



COALEX STATE INQUIRY REPORT - 313

February 1995

IMCC
459 B Carlisle Drive
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TOPIC: LEGISLATIVE HISTORY OF SURFACE MINING REGULATION

INQUIRY: When was the first bill to regulate surface mining introduced in Congress? Did the states adopt surface mining regulations prior to SMCRA - if so, when?

SEARCH RESULTS: Materials describing the early history of federal and state regulation of surface coal mining were identified using the COALEX Library in LEXIS. The retrieved information is summarized below. Copies of the legislative history items are attached.

FEDERAL LEGISLATIVE HISTORY

The Environmental Policy Division of the Library of Congress' Congressional Research Service prepared a legislative history of congressional proposals affecting the surface mining of coal for the Senate Committee on Interior and Insular Affairs which became part of the Committee Print in September, 1971. The summary of post-1971 legislative history of SMCRA comes from subsequent congressional reports.

YEAR(S)	ACTION
1915	Figures for production of bituminous coal by strip mining date back to this year.
1930's	Strip-mined coal represented 10 percent of total production.
1940	H.R. 10079 introduced by Rep. Everett McKinley Dirksen. Bill would have required the posting of a performance bond to cover the cost of reclamation and the filling in the hole or hollow caused by surface mining with spoil "to make the contour of the land approximately the same as before the mining operation was begun."
1949	H.R.4970 introduced by Rep. Hays of Arkansas. Bill provided for cooperative programs between the Secretary of Agriculture and state officials to survey damages from surface mining and to recommend systems of restoration.
1951	H.R. 4970 was re-introduced as H.R. 2708.
1959	Bill proposing a nationwide study by the Secretary of Interior to address such matters as: strip mine safety, hazards to public health and safety, fish and



	wildlife effects, and benefits from reclamation was introduced from 1959 to 1965.
1963	House Joint Resolution 363 introduced by Rep. Dent, directing the Secretary of Agriculture to terminate strip mining of coal in national forests.
1965	Appalachian Regional Development Act of 1965 (P.L. 89-4) provided for the study which was published in 1967 and titled "Surface Mining and Our Environment".
1965-67 (89 Cong)	<ol style="list-style-type: none"> 1. S. 2688 (2668 ?) introduced by Senator Nelson provided for regulation of surface mining, reclamation of active mines and previously mined areas, filing a reclamation plan, posting a performance bond, possible state administration of an approved program, etc.; 2. S. 3882 introduced by Sens. Lausche and Douglas provided for surface mining standards and reclamation requirements, state administration of an approved program, grants to states, restoration of previously mined areas, establishment of a mined lands reclamation fund, etc.; 3. H.R. 18242 introduced by Rep. Whalley was the companion bill to S. 3882; 4. H.R. 17116, a modified version of H.R. 17013, introduced by Rep. Moeller called for the Secretary of Agriculture to assist the states in developing mined land reclamation programs. Similar bills were introduced by Reps. Kee and Moore, and re-introduced in the 90th Cong.
1967-69 (90 Cong)	<ol style="list-style-type: none"> 1. First hearings held on surface mining were conducted by the Senate Interior and Insular Affairs Committee on S. 217, S. 3126 and S. 3132; 2. S. 217 was similar to S. 3883 though some changes were made by Sen. Lausche; 3. S. 3126, introduced by Sen. Nelson, differed from his earlier bill, S. 2688 (2668 ?) and had some provisions similar to the Lausche bill.
1968	<ol style="list-style-type: none"> 1. S. 3132 introduced by Sen. Jackson provided the states rather than the federal government with responsibility to develop programs to regulate surface mining operations; 2. H.R. 6854 introduced by Rep. Kee. Hearings held by the House Subcommittee on Watershed Development of the Committee on Public Works were not printed; 3. S. 2040, companion bill to H.R. 6854, was introduced by Sens. Randolph, Cooper and Nelson.
1967-71 (91 Cong)	<ol style="list-style-type: none"> 1. H.R. 222, identical to S. 217, introduced by Rep. Hechler; 2. H.R. 659, identical to S. 3132, introduced by Rep. Saylor; 3. S. 524, the companion to H.R. 659, introduced by Sen. Jackson; 4. S. 3491 introduced by Sen. Nelson was a re-introduced version of his S. 3126; 5. H.R. 17569, the companion bill to S. 3491, introduced by Rep. Hechler.
1971-73 (92 Cong)	10 bills were introduced in the Senate.
9/1972	S. 630. After hearings and field investigations held by the Subcommittee on Minerals, Materials and Fuels of the Senate Committee on Interior and Insular



	Affairs, S. 630, originally introduced by Sen. Jackson, was reported unanimously by the Full Committee.
10/1972 1973- 1975 (93 Cong)	H.R. 6482 was passed by the House. A number of bills were introduced and hearings held in both the House and Senate.
10/1973	S. 425 was passed by the Senate.
12/1974	1. Conference Report passed by both houses; 2. S. 425, The Surface Mining Control and Reclamation Act of 1974, Rep. 93-1152, 93rd Cong., 2nd Sess. (December 5, 1974) was "pocket-vetoed" by the President following the adjournment of that Congress (December 30, 1974).
1975-77 (94 Cong)	H.R. 25, H. Rep. 94-45, reported March 6, 1975. S. 7, S. Rep. 94-28, reported March 5, 1975. Conference Report, 94-189 agreed to May 5, 1975 (Senate) and May 6, 1975 (House).
5/1975	H.R. 25, The Surface Mining Control and Reclamation Act of 1975, Rep. 94-45, vetoed by the President May 20, 1975.
1977-79 (95 Cong)	The bills were reintroduced as S. 7 and its companion, H.R. 2.
8/1977	P.L. 95-87, The Surface Mining Control and Reclamation Act of 1977, 95th Cong., 1st Sess. was passed August 3, 1977.

STATE REGULATORY PROGRAMS

Senate committee prints from 1973 and 1977 provided information on state regulatory programs in existence prior to the passage of SMCRA. See the attached items for greater detail.

YEAR(S)	ACTION
1939	West Virginia first enacted legislation to regulate surface mining of coal.
By 1955	Indiana, Pennsylvania, Ohio, Kentucky and Maryland had enacted similar legislation.
After 1965	Between 1965 and 1972, 16 major coal-producing states took a total of 28 major legislative actions. 7 states had enacted surface mining legislation prior to 1965. 9 states enacted legislation between 1965 and 1972. 13 of the 16 states enacted new legislation or amended existing authority. The 16 states are: <ol style="list-style-type: none"> 1. Alabama 2. Colorado 3. Illinois 4. Indiana 5. Kentucky 6. Maryland 7. Montana



	8. North Dakota 9. Ohio 10. Oklahoma 11. Pennsylvania 12. Tennessee 13. Virginia 14. Washington 15. West Virginia 16. Wyoming
By 1975	38 states established regulations for surface mining of coal. 32 of these programs were implemented between 1970 and 1975.

ATTACHMENTS

- A. STAFF OF SENATE COMM. ON INTERIOR AND INSULAR AFFAIRS, 92nd Cong., 1st Sess., A Legislative History of Proposals Affecting Surface Mining of Coal 4 (Comm. Print September 1, 1971).
- B. S. REP. 92-1162, 92nd Cong., 2nd Sess., Legislative History 36 (September 18, 1972).
- C. S. REP. 93-402, 93rd Cong., 1st Sess., Legislative History 47 (September 21, 1973).
- D. H.R. REP. 94-95, 94th Cong., 1st Sess., Legislative History 132 (March 6, 1975).
- E. H.R. REP. 94-896, 94th Cong., 2nd Sess., Legislative History 91 (March 12, 1976).
- F. H.R. REP. 94-1445, 94th Cong., 2nd Sess., Legislative History 88 (August 31, 1976).
- G. H.R. REP. 95-218, 95th Cong., 1st Sess., Legislative History 140 (April 22, 1977).
- H. S. REP. 95-218, 95th Cong., 1st Sess., Legislative History 59 (May 10, 1977).
- I. STAFF OF SENATE COMM. ON ENERGY AND NATURAL RESOURCES, 95th Cong., 1st Sess. (Comm. Print June, 1977).
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 - 3. Background and Recent Debate 13
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- J. STAFF OF SENATE COMM. ON INTERIOR AND INSULAR AFFAIRS, 93rd Cong., 1st Sess. (Comm. Print March, 1973).
 - 1. State Regulatory Programs 35
 - 2. Appendix F: Highlights of State Laws Regulating Surface Mining of Coal (Excerpted)