



COALEX STATE INQUIRY REPORT - 41

April 12, 1985

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TOPIC: SECTION 510(c): OWNED OR CONTROLLED BY

INQUIRY: What is the legislative history of the language "operation owned or controlled by the applicant", found in Sec. 510(c) of the Act?

SEARCH RESULTS:

The language "operation owned or controlled by the applicant" was included in every major bill considered in both the House and the Senate from the 93rd Congress forward. House bill 11500, for example, required the applicant to file a schedule of violations incurred during the one-year period prior to the date of application, and provided that:

"Where the schedule or other information available to the regulatory authority indicates that any coal surface mining operation owned or controlled by the applicant is currently in violation of this Act or such other laws referred to in this subsection, the permit shall not be issued until the applicant submits proof that such violation has been corrected or is in the process of being corrected to the satisfaction of the regulatory authority, department, or agency which has jurisdiction over such violation."

Similar language was included in S. 425 in the 93rd Congress; H.R. 25, H.R. 9725, H.R. 13950, and S. 7 in the 94th Congress; and H.R. 2 and S. 7 in the 95th Congress.

Two changes were made in the language of Section 510(c) during its legislative development, unrelated to the phrase "operation owned or controlled by". First, the period of time covered by the required schedule of violations was expanded from one-year to three-years. Second, provisions were added prohibiting the issuance of permits to companies with a pattern of willful violations. Both changes were made during conference on H.R. 2 in the 95th Congress.

A review of the Congressional Record, Hearing Reports, and Committee Reports did not indicate further explanation of the phrase "operation owned or controlled by". Typical of the discussion was that contained in H. Rep. No. 95-218, 95th Congress, 1st Sess, at 92 (1977). That report simply reiterated that the regulatory authority must determine that "any operation under the applicant's ownership or control currently in violation of the Act or of other Federal air or water protection statutes is in the process of being corrected in a satisfactory manner to the respective regulatory agency." (See also similar discussion in H. Rep. No. 94-45, 94th Cong., 1st Sess., at 89 (1975); and H. Rep. No. 93-1072, 93rd Cong., 2d Sess., at 82 (1974))



ATTACHMENTS:

- A. Excerpts from H. Rep. No. 95-218, 95th Cong., 1st Sess., H.R. 2 (APRIL 22, 1977).
- B. Excerpts from H. Rep. No. 94-95, 94th Cong., 1st Sess., H.R. 25, (MARCH 6, 1975).
- C. Excerpts from H. Rep. No. 93-1072, 93rd Cong., 2d Sess., H.R. 11500 (May 30, 1974).
- D. Excerpts from H.R. 11500, 93rd Cong., 2d Sess. (May 30, 1974).
- E. Excerpts from S. 425, 93rd Cong., 2d Sess. (December 5, 1974).
- F. Excerpts from H.R. 25, 94th Cong., 1st Sess. (January 14, 1975).
- G. Excerpts from H.R. 2, 95th Cong., 1st Sess. (January 4, 1977).
- H. Excerpts from S. 7, 95th Cong., 1st Sess. (January 10, 1977).
- I. Excerpts from H.R. 2, 95th Cong., 1st Sess. (July 12, 1977).