

CONGRESSIONAL RECORD MAY 26, 1977
Legislative History

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Mr. BAYH. Mr. President, last week the Senate passed S. 7, the Surface Mining Control and Reclamation Act of 1977, hopefully ending almost a decade of Senate debate on strip mining practices. Now that the Congress is acting, ending the uncertainty that the mining industry has lived with for years, we can get on with the development of our Nation's vast coal resources assured that increased coal production will not result in the ravaging of our land.

S8802 The environmental protections incorporated into S. 7 are especially timely now, as we turn toward coal to help meet our energy needs. In 1976, over 60 percent of the coal produced in the United States came from surface mines, disturbing some 1,000 acres of land each week. As demand for coal grows, the acreage disturbed will increase further. This certainty makes the need for balanced, uniform national standards and special protections for unreclaimable lands more important than ever. Once damaged, our non-renewable natural resources - farm lands, water, parks, and wilderness areas - cannot be restored.

S8802 Mr. President, we have enough coal in this country to last us for hundreds of years. In most cases, existing technologies have been developed to reclaim stripped land economically and efficiently. What the strip mine bill provides are national guidelines to make sure we proceed responsibly and require operators in all States to meet similar minimum environmental protections. We must not act hastily now to meet our energy needs, only to find ourselves without adequate food, water, and recreational areas in the 21st century.

S8802 Mr. President, my State of Indiana will be vitally affected by this legislation and I have

given the key issues raised by S. 7 a great deal of thought in the last few months.

S8802 Despite large underground reserves, virtually all of Indiana's coal comes from surface mines. Stripping is going on in 16 of Indiana's 92 counties with 95 percent of total State production concentrated in 7 counties in the southwest corner of the State. Over 127,000 acres in these seven counties have been affected by mining operations, totaling about 7 percent of the total land area there.

S8802 These counties also contain large tracts of prime farmland, crucial to the Nation's food and trade needs, along with the well-being of people all around the world. Over 736,000 acres of prime farmland in southwestern Indiana with strippable coal are likely future targets for surface mine activities, accounting for 46 percent of the prime farmland there. Other States in the Midwest share similar dilemmas. We must make sure that if this land is stripped, it will once again provide the corn and soybeans and other foodstuffs so badly needed by our own citizens and those elsewhere in the world. The same assurances are needed for our western alluvial valleys, which provide scarce water for western farming and ranching operations.

S8802 In addressing the problem of competing food and energy needs, the Senate and House enacted different provisions affecting prime farmlands.

S8802 As passed by the Senate, S. 7 will require a case by case review process, involving the Secretaries of Agriculture and Interior, as well as the State regulatory authority, for all mining plans which include more than 10-percent prime farmland. During the review, operators must demonstrate that they will be able to restore the land to its prior agricultural productivity in order to get a permit to mine the land. All mining operations with permits issued prior to the time President Carter signs the strip mining bill, and all operations later granted revisions or renewals of such permits, will be exempt from this requirement.

S8802 As originally introduced, this exemption from a special review process would have treated Indiana inequitably, because under Indiana State law technically there are only new annual permits and no renewals, even though operators meeting the conditions of their permit routinely get a new or renewed permit upon application.

S8802 I was very gratified that the author of the prime farmland amendment, my distinguished

colleague, Senator CULVER of Iowa, modified his prime farmland amendment at my suggestion, to give ongoing Indiana stripping operations the same protections afforded operations in other States despite the unusual procedures mandated by our State's law.

S8802 The strip mining bill that passed the House of Representatives included different protections than S. 7 for prime farmland which, on balance, I would have favored.

S8802 The surface mining bill that passed the House allows mining on prime farmlands without a prior review process, but requires operators to follow very specific reclamation procedures which agronomists and soil specialists agree can return farmland to its prior productivity. These procedures require separation of topsoil and subsoil horizons, protective storage of these materials, and ultimate replacement of the soil horizons with proper compaction and uniform depth over the regraded spoil material.

S8802 Mr. President, I agree that protection of prime farmlands must be a national priority to assure our future food supplies. However, after studying the House and Senate bills, I have concluded that the language contained in the House bill meets this need without risking the administrative bottlenecks that may develop if the language in S. 7 prevails in conference. Experts consulted at the agriculture school at Purdue University and the Department of Agriculture's Soil Conservation Service feel the same way. I hope the conferees will take a very hard look at this issue before making a final decision.

S8802 Finally, Mr. President, I was very satisfied with the way the Senate resolved most of the other controversial issues raised by S. 7.

S8802 One of the most important features of S. 7 is the requirement that strip miners conduct their blasting operations in such a manner that there will not be damage outside of the permitted area. Strip mine blasting practices have become a major problem for people living near Appalachian and Midwestern coalfields. It is estimated that strip mine blasting caused damages of over \$200 million in these regions in 1975 alone.

{S8803 } In my home State of Indiana, blasting has caused serious difficulties for those who live near mining operations, particularly in Warrick County. A survey conducted by Jack Barnes, professor of geology at Indiana State University, indicates that there was structural damage caused

by blasting to 89 percent of the buildings within a 2 1/2-mile radius of the Ayrshire mine in that county. In other areas, blasting has caused serious harm to health, property, and the environment in the form of dust and fly rock.

S8803 I was very gratified that the Senate adopted my amendment to strengthen the blasting provisions of the strip mining bill. My amendment will require the strip miner to set out his plans for blasting in his application, so that the regulatory authority can know in advance if there will be adequate protection of the local community's health, property, and environment. Only with such information can potential problems be nipped in the bud. Further, a blasting plan will enable the public to gain a fuller understanding of the mining operation being proposed for their community at the outset. Without question, the citizens who will be most effected by mining operations deserve to know exactly what those operations will entail. This amendment should protect our citizens from the suffering others have experienced in the past in connection with strip blasting.

S8803 Other provisions of S. 7 with which I am particularly pleased are the protections provided for alluvial valleys in the West, which provide scarce water for western farming and ranching operations; the program passed to reclaim abandoned mines, which plague hundreds of thousands of acres of land in the eastern section of the country; and the program set up to provide assistance to coal mining research institutes. The research institutes in my own State have been of great help to both myself and others in Indiana and around the country trying to grapple with the many issues surrounding the use of coal as a major source of energy. In addition, I feel that the treatment afforded small miners in S. 7 is equitable. In acting to exempt miners producing less than 100,000 tons of coal annually from compliance with S. 7, the Senate recognized the real cash flow problems small operators face without, at the same time, allowing operators able to absorb reclamation costs sooner to skirt their responsibilities.

S8803 In closing, Mr. President, let me reiterate once again my satisfaction that the Congress has finally enacted minimum Federal standards for surface mining. My own State of Indiana has been way ahead of the Federal Government on the issue of strip mining control. In 1967, Indiana enacted strong and pioneering legislation to control strip mining operations within the State. Under S. 7, States will have the opportunity to administer and enforce their own State programs as long as they

meet Federal guidelines. In addition, they will receive Federal assistance in order to improve their regulatory and enforcement efforts.

S8803 Given Indiana's early recognition of the need for environmental protection, its relatively long experience with regulating mining activities and the Federal assistance S. 7 will provide, Indiana should not experience any disruption in mining activities as a result of S. 7. Nor should other States which take advantage of the long lead time provided in this legislation for developing satisfactory State programs.

S8803 With these environmental protections on the books, I am looking forward to working with the administration and my colleagues here in the Senate toward increasing domestic coal production to meet the President's goal of a two-thirds production increase by 1985.