

[View this email in your browser](#)



MINE Update

MINING INDUSTRY NEWS E-COMM UPDATE

Issue 30 | August 9, 2023

Brought to you by the National Mining Association

This Week in The News

Congress remains out of session, but the wheels of politics and over-regulation keep grinding. 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

One person is killed about every 45 minutes in a drunk-driving crash, totaling more than 11,000 lives lost each year. The National Highway Traffic Safety

Administration has lots of materials to discuss as part of its annual “[Drive sober or get pulled over](#)” campaign.

President Biden Creates National Monument Blocking Uranium Mining in parts of Ariz.



Yesterday, President Biden designated the [Baaj Nwaavjo I'tah Kukveni – Ancestral Footprints of the Grand Canyon](#) National Monument in northern Arizona, totaling nearly 920,000 acres of federal lands managed by the U.S. Forest Service and the Bureau of Land Management. The area is currently subject to a 20-year [mineral withdrawal](#), initiated in January 2012 by then-Secretary of the Interior Ken Salazar. This designation is Biden’s fifth new monument and will block access to new mining on mineral-rich lands, including world-class uranium ore deposits. Yesterday’s designation comes at a time when the U.S. is almost entirely dependent on foreign uranium imports necessary to feed America’s commercial reactor demand. According to the EIA, in 2022 the U.S. imported 47 percent of uranium used from Russia or Russia-

controlled countries, none of which are aligned with U.S. interests or values and who weaponize their energy exports for geopolitical advantage.

The designation received swift and harsh opposition from multiple members of Congress (statements are linked), including Senate Energy and Natural Resources Committee Ranking Member John [Barrasso](#) (R-Wyo.), House Natural Resources Committee Chairman Bruce [Westerman](#) (R-Ark.), House Energy and Mineral Resources Subcommittee Chairman Pete [Stauber](#) (R-Minn.), House Energy, Climate, and Grid Security Subcommittee Chairman Jeff [Duncan](#) (R-S.C.), House Western Caucus Chairman Dan [Newhouse](#) (R-Wash.), and House Oversight and Investigations Subcommittee Chairman Paul [Gosar](#) (R-Ariz.).

Additionally, during a special [session](#) of the Arizona State Legislature (ASL) on Monday evening between three bicameral committees, a [resolution](#) was unanimously adopted opposing the monument designation and any other federal actions that erode multiple use activities in the state without expressed consent of Congress, the ASL, and members of the local community.

The NMA will continue to work with congressional allies on oversight opportunities to help ensure access to our nation's vast mineral endowment on federal lands.

NMA Files Extensive Comments Opposing EPA's Power Sector Proposal

Yesterday, the NMA yesterday submitted [extensive comments](#) opposing the U.S. Environmental Protection Agency's (EPA) [proposed](#) power sector climate rules. The NMA urged EPA to abandon its proposed rule and develop an

alternative approach to implementing Clean Air Act Section 111(d) for carbon dioxide emissions from power plants that recognizes the statutory and judicially recognized limits on the agency's authority.

The NMA addresses each component of the rule impacting coal EGUs, including building the case against carbon, capture, sequestration and natural gas co-firing as the "best system of emissions reduction" for operating coal plants, while laying the groundwork for a future legal challenge. The NMA explains how EPA's latest proposal presents the *same* extraordinary case as the Clean Power Plan already adjudicated and found unlawful in *West Virginia v. EPA* because the agency is trying to achieve the same end result that troubled the U.S. Supreme Court, just in a different way. *West Virginia* is clear: EPA cannot force "generation shifting" under Section 111 of the Clean Air Act. That holding is binding, regardless of the means by which EPA seeks that unauthorized end. In response to EPA's overall approach, the NMA argues that EPA's attempt to subcategorize coal-fired power plants based on unit retirement dates represents an overextension of EPA's authority.

The NMA's comments also, among other things: (1) oppose EPA's compliance deadlines as impossible to meet; (2) urge EPA to allow more than two years for state plan development; (3) oppose provisions that would constrain state authority to consider remaining useful life and other factors in establishing performance standards; (4) critique EPA's modeling and conclusion that this rule will have minimal impact on coal generation using analysis provided by EVA; and (5) underscore the clear warnings given by grid regulators, experts, and operators on accelerated coal plant closures from EPA's "power plant sector strategy"; and (6) urge EPA to constructively work with federal and regional grid experts to analyze the cumulative impacts of its suite of power plant rules before finalization. A more detailed summary of NMA's comments is available [here](#).

As of today, EPA has received a million comment submissions, with 336

comment letters posted on regulations.gov. The NMA will be reviewing the docket and will share any notable information that could impact our advocacy strategy moving forward.

FERC to Review Clean Power Plan 2.0's Impacts on Electric Reliability



The NMA's persistent oversight work to counter the EPA's regulatory overreach has created momentum, with the Federal Energy Regulatory Commission (FERC) [announcing last week](#) that it will start technical conferences to discuss the impact of the EPA's proposed rule under section 111 of the Clean Air Act on electric reliability, known as "Clean Power Plan 2.0," which seeks to establish new emissions standards for power plants, along with other reliability issues. The first conference is scheduled for November 9, 2023.

The announcement of FERC's technical conferences comes after multiple oversight efforts by Congress pushing back against EPA's proposed rule. Specifically, on July 31st, Senator Shelley Moore Capito (R-W.Va.), Ranking

Member of the Environment & Public Works Committee, united with Senate Republican Leader Mitch McConnell (R-Ky.) and a coalition of 38 senators [**urged EPA Administrator Michael Regan**](#) to withdraw the proposed Clean Power Plan 2.0. On the same day, House Energy and Commerce Committee Chair Cathy McMorris Rodgers (R-Wash.) and the Chair of the Environment, Manufacturing, and Critical Materials Subcommittee, Bill Johnson (R-Ohio), [**formally requested**](#), for a second time, a comment extension from the agency. This stemmed from the agency's failure to allocate adequate time for stakeholders and the general public to comprehensively evaluate and comment on the proposed rule.

Additionally, FERC's announced conferences comes in response to a June 30th [**formal request**](#) from Senators Shelley Moore Capito and John Barrasso (R-Wyo.) to conduct technical conferences on the proposed rule. In the letter addressed to FERC Chairman Willie Phillips, the senators expressed concern that implementing the Clean Power Plan 2.0 could potentially introduce vulnerabilities that jeopardize the dependability of our nation's electric grid. Notably, in 2015, FERC held a series of similar technical conferences to evaluate the potential impacts of the Obama administration's Clean Power Plan (CPP) proposed by the EPA to assess the reliability implications of the proposed plan. FERC held a total of four conferences at each of their regional offices. The participants included system operators, energy-sector trade associations, utilities, environmental advocates, and government officials. The Supreme Court of the United States stayed the CPP in *West Virginia v. EPA*.

NMA Files Comments on EPA's Rule Establishing Baseline Water Quality Standards for Indian Reservations

The NMA recently supported a broad industry coalition in filing [comments](#) on the EPA's [proposal](#) to establish baseline water quality standards (WQS) under the Clean Water Act for Indian reservation waters. [Recall](#) that if finalized as proposed, this rule would make significant changes to EPA's WQS program and could hinder mining and development projects located near or upstream from reservation waters. The coalition's comments highlighted the numerous legal and practical flaws in the proposed rule and urged EPA to withdraw the proposal, or at a minimum, conduct more outreach to states and the regulated community before considering a supplemental proposal or moving this toward a final rulemaking.

EPA Denies Alabama Coal Ash Permit Program

The EPA is proposing to deny the Alabama Department of Environmental Management's (ADEM) application for a state coal combustion residuals (CCR) permit program under section 4005(d) of the Resource Conservation and Recovery Act (RCRA). This is the Biden administration's first denial of a state CCR permitting program. According to EPA's [press release](#), this proposed denial "advances the Biden-Harris Administration's commitment to protect all communities from pollution and advance environmental justice." The prepublication notice can be found [here](#). After reviewing the ADEM's 2021 application, EPA has preliminarily determined that Alabama's CCR permit program does not meet the standard for approval under RCRA. They cited "systemic problems" in ADEM's permits related to fundamental aspects of the closure, groundwater monitoring, and corrective action requirements. The preliminary denial will be open for public comment for 60 days following publication in the Federal Register. EPA will hold an [in-person public hearing](#)

on September 20, 2023, and a [virtual public hearing](#) on September 27, 2023.

NMA and Third Parties In the News

[Inside Sources](#) ran an op-ed from Rich Nolan that discusses the nation's vital coal plants that are at-risk due to the regulatory assault from the EPA.

[Outlets including the New York Times, E&E News PM, The Salt Lake Tribune](#), a second story from the [New York Times](#) and others, all quote the NMA on the Grand Canyon National Monument designation.

The NMA is mentioned by [The National Law Journal](#) in coverage of the industries across the U.S. economy that are calling for the new WOTUS rule to be narrow in respect to the decision in *Sackett v. EPA*.

From our third parties, [Nebraska Examiner](#) (Neb.) carries an op-ed by Barry Butterfield, a civil engineer who worked in the public and private sector for over 40 years, in which he argues there is simply no credible way to address the critical need for minerals without changing the way we regulate mining.

[DC Journal](#) (D.C.) carries an op-ed by Jim Constantopoulos, a professor of geology and director of the Miles Mineral Museum at Eastern New Mexico University, in which he argues the need for a secure supply of critical minerals — and cooperation with miners and auto workers — is too vital for passivity.

[Deseret News](#) (Utah) carries an op-ed by Gary Sandquist, professor emeritus at the Mechanical Engineering Department at the University of Utah, in which he argues we need efficient and modern permitting here in the U.S.

[Herald Dispatch](#) (W.Va.), [Kearney Hub](#) (Neb.), [Bangor Daily News](#) (Maine) and [Duluth News Tribune](#) (Minn.) carry an op-ed by Jaak Daemen, a professor emeritus of mining engineering at the University of Nevada, Reno, in which he argues in favor of streamlining mine permitting.

Mining and Energy News

[Kallanish](#) reported on recent internal survey data of steel market participants that a labor strike by the UMWA and the big three auto makers could reduce the demand for popular auto steel products like cold-rolled coil (CRC).

[Mining.com](#) reported from Bloomberg the U.S. needs to bolster its cooperation with Latin American countries in obtaining reliable supplies of critical minerals, a senior State Department official told lawmakers.

[MarketScale](#) reports that the integration of artificial intelligence tools in rare mineral mining could help reduce costs and promote environmental sustainability.

According to EIA's recent [Today in Energy](#), Georgia Power's new Vogtle nuclear power plant is now in commercial operation. Vogtle is the first new nuclear reactor to start up in the U.S. since 2016.

The [Department of Energy](#) (DOE) issued a notice of intent (NOI) to fund a Bipartisan Infrastructure Law program that will advance cost effective and environmentally responsible production, reuse, and recycling of critical minerals and materials in the U.S.

[GreenWire](#) reported that EPA is proposing regulations that would update

hazardous air pollutant standards and would require coke plants to track fence-line monitoring of levels of benzene.

[**Mining.com**](#) reported on the World Gold Council's recent Gold Demand Trends report showing that gold benefited from record central bank buying in the first half of the year and was supported by healthy investment markets and resilient jewelry demand.

[**Reuters**](#) reported that a coal-generating unit at a Texas power station (WA Parish), expected to host a carbon capture project (Petra Nova) that was shuttered in 2020, will return to service in late August, months later than originally planned, according to the utility NRG.

[**Financial Times**](#) reported that China's investment in mining and metals in countries across the globe is set to reach record highs this year.

[**Mining.com**](#) reported on recent BMO Capital Markets analysis noting that "Worries over supply shortfalls are occupying governments and boards and with the average lead time for a new copper mine well over a decade, copper users are seeking nearer term solutions to avoid a supply crunch." There are few major copper discoveries and even fewer mines being built combined with dwindling production at some existing mines, according to BMO.

[**Washington Post**](#) reported that the Senate has passed its version of the National Defense Authorization Act, which includes an amendment aimed at boosting U.S. uranium production and enrichment.

[**Mining.com**](#) reported that that loosening China's grip on the rare earths market is a difficult, yet necessary battle.

[**S&P Global Market Intelligence's**](#) recent analysis projects that lithium-ion battery capacity will grow steadily to 2030.

[**Oil Price**](#) reported that global coal use reached a record high of 8.3 billion metric tons in 2022, providing about 36 percent of the world's electricity generation, despite an uptick in the demand for clean energy sources.

[**Mining.com**](#) reported on the World Gold Council's What Goes Up podcast discussing how gold has been performing this year and what some of its primary price catalysts are.

[**Visual Capitalist**](#) graphically describes the U.S.' import reliance of critical minerals and the countries for which the U.S. is most reliant on for critical minerals.

[**Hellenic Shipping**](#) reported on the International Energy Agency's mid-year coal market update arguing that coal markets have returned to more predictable and stable patterns in 2023.

Commodity Prices

Commodity Price - Snapshot		
Metals Prices	Date	Price
Cobalt Spot Price (\$/lb)	8/8/23	\$15.15
Copper Spot Price (\$/lb)	8/9/23	\$3.76
Gold Spot Price (\$/ounce)	8/9/23	\$1,916.28
Lead Spot Price (\$/lb)	8/8/23	\$0.95
Lithium Spot Price (\$/kg)	8/9/23	\$36.01
Molybdenum Spot Price (\$/kg)	8/8/23	\$52.63
Nickel Spot Price (\$/lb)	8/8/23	\$9.34
Silver Spot Price (\$/ounce)	8/9/23	\$22.67
Steel HRC Price (\$/mt)	8/9/23	\$747.47
Steel Rebar Price (\$/mt)	8/9/23	\$501.84
Zinc Spot Price (\$/lb)	8/9/23	\$1.12
Energy Prices	Date	Price
Coal Price - Australian Premium Coking Coal Futures (\$/mt)	8/8/23	\$247.25
Coal Spot Price - Central Appalachian (\$/st)	8/4/23	\$66.25
Coal Spot Price - Newcastle futures (\$/mt)	8/8/23	\$142.29
Coal Spot Price - Rotterdam futures (\$/mt)	8/9/23	\$116.00
Natural Gas Spot Price - Henry Hub (\$/mmbtu)	8/2/23	\$2.43
Uranium Spot Price (\$/lb)	8/7/23	\$56.75

Sources: publicly available data from eia.gov, dailymetalprice.com, tradingeconomics.com, sgxgroup.com, investing.com

CORESafety



In the August edition of CORESafety TV we review Module number 15, Behavior Optimization.



Copyright © 2023 National Mining Association, All rights reserved.

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).