

2. PROPOSALS IGNORE IMPACT UPON OPERATORS' COMPETITIVE POSTURES

Section 205(c)(6) of the Appalachian Development Act expressly directed the Secretary of the Interior, in conducting his study of reclamation and rehabilitation matters in the surface mining industry to include, and I quote:

Specific consideration of (A) the extent, if any, to which strip and surface mine operators are unable to bear the cost of remedial action within the limits imposed by the economics of such mining activity, and (B) the extent to which the prospective value of lands and other natural resources, after remedial work has been completed, would be inadequate to justify the landowners doing the remedial work at their own expense: * * *.

With respect to the crushed stone industry at least, these express congressional directions were given extremely cavalier treatment in the study report, and in these proposals, the problems of competition and economics with which Congress was concerned are completely ignored.

The only mention of these problems in the study report is contained at page 90 where reference is made to a table contained in the appendix which sets forth what are represented to be average per-acre costs for reclaiming land which has been disturbed by quarrying and other surface mining operations.

The report immediately goes on to say, however, that:

Details are lacking as to the exact type, or degree, of reclamation represented by the costs reported by the mineral industries, but the level was probably influenced by legal requirements of the States.

In other words, after setting forth an impressive looking table of average per-acre reclamation costs for stone and other minerals, the report says "We don't know what these figures mean."

Moreover, no consideration is given by the report of what effect even these figures would have upon operators' competitive postures in the industries affected. We would note in passing that the average "cost" shown for stone is nearly four times that shown for sand and gravel, a commodity with which stone is in severe price competition in many markets.

The nature of the proposals before the committee makes plain that no consideration was given to their potential effect upon competition within (and between) the various surface mining industries or whether reclamation would always be economically feasible or possible.

Thus, S. 3132 would authorize the Secretary of the Interior, without review by other authority, to establish reclamation requirements. Mine operators would be required to file a plan providing for the "reclamation" of their operations and such plan would have to be approved before the operator would be permitted to commence new operations or to continue existing ones.

Given these important requirements, it would seem that the term "reclamation" would be defined in considerable detail. S. 3132, however, provides merely that "reclamation means the reconditioning or restoration of an area of land or water, or both, that has been adversely affected by surface mining operations."

"Reconditioning" and "restoration" both strongly imply "return to original condition." As applied to typical stone quarries, such a requirement would not only be unreasonable, it would, as a matter of