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**SENATE JOINT RESOLUTION NO. 258**  
**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
 (Proposed by the Senate Committee on Rules  
 on January 27, 2023)

(Patron Prior to Substitute—Senator Hackworth)

*Requesting the Department of Energy to study the economic and environmental impacts of eliminating waste coal piles in Southwest Virginia. Report.*

WHEREAS, the material left over from coal mining has resulted in garbage of bituminous (GOB) piles that contain mining waste and waste coal throughout Southwest Virginia; and

WHEREAS, the 1977 Surface Mining Control and Reclamation Act (SMCRA) federalized regulatory control over coal surface mining, but also held landowners harmless for abandoned mine land features created prior to the SMCRA, which include waste coal piles otherwise known as waste coal or GOB piles; and

WHEREAS, the result of holding landowners harmless for these "pre-law" sites is that the Commonwealth is ultimately responsible for cleaning up the nearly 152 known GOB piles that are ubiquitous in Southwest Virginia at an estimated liability as high as \$2.4 billion just to reclaim the sites; and

WHEREAS, the estimated 80 million cubic yards of material spread over 3,300 acres contributes over 20,000 tons of sediment to Virginia's waterways, annually discharging acidic water into watersheds that can include iron, manganese, and aluminum in some of the most biodiverse rivers in the United States; and

WHEREAS, these GOB piles are subject to random uncontrolled fires and the United States Geological Survey reports that these coal fires pose multiple threats to the global environment because they emit greenhouse gases and other toxic substances that threaten human and environmental health; and

WHEREAS, currently, the only viable option to eliminate this hazard permanently is to combust the material at the Virginia City Hybrid Energy Center (VCHEC) or other approved facilities, while non-permanent solutions include capping or interring the material, exposing the Commonwealth to a long-term maintenance liability that would exceed the initial liability to reclaim the sites; and

WHEREAS, since VCHEC's commissioning, it has burned over 10 million tons of material and has spurred a self-sustaining industry, GOB reclamation, that supports over 100 jobs; and

WHEREAS, the Commonwealth must fully evaluate both the economic and environmental impacts of GOB piles to Southwest Virginia versus the impact of a fully operating VCHEC facility or other approved facilities and gauge the complete economic impact to the Commonwealth should VCHEC or other approved facilities be idled and the full liability of the cleanup be shouldered by taxpayers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Energy be requested to study the economic and environmental impacts of eliminating waste coal piles in Southwest Virginia.

In conducting its study, the Department of Energy (the Department) shall convene a work group of stakeholders featuring representatives from state and local governments, investor-owned utilities, environmental organizations, the waste coal reclamation industry, and others deemed appropriate by the Department. The Department shall hold at least one public meeting and shall create a mechanism to receive public comment for consideration during the study.

The Department shall examine various use case scenarios ranging from capping all existing waste coal piles in place to combusting all the material at VCHEC or other approved facilities. Each scenario considered by the Department shall contain an analysis of the direct and indirect economic and environmental benefits of that particular scenario.

All agencies of the Commonwealth shall provide assistance to the Department for this study, upon request.

The Department shall complete its meetings by November 30, 2023, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations, if any, for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2024 Regular Session of the General Assembly and shall be posted on the General Assembly's website.