, the U.S. was 100 percent net import reliant for 14, and an additional 15 critical mineral commodities had a net import reliance greater than 50 percent. Further, the report finds that U.S. import reliance increased for 16 key minerals commodities and decreased for 12 others. Commenting on the report in *The Washington Examiner* and E&E, Rich Nolan, President and CEO of the National Mining Association, [said](#) it indicates that “U.S. mineral import reliance is only deepening, with ever-greater reliance on our geopolitical rivals. Meeting the material needs of tomorrow and building the supply chains our economy demands requires a whole-of-government approach to ensure made-in-America also means mined-in-America.”

EPA Acts on Coal Ash Impoundment Closure Dates

The Environmental Protection Agency (EPA) recently [announced](#) proposed decisions on requests for extensions to the current deadline to initiate the closure of unlined coal ash surface impoundments. According to EPA’s press release, these actions “protect communities and hold facilities accountable for controlling and cleaning up the contamination created by decades of coal ash disposal.” EPA’s proposed decisions affect nine facilities in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York and Ohio. More determinations are expected in the coming months. Companies were required by Apr. 11, 2021, to cease receipt of coal ash and non-coal ash waste and initiate closure of unlined surface impoundments, unless they submitted an extension request because closure would be technically infeasible or the company agreed to shut down their coal-fired boilers by a date certain. Fifty-nine coal-fired power plants originally applied for deadline extensions, although now only 54 extension requests are actively being pursued. EPA

determined that four of the demonstrations submitted were incomplete and one was ineligible, as well as denied three requests and conditionally approved one. Additional information is available [here](#), including a complete listing of facilities that submitted demonstrations and are awaiting the agency's decisions.

EPA Proposes to Reaffirm MATS Legal Basis

EPA this week [announced](#) a [proposed rule](#) to “reaffirm the scientific, economic, and legal underpinnings of the 2012 Mercury and Air Toxics Standards for power plants.” EPA’s proposed rule does not change the current emissions standards. The proposal revokes the prior administration’s [May 2020 finding](#) that it is not appropriate and necessary to regulate coal- and oil-fired electric utility steam generating units (EGUs) under Clean Air Act (CAA) section 112, and reaffirms the agency’s [April 2016 finding](#) that it remains appropriate and necessary to regulate hazardous air pollutant (HAP) emissions from EGUs after considering cost. EPA concludes that the methodology applied in the May 2020 finding is “ill-suited to the appropriate and necessary determination because, among other reasons, it did not give adequate weight to the significant volume of HAP emissions from EGUs and the attendant risks remaining after imposition of the other requirements of the CAA, including many adverse health and environmental effects of EGU HAP emissions that cannot be quantified or monetized.” In this rulemaking, EPA is also reviewing the prior administration’s residual risk and technology review (RTR) of MATS and is soliciting information on the performance and cost of new or improved technologies that control HAP emissions, improved methods of operation, and risk-related information to further inform the agency’s review of the MATS RTR. Once published in the Federal Register, EPA will accept public comment on this proposal for 60 days. EPA also plans on holding a public hearing 15 days after publication. Additional announcements will be posted on EPA’s [website](#).

EPA Seeks Input on MSGP Mining Fact Sheets

INDUSTRIAL STORMWATER FACT SHEET SERIES



U.S. EPA Office of Water
EPA-833-F-06-022
February 2021

The EPA is [seeking public input](#) on its [fact sheets](#) for sectors covered under the 2021 Multi-Sector General Permit for stormwater discharges from industrial activity, including Sector G (Metal Mining), Sector H (Coal Mines and Coal Mining-Related Facilities) and Sector J (Mineral Mining and Dressing). 87 Fed. Reg. 38083 (Jan. 25, 2022). EPA is especially interested in updating the sector specific fact sheets to address: common activities, pollutant sources and associated pollutants at facilities in each sector; and stormwater control measures or best management practices, including source control and good housekeeping/pollution prevention measures for potential pollutant sources at facilities in each sector. In updating the fact sheets, EPA will consider input received in response to this notice as well as any relevant comments related to the content of the fact sheets that the Agency received during the public comment period for the proposed 2021 MSGP. Comments are due March 28, 2022.

Congress Seeks Clarity on Coal AML Payments

Last week 10 members of Congress inquired with the U.S. Department of the Interior (DOI) on the expiration of collection authority of the coal abandoned mine program fees. You may find a copy of the letter [here](#). The Infrastructure Investment and Jobs Act (now [Public](#)

[Law 117-58](#)) in Section 40702 included a reauthorization of the coal abandoned mine program through 2034 with a 20 percent reduction in fees paid by coal production companies. On December 21, 2021, the Office of Surface Mining Reclamation and Enforcement posted a [notice](#) that collection authority under the program lapsed from October 1, 2021 until the enactment of Public Law 117-58 on November 15, 2021. However, DOI is maintaining the positions that companies are responsible for fees during that period although at the anticipated incoming new rates. On January 13, 2022, the DOI published an [interim final rule](#) on which it is currently accepting comments for thirty days implementing Section 40702. A remaining issue from DOI's December 21, 2021 notice and new proposed regulation is the lack of authority to collect fees during the lapse in the program's collection authority. That is the specific inquiry in the Congressional letter. As soon as the NMA receives further information or a response from the DOI through the involved Congressional offices, we will make that available as well.

NMA and Third Party Voices

The [Washington Post](#) quotes Rich Nolan in a story on the widening gulf between the president's policies on oil, gas and coal extraction and his initial promises has raised questions about his climate goals.

The [Washington Post](#), [E&E Greenwire](#) and [Politico Pro](#) all quote the NMA in coverage of the Biden administration's decision to cancel Twin Metals' leases in northeastern Minnesota.

[RealClearEnergy](#) (D.C.) ran the NMA's Count on Coal blog on Europe's self-made energy crisis and the role of coal in stabilizing electricity prices and energy reliability.

From our third parties, [LeHigh Valley News](#) (Pa.) carries an op-ed by Forrest Remick, emeritus professor and emeritus associate vice president for research at The Pennsylvania State University and commissioner (retired) US Nuclear Regulatory Commission, in which he argues minerals, metals and met coal are all integral to infrastructure improvement.

The [Steubenville Herald-Star](#) (Ohio) carries an op-ed by Robert Chase, professor emeritus at Marietta College, in which he argues baseload electricity from natural gas, coal and nuclear power generation has been essential in keeping the lights on and assembly lines moving.

Mining and Energy News

[Mining Technology.com](#) reported that in the second half of 2021, mining acquisitions increased significantly by 106.2 percent compared to the same period in 2020.

[Bloomberg](#) ran an opinion piece on why Germany may regret shutting down its nuclear plants and what the U.S. could learn from that.

[The Atlantic](#) reported that the clean-energy revolution is unleashing a rush on cobalt, reviving an old mine and old questions in a remote Idaho forest.

[E&E News PM](#) and [Mining.com](#) reported that the Minnesota Court of Appeals sent the water pollution permit for the PolyMet copper-nickel sulfide mine in northern Minnesota back to the state agency for more review.

[The Energy Information Administration's \(EIA\) January *Electric Monthly Update* publication](#) reported that total U.S. coal stockpiles were down 32.4 percent in November compared to the previous year. However, compared to last month, EIA said "Total U.S. coal stockpiles had a month-over-month increase of 8.6 percent, reaching 92 million tons in November 2021."

[Politico Pro reported](#) that Bureau of Land Management (BLM) staff have not been checking a federal blacklist before issuing leases to coal, oil and gas operators on public lands, according to the Interior Department's top watchdog.

[Reuters](#) reported that global coal prices have shot back towards record highs as the

Ukraine crisis raises expectations that European buyers will start loading up on the fossil fuel for fear that a standoff between Russia and western nations will cut off gas supplies.

[The Wall Street Journal](#) reported that capital is pouring into U.S. EV and battery plants, but not into the foundations of a domestic battery industry, leaving the supply chain uncomfortably dependent on China.

[Mining.com](#) published: “2022 – a year of rebalancing for metals and mining.”

[The Atlantic reported](#) that U.S. gold mines are reopening in places where mining was once thought to be economically unfeasible.

[Politico Pro](#) reported that the Energy Department said it is restarting the lapsed National Coal Council, but with a new name and focus on coal workers and communities — a revamp that aligns with the Biden administration's effort to transition the U.S. away from fossil fuels.

[The World Gold Council](#) reported that 2021 global gold demand hit the highest level in more than two years, with annual demand recovering many Covid-induced losses from 2020 reaching 4,021 tons in 2021.

Bloomberg reported on industry initiatives to extract copper [from waste rock](#).

Trains published: “Overseas demand for metallurgical coal likely to [bolster U.S. coal carloadings](#) in 2022.”

OilPrice published: “Japan’s [coal imports soar](#) amid surging natural gas prices.”



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