

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

June 3, 2020

Mr. Casey Hammond
Principal Deputy Assistant Secretary
Exercising the authority of the Assistant Secretary, Land and Minerals Management
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Deputy Assistant Secretary Hammond:

In light of the challenges posed by the novel coronavirus (“COVID-19”) pandemic, I write to urge you to extend the 30-day public comment period for the Office of Surface Mining Reclamation and Enforcement’s (OSMRE) proposed rule on Ten-Day Notices (TDNs).¹

COVID-19 has disrupted all aspects of life in the United States and has severely limited people’s ability to attend public meetings or participate in public comment periods on proposed agency actions. I request that you extend the public comment period on the proposed rule change to TDNs by at least 90 additional days so that coalfield communities and other affected citizens can have the time to provide informed input on changes to a regulation that has aided in effective oversight and enforcement of environmental laws. I also request that once the public health situation allows it, you hold public meetings on the proposed rule near affected communities.

Since a 2011 directive authorized by former Director Pizarchik, citizens have been able to report environmental violations at coal mines to OSMRE, which then issues a TDN to the appropriate state regulatory authority so long as there is “reason to believe” a violation exists.² The state authority must act within ten days to correct the violation or demonstrate good cause for not correcting it. If the state does not respond, then OSMRE must initiate an inspection of the coal mining operation.

This directive did not result in a surge in citizen complaints but did result in an increase in identified mine violations. For example, in 2016, a violation identified by a citizen complaint found that the Wyoming Department of Environmental Quality failed to secure funding for a bankrupt company’s potential mine cleanup costs. Finding violations like these can save taxpayers millions of dollars in mine cleanup costs and prevent harmful environmental hazards.

¹ 85 Fed. Reg. 28904 (May 14, 2020)

² Office of Surface Mining Reclamation and Enforcement (January 31, 2011) *Ten-Day Notices*. (INE-35 968)

The proposed TDN rule change gives states unlimited time to review citizen reports and makes responses to citizen complaints discretionary rather than mandatory. This all but eliminates the ability of citizens to protect themselves and others from coal mines in violation of the law.

With the Department of the Interior apparently seeking to provide an extra three months for companies to pay royalties from fossil fuels produced on public lands, it has clearly concluded that the COVID-19 pandemic is creating a burden for large corporations. Extending this comment period would acknowledge the much greater hardships the pandemic is creating for regular Americans.

Thank you for your attention to this request.

Sincerely,

A handwritten signature in blue ink that reads "Raúl M. Grijalva". The signature is written in a cursive style with a light blue background behind it.

Raúl M. Grijalva

Chair

House Natural Resources Committee