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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

As the deadline for Congress to extend government funding looms at the end of the week, Senator Manchin pulled his permitting reform bill from consideration as part of the Continuing Resolution with the hope of additional work on the bill providing new support to pass the bill by the end of the year. 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 National Safety Council has tips to enjoy a [safe and healthy fall season](#).

Temporary Government Funding Bill Moves without Permitting



Yesterday evening, before a key procedural vote to begin consideration of legislation called the Continuing Resolution to provide temporary funding for all federal agencies through December 16, 2022, Senator Joe Manchin (D-W.Va.) requested his permitting legislation be withdrawn from the bill. As part of Senator Manchin's vote for the partisan reconciliation bill, the Inflation Reduction Act, in August, Senate Majority Leader Schumer agreed to not only provide for Senate consideration of Senator Manchin's permitting bill, but to include it in the Continuing Resolution. The key procedural vote required 60 senators to agree to consider the Continuing Resolution with the permitting legislation included and there were simply not enough votes in the Senate to reach that 60 vote threshold. Although Senator Manchin's bill applied to coal and mineral mining projects trying to enforce time

limits on environmental reviews of these projects and streamline the permitting process through new roles for lead agencies, other sections of the permitting legislation created questions on implementation and possible unintended delays. Other industries had reservations with the permitting legislation as well, leading the legislation to fall short of the opportunity to move further with the Continuing Resolution. Recognizing those dynamics, Senator Manchin asked that it be withdrawn from the Continuing Resolution with the new agreement to work to refine the legislation and look to include it in other end of the year legislation. The NMA has worked with Senator Manchin's office in each step of the development of this legislation and will continue to pursue key provisions and changes to the legislation to improve coal and mineral permitting.

\$2.5 Billion in DOE Funding Opportunities for Carbon Capture

The U.S. Department of Energy (DOE) issued a Funding Opportunity Announcement (FOA) to implement key carbon capture programs funded through the Infrastructure Investment and Jobs Act (IIJA) and provide information on another key carbon capture program specifically for coal plants. An upcoming funding opportunity will involve \$2.5 billion for carbon capture for existing coal electric generation facilities to be awarded through a competitive process in cooperative agreements requiring a 50-50 cost match. Two of the six facilities in the legislation are specifically reserved for funding applications for carbon capture from existing coal electric generation facilities. Please find information on the FOA which includes the updates on upcoming \$2.5 billion announcement [here](#) and FOA [here](#).

Senate EPW to Hold Bipartisan Good Samaritan Hearing



Tomorrow at 10 a.m., the Senate Environment and Public Works (EPW) Subcommittee on Chemical Safety, Waste Management, Environmental Justice, and Regulatory Oversight and the Subcommittee on Fisheries, Water, and Wildlife will hold a joint legislative [hearing](#) on the bipartisan *Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2022* ([S. 3571](#)). Witnesses for the majority will be [Lauren Pagel](#) (Policy Director at Earthworks) and [Misael Cabrera](#) (Director of the Arizona Department of Environmental Quality) while witnesses for the minority will be [Chris Wood](#) (President and CEO of Trout Unlimited) and [Jim Ogsbury](#) (Executive Director of the Western Governors' Association (WGA)). The NMA has worked with Director Cabrera, Trout Unlimited, and the WGA in preparation for the hearing and also plans to submit written testimony in support of S. 3571. The NMA encourages member companies and state mining associations to also craft letters or statements of support for the legislation to be placed in the Congressional Record.

With elections looming and the number of days Congress will be in session winding down, a vote in the Senate is not expected on S. 3571 this year. However, this bipartisan hearing will help advance this legislation in the next Congress and support movement on the bill.

House Natural Resources Minority to Introduce Energy Legislation



Tomorrow, the House Natural Resources Committee Ranking Member Bruce Westerman (R-Ark.) and the Transportation and Infrastructure Committee Ranking Member Sam Graves (R-Mo.) will introduce the Transparency and Production of American Energy Act to support domestic energy production and streamline permitting for energy infrastructure. While largely focused on addressing oil and gas industry challenges from the Biden Administration, the bill does include several coal related provisions, including a prohibition on any administrative action to prohibit or substantially delay the issuance of any new coal leases, including lease by applications in process or expansions of existing leases, permits, approvals or authorizations. The bill would also require the Department of the Interior to report annually to Congress on the staffing capacity of the agency with respect to the issuance of coal leases, the description of how many staff are needed to meet statutory requirements for such leasing and permitting processes, as well as a plan to address staffing shortfalls.

This legislation is part of the House Republicans' new legislative and policy strategy, entitled "Commitment to America," which lays out the Republican conference's priorities to be implemented should they take control of the House of Representatives as a result of the November election.

NMA Files Coal Ash Comments with EPA

On Sept. 26, 2022, the NMA filed comments on the U.S. Environmental Protection Agency's (EPA) preliminary decisions to conditionally approve requests filed by [CPS Energy](#) and [Appalachian Power Company](#) (APCO) to extend the deadline to initiate closure of two unlined coal ash surface impoundments. EPA is currently evaluating and making preliminary decisions on 54 coal-fired power plant requests, representing approximately 55,000 megawatts of electric generating capacity in 19 states (roughly one-fourth of the nation's coal fleet). Earlier this year, EPA released the first round of decisions affecting nine facilities in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York and Ohio. This second round of decisions impacts CPS Energy's Calaveras Power Station in Texas and APCO's Mountaineer Power Plant in West Virginia. The NMA's comments on the Calaveras Power Station (available [here](#)) and the Mountaineer Power Plant (available [here](#)) emphasize why EPA's current approach to addressing legitimate reliability issues is woefully inadequate. The NMA provides specific recommendations on how the agency should work with Regional Transmission Organizations and Independent Systems Operators to ensure its decisions do not jeopardize the reliability and resilience of the grid caused by forced idling or premature retirements of coal plants.

NMA and Third Party Voices

[Fox Business](#) interviewed NMA president and CEO Rich Nolan on the potential implications of a rail strike Monday, with Rich telling "Mornings with Maria" it would interrupt the flow of commodities that go into products and goods for the everyday American consumer.

Rich Nolan is quoted by [Investor's Business Daily](#) in a report on analyst outlook on the coal industry.

Rich Nolan issued a [new blog](#) on the need for permitting reform.

The NMA is mentioned in a story from [High Country News](#) noting that the Bureau of Land Management is taking comments on whether it should open about 28 million acres to oil, gas and mineral extraction.

The NMA was mentioned by [E&E Daily](#), noting that the Senate was preparing on Tuesday evening to vote on the permitting bill and set the stage for a last-minute fight about government spending.

The NMA is mentioned in stories from the [Mesabi Tribune](#) and [The Ripon Advance](#) highlighting legislation from U.S. Pete Stauber (R-Minn.) that would make the permitting process for mining on federal lands a lot better for mining companies.

[Roll Call](#) mentions the NMA in a story noting that many members who have expressed their frustrations with the U.S. mining permitting system have pointed to the Great White North as a model to be emulated.

Mining and Energy News

[Argus](#) reported that some surface coal producers are starting to link sales agreements and prices to diesel indexes to gain some price flexibility and cover elevated production costs.

E&E [Energywire](#) reported that the U.S. holds enough oil, gas and coal in reserves to burn through the world's remaining carbon budget and topple existing international climate targets, according to a first-of-its kind database of global fossil fuel stores by the think tank Carbon Tracker.

[Washington Post](#) reported from Bloomberg that lithium prices are surging.

[Vancouver Sun](#) reported that the longshore and warehouse union at Westshore Terminals

is on strike, suspending operations at one of Canada's largest and busiest ports for moving coal.

[Forbes](#) reported that the ongoing transition away from fossil fuels will likely trigger shortages of some key metals used in electric vehicle batteries requiring hundreds of new mines.

[Argus](#) reported that seaborne thermal coal demand is expected to hold steady this year, supported by increased demand from India and Europe, with the market expected to be undersupplied, according to commodity trader Noble Resources.

[Wall Street Journal](#) reported that the surge in Chinese EV sales is resulting in a sharp rise in key battery commodities that could slow the adoption of EVs globally.

[Argus](#) reported that coal-fueled generation in most of the U.S. has fallen so far this quarter despite greater electricity demand.

[Politico](#) reported that the U.S. has decided against imposing national security tariffs on rare earth magnets from China, Japan and the EU. Instead of tariffs, the Commerce Department suggests investments in key segments of the U.S. magnet supply chain.

[Argus](#) reported that Dominion Energy may delay retiring the Williams coal plant in South Carolina saying, "Retiring Williams is not reasonably feasible before 2030 considering the complexity of siting and constructing replacement resources, including electric transmission and fuel supply."

[Energywire](#) reported that more than two years after the Petra Nova carbon capture coal facility entered mothball status, NRG Energy Inc. is selling its stake in the \$1 billion coal plant retrofit to its Japanese partner for \$3.6 million.

The [World Steel Association](#) reported that global crude steel production was 150.6 million metric tons in August 2022, a 3.0 percent decrease compared to August 2021.

[Energywire](#) reported that the city of Farmington, New Mexico has gone to court seeking

full ownership of the 847 MW San Juan coal generating station less than two weeks before it closes in hopes of preserving a bid to install what could be the world's largest carbon capture project.

[Mining.com](#) reported that the administration plans to use a gathering of resource-rich nations to spur new investment as part of its bid to shift the supply chain for rare-earth minerals away from China.

[Greenwire](#) reported that the administration may help fund overseas mining projects to obtain more minerals necessary to build renewable energy technology, Secretary of State Antony Blinken said last week.

The U.S. Geological Survey's quarterly [mineral commodity production report](#) released recently shows increased production for construction materials and base metals in the 2nd quarter of this year compared to the 1st quarter of the year.

Preliminary data from the [International Copper Study Group](#) released this month indicates that world copper mine production increased by about 3 percent in the first seven months of 2022, with concentrate production increasing by around 2 percent and solvent extraction-electrowinning (SX-EW) by about 7 percent.

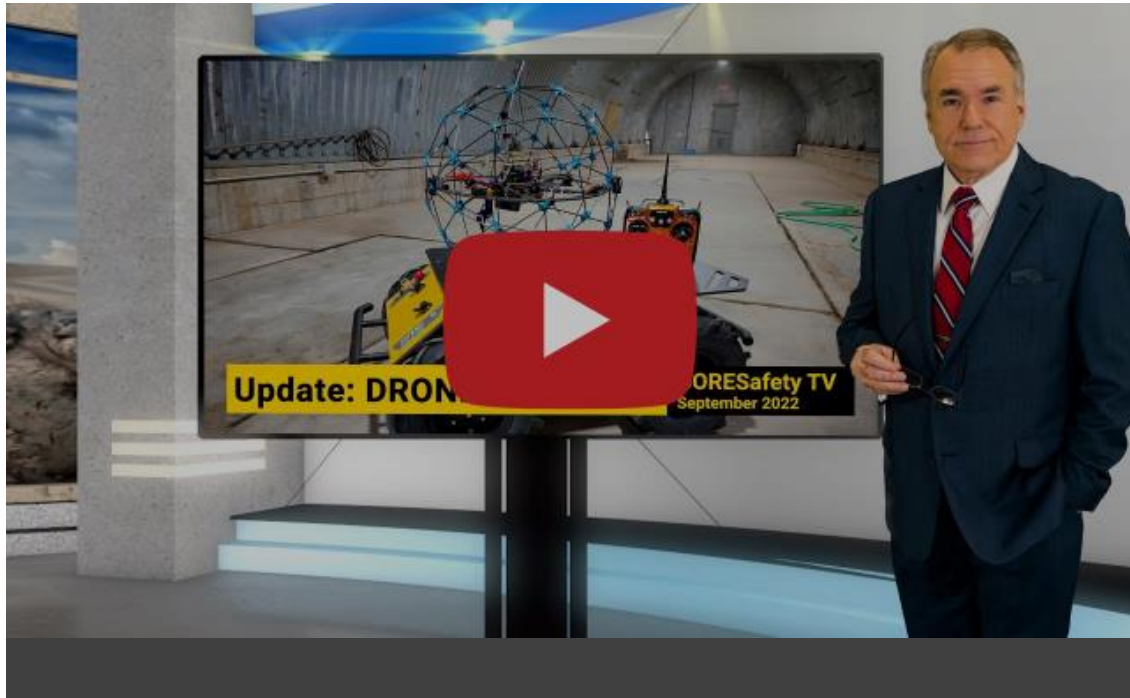
Mining Action Strategy Team

Access the latest snapshot of the NMA's ongoing regulatory efforts. The MAST tracker is updated weekly to the extent new actions have occurred.

Current password: Mining

[Mining Action Strategy Team](#)

CORESafety



The September edition of CORESafety TV:

- A discussion of the drones in coal mines.
- An interview with Dr. Pedram Roghanchi and Dr. Mostafa Hassanalian.
- CORESafety's module nine on Reinforcement and Recognition.



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