

between) the various surface mining industries or whether reclamation would always be economically feasible or, for that matter, desirable.

Thus, S. 3132 would authorize the Secretary of the Interior, without review by other authority, to establish "reclamation" requirements for surface mine operations. 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 with considerable specificity. The only definition contained in S. 3132, however, is found in Section 2(b) which provides 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." The bill contains no other provision which would either guide or restrict the Secretary in the development of the requirements which would be imposed upon operators.

The terms "reconditioning" and "restoration" both strongly imply and could well be construed as meaning "return to original condition." In light of the peculiar characteristics of typical stone quarries, the imposition of such a requirement upon stone producers would not only be unreasonable, it would, as a matter of simple economics, be impossible for stone producers to comply with and still remain competitive in the pricing of their products.

Unlike the more typical strip or surface mine which follows a comparatively narrow seam of mineral across the countryside, stone quarries are comparatively stationary and large quantities of stone are obtained within a relatively small area. Indeed, in many instances, the sole limitation upon the depth at which quarrying operations can be conducted is the cost considerations involved in hauling the stone to the surface. As a result, quarries normally remain in operation for extremely long periods of time.

That typical stone quarries remain in production over extremely long periods of time was amply demonstrated by a recent survey which NCSA conducted throughout the industry. In that survey, industry members were requested to furnish the date on which operations began in each of their currently active quarries and to estimate the number of years which each quarry would continue in operation. The response to that survey, covering a total of over 200 quarries located throughout the country, indicates that the average total operational life of current stone quarries is estimated to be 81 years with some quarries expected to continue in production for as long as 250 years.

A direct effect of this unique feature of typical stone quarry operations is the fact that quarries disturb very little of the surface land in relation to the vast tonnages of useful stone which are removed. Indicative of this fact is that, according to the Secretary's report, stone quarries have accounted for only 8% of the total land area which has been disturbed by surface mining operations. Moreover, while NCSA cannot disprove this assertion, we would suggest that the 8% figure is much too high and we would be most interested in learning how the total acreage figures upon which it is based were determined. As the industry's association, we know that a stone quarry involving as much as 30 acres is considered to be a very substantial operation and most quarries are even smaller.

A second distinctive feature of the typical stone quarry is the fact that the amount of overburden and other nonsalable material which is excavated is extremely small in proportion to the quantity of stone which is removed. This fact is also amply demonstrated by the response to NCSA's survey of current quarry operations. That response indicates that nationwide, an average of more than 84% of the total material excavated results in a salable product.

These unique characteristics of the typical stone quarry make several conclusions respecting the potential application of the proposals contained in S. 3132 readily apparent. First, given the extremely long life of the typical stone quarry, it is plain that no meaningful plan for the reclamation work to be performed on the facility after operations are concluded can be developed before operations are commenced. Yet, under the proposals contained in S. 3132, stone producers would be required not only to develop such a plan and have it approved in order to commence operations, they would also be required to post a performance bond in an amount "adequate to insure the land is reclaimed."² Any doubt that this amount

² How any bonding company, in these circumstances, could be persuaded to issue such a performance bond completely eludes us.