

U.S. SENATE COMMITTEE ON

# ENERGY & NATURAL RESOURCES

SENATOR MARIA CANTWELL, *Ranking Member*



@EnergyDems

## **Opening Statement Senator Maria Cantwell (D-Wash.) Hearing on Department of the Interior's Proposed Stream Protection Rule October 27, 2015**

"Thank you Madam Chair and thank you for holding this important hearing on the draft Stream Protection Rule.

"The Department of the Interior's Office of Surface Mining Reclamation and Enforcement has worked hard on this rule for 6 years to update regulations that really should have been on the books for the last 32 years.

"I hope our conversation today can provide constructive input to help Ms. Schneider and her colleagues at the Interior Department on the proposed rule.

"I know that these issues are hard. I know that with any debate you have to start with scientific data that is available. I know for us in the Pacific Northwest, we have made substantial investments to reduce the effect of our hydropower dams on salmon. This wasn't always the case.

"It took decades of hard battles involving many stakeholders, before we started mitigating the environmental impacts of our main source of electricity. If you look at salmon runs today versus 20 years ago, the change is remarkable and very positive. But we wouldn't have gotten there without everybody working together and without federal requirements and major investments.

"So as we look at these issues, we need to understand that you can't just pollute the environment and run. It's the ultimate test of fairness in the minds of many of my constituents: that we make sure that polluters pay for environmental damages.

"In my view, without the Stream Protection Rule, we would be allowing the coal industry to continue with business as usual. I have many concerns with our coal policy in general, but we'll save those for another committee discussion. But you can typically lease a ton of federal coal for \$1 or less. The taxpayers get \$1. Then years later, we have to deal with almost 2 tons of carbon dioxide from that 1 ton of coal. And the government's current best guess is that those 2 tons of carbon pollution will cost the American public more than \$70 in damages.

"So what can we do to mitigate this issue?"



“The Stream Protection Rule is first and foremost about water quality. It’s about holding the industry to consistent baseline standards of protection and reclamation.

“When Congress passed SMCRA in 1977, the Clean Water Act was already on the books. But Congress understood that strip mining had such a significant and growing impact that it needed its own statute.

“Data from Mr. Huffman’s department shows that in West Virginia alone, the incidence of valley fills from mountaintop mining increased from 330 in 1984, to 1,821 in 2009, resulting in more than 680 miles of buried headwater streams.

“So, our understanding of the impacts of mining has also changed. Biologists have found that streams downstream of valley fill in Appalachia support just half the number of fish species they should. Scientists have also studied the long-term impacts and effects of mountaintop mining approved under existing state programs. The results are in. A study found that ‘sustained ecological damage in headwaters streams draining valley fills long after reclamation was completed.’

“Given these facts, Interior has an obligation to modernize its SMCRA rules.

“I want to emphasize that the Stream Protection Rule is important for the entire nation.

“Even my own state is dealing with the legacy of coal. There are more than 250 abandoned coal mines in Washington. These are from all over the state, we even have one in King County. There are more yet to be even mapped. As recently as 2003, Washington produced more than 6 million tons of coal per year from surface mines that are now being reclaimed.

“It isn’t just coal country on the hook for reclamation under these new regulations. I want to make sure we are doing everything we can to clean our waters. As we’re seeing in the industry today, coal companies are not ‘too-big-to-fail’. With more than \$3 billion of outstanding self-bonds, we should all be worried about who picks up the tab.

“This was an issue in our state with ASARCO. When ASARCO went bankrupt, literally they left with backyards all through Tacoma had been torn up trying to get rid of pollution. And then they just literally walked off the job. To me this is a very important issue to understand who is going to be responsible.



“So Madam Chair, I think I’ll conclude there, and just say that I hope that during today’s hearing we’ll have an important discussion on this.

“I know previously when President Ford vetoed a weaker bill, he said ‘we are going to lose all these jobs’. We ended up, in 1977, producing a stronger bill. That bill we ended up seeing an increase in coal production.

“So, I think the issues are that we want to get this right so that everybody can be assured that polluters are paying and that we are moving forward with clean water in the United States.

“Thank you very much.”

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