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# **Kentucky needs coal's cheap energy, taxes, jobs**

By Bill Caylor

The "stream buffer zone" rule has existed unchanged in the federal and state surface coal mining programs since 1983. It prohibits disturbance within 100 feet of intermittent and perennial stream unless you comply with stringent restrictions. It did not and never was intended to apply to ephemeral streams. Ephemeral streams are those which flow only when it is raining.

Those who were opposed to changing the regulation want the stream buffer zone rule to apply to ephemeral streams so they can litigate and shut down coal mining operations.

The recently published and clarified stream buffer zone regulation doesn't lessen the standard. It actually tightens the standard by requiring valley fills to be minimized. The old standard didn't require this.

Mining, like road construction, generates left-over rock and dirt which must be placed in engineered fill areas. These fills simply cannot be constructed safely in Appalachia without impacting an ephemeral stream. The impacted ephemeral stream is reconstructed and stream mitigation is required. For stability purposes, fills cannot be perched on the side of a steep hillside.

This is not a last-minute Bush regulation. Rather, it is a culmination of a five-year process which started as a proposed rule in January of 2004. A revised proposal was issued for public comment in August of 2007. The federal agency solicited public input throughout the process, receiving 43,000 comments and holding four public hearings attended by approximately 700 people.

Kentucky coal provides over 17,000 direct mining jobs, with miners earning over \$58,000 per year. Coal paid over \$1 billion in direct wages. An additional 51,000 trickle down jobs have been created. We export 80 percent of our coal out-of-state, bringing over \$4.3 billion back into Kentucky.

So, 85 cents on the dollar stays right here in Kentucky. In addition, coal accounts for 92 percent of Kentucky's electricity.

On a bright note, coal severance tax revenues are up 20 percent, which is projected to bring an unbudgeted \$51 million into the state coffers for fiscal year 2009.

In this time of economic uncertainty, let's remember that we need all forms of energy in our nation. Kentucky is blessed with a natural resource that provides us with the fourth lowest utility rate in the nation. Why can't we work together to produce energy safely, efficiently and with the least environmental impact to our land? We spend far too much time arguing about who's right and who's wrong.

I believe all Kentuckians want to keep their jobs without worry, enjoy the mountains and flat lands in this state, be warm when it's cold, and turn the lights on when it's dark. Whether we agree or disagree, coal plays a role in Kentucky.

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