



## COALEX STATE INQUIRY REPORT - 201

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Karen Rippey, Esquire  
Department of Law  
5th Floor  
Capital Plaza Tower  
Frankfort, Kentucky 40611

**TOPIC:** LEGISLATIVE HISTORY OF PHRASE "OWNED OR CONTROLLED" [SMCRA 510(c)]

**INQUIRY:** In complying with its agreement, a coal mining company will list all permits it is associated with and correct any outstanding violations. SMCRA sec. 510(c) states that the company must list violations "during the three year period prior to the date [of the company's permit] application." What legislative history is available which discusses the time-frame aspect of providing violation and "ownership and control" information on the permit application? This information is needed as soon as possible.

**SEARCH RESULTS:** Research was conducted using the legislative history material available in the COALEX Library.

No explanation was identified for the House-Senate Conference Committee's establishing three years as the period for listing prior violations. The summary of House and Senate requirements of what in the final version became Section 510(c) [numbered 410(c) in Senate versions] appears below. A table of requirements from prior versions of House and Senate bills and two excerpts from House Reports are attached. Copies of excerpts from the bills, House and Senate Reports and a portion of a recent brief discussing 510(c) are included for background.

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### SUMMARY OF THE LEGISLATIVE HISTORY OF 510(c) [410(c)]

House versions prior to April, 1977 require listing violations for a one-year period prior to the date of application. The April 1, 1977 Bill changed the requirement to a five-year period. No explanation for the change was identified.

All Senate versions require listing violations for a one-year period.

The Conference Committee for the final bill settled on a three-year period. There was no explanation in the Report for the change to the three-year period.



## LEGISLATIVE HISTORY: BILLS

### HOUSE

<b>BILL</b>	<b>BILL DATE</b>	<b>TIME PERIOD</b>
HR 11500; 93rd Cong., 2nd Sess.	05/30/75	1 year
HR 25; 94th Cong., 1st Sess.	01/14/75	1 year
	03/06/75	1 year
	03/20/75	1 year
	05/02/75	1 year
HR 9725; 94th Cong., 1st Sess.	05/02/75	1 year
	09/19/75	1 year
HR 9725; 94th Cong., 2nd Sess.	03/12/76	1 year
HR 13950; 94th Cong., 2nd Sess.	05/21/76	1 year
	08/31/76	1 year
HR 2; 95th Cong., 1st Sess.	01/04/77	1 year
	04/01/77	1 year
	04/22/77	1 year
	05/05/77	1 year

### SENATE

<b>BILL</b>	<b>BILL DATE</b>	<b>TIME PERIOD</b>
S 425; 93rd Cong., 2nd Sess.	12/05/74	1 year
S 7; 94th Cong., 1st Sess.	01/15/75	1 year
	03/05/75	1 year
S 7; 95th Cong., 1st Sess.	01/10/77	1 year
	05/10/77	1 year

### CONFERENCE COMMITTEE

<b>BILL</b>	<b>BILL DATE</b>	<b>TIME PERIOD</b>
HR 2; 95th Cong., 1st Sess.	07/12/77	3 years

## EXCERPTS FROM HOUSE REPORTS

### HOUSE

**House Committee on Interior and Insular Affairs. H.R. Rep. 95-218, 95th Cong., 1st Sess. 6 (April 22, 1977; H.R. 2). Major modifications. Section 510(c) Application requirement.**



"Under the committee amendment, the applicant is to supply information regarding previous violations of environmental laws for a period of 5 years prior to the date of application. (As opposed to the original text of H.R. 2 which required this information for only 1 year.)"

## CONFERENCE COMMITTEE

**Conference Committee. Bill, H.R. 2, 95th Cong., 1st Sess. 42 (July 12, 1977; H.R. Rep. 95-493). Section 510(c) Permit approval or denial.**

"...in connection with any surface coal mining operation during the three-year period prior to the date of application."

## ATTACHMENTS

- A. Excerpts from House and Senate bills re: 510(c) [410(c)]
- B. HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS. H.R. Rep. 93-1072, 93rd Cong., 2nd Sess. (May 30, 1974; H.R. 11500). Excerpts from Additional Views.
- C. SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS. S Rep. 28, 94th Cong., 1st Sess. 210 (March 5, 1975; S. 7). Excerpts from Section-by-Section Analysis.
- C. HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS. H.R. Rep. 94-45, 94th Cong., 1st Sess. 151 (March 6, 1975; H.R. 25). Excerpts from Supplemental Views.
- D. HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS. H.R. Rep. 94-1445, 94th Cong., 2nd Sess. 115 (August 31, 1976; H.R. 13950). Excerpts from Section-by-Section Analysis.
- E. HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS. H.R. Rep. 95-218, 95th Cong., 1st Sess. 66 (April 22, 1977; H.R. 2). Excerpts from Major Modifications.
- F. HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS. H.R. Rep. 95-218, 95th Cong., 1st Sess. 172 (April 22, 1977; H.R. 2). Excerpts from Section-by-Section Analysis.
- G. SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES. S. Rep. 45-128, 95th Cong., 1st Sess. 79 (May 10, 1977; S. 7). Excerpts from Section-by-Section Analysis.
- H. CONFERENCE COMMITTEE. H.R. Rep. 95-493, 95th Cong., 1st Sess. 103 (July 12, 1977; H.R. 2). Excerpts from Overview of Conference Decisions.
- I. Excerpts from Indiana Brief.