

Mr. COFFEY. I do not know if anyone here in Washington is in high enough position to determine just what is best for the social and economic well-being of every State.

Mr. SULLIVAN. But there is this modification in his original position.

Mr. COFFEY. In language. It has not come to practice.

Mr. SULLIVAN. Thank you.

Mr. MCCARTHY. I see that Mr. James F. Boyer, project scientist of the Bituminous Coal Research, is here in the committee room.

Mr. Boyer, we are pleased to recognize you.

**STATEMENT OF JAMES F. BOYER, JR., PROJECT SCIENTIST,
BITUMINOUS COAL RESEARCH, INC.**

Mr. BOYER. Mr. Chairman, members of the committee, I am James F. Boyer, Jr., project scientist, Bituminous Coal Research, Inc., and director of technical services for the Coal Industry Advisory Committee to ORSANCO.

I am presenting this statement on behalf of the National Coal Association, Bituminous Coal Research, Inc., the research affiliate of NCA, and the Coal Industry Advisory Committee to the Ohio River Valley Water Sanitation Commission.

On behalf of the various groups I represent here today, I want to express our appreciation for the opportunity of presenting to the committee our views on the important technical and research aspects of mine drainage prevention and control, and on the legislation now before the committee.

We endorse those sections of S. 2760 which amend the Federal Water Pollution Control Act to provide for mine water pollution control demonstration projects and which will authorize additional funds for demonstrating feasible and practical techniques of eliminating or controlling acid or other mine water pollution. We are concerned, however, with the language proposed in one section of the bill, and recommend that it be amended.

Section 2 of the bill would add a new section 7 to the act covering area acid and other mine water pollution control demonstrations. Subsection (c) (2) would set forth as a condition for Federal participation in such projects the following:

That the State shall provide legal and practical protection to the project demonstration area to insure against any activities which will cause future acid or other mine water pollution.

We agree that the demonstration areas must be protected if the program envisaged in this legislation is to be effective. We believe it is possible, however, that this language if enacted without change, could be interpreted by some State authorities as a basis for prohibiting future mining within specific demonstration areas. Such an interpretation would result in the permanent denial of rights to part of the Nation's coal reserves. While the loss probably would be small in terms of total U.S. reserves of coal, denying access to specific deposits of coal would be extremely significant to the owners of or lessors of the mineral rights concerned.

To avoid the possibility of an adverse interpretation of the current language of section 7(b) (2), we recommend the bill be amended to incorporate the following provisions: