cannot be realistically determined in advance with respect to the typical quarry should be dispelled by consideration of how unrealistic an amount determined in 1887 to be adequate for the reclamation of a quarry which was commencing operations then would appear today when, assuming the quarry's productive life to be the industry average, its operations would be concluded.

Second, given the extremely small amount of overburden and other nonsalable material which remains in the typical quarry in proportion to the total amount of material which is removed (16% on the average, but which in many quarries approaches zero percent), it is plain that to require the land on which the quarry is located to be "returned to original condition," would place an impossible economic burden on the operator. Assuming that such vast amounts of fill would be available (an extremely questionable assumption in many parts of the country), it would still have to be loaded, transported to the quarry and unloaded, spread and compacted. The cost implications of such a requirement cannot reasonably be estimated. Plainly, however, they would be staggering, particularly when it is considered that this cost impact would have to be borne by a product which, at present, sells on the average for approximately $1.42 a ton.

This cost impact would place crushed stone at a severe and probably impossible disadvantage with other materials with which it is strongly competitive in many markets. Those other materials are normally obtained by either dredging operations or surface mining operations of a relatively shallow nature which would not give rise to such substantial reclamation costs as would be the case with stone.

The extremely severe and disproportionate cost impact which these requirements would have upon stone producers' operations would be greatly magnified, moreover, in their application to currently existing operations. Thus, a typical quarry which had been in operation for 60 years and which had a remaining productive life of another 20 years would have to recover the cost for reclaiming the results of 80 years of excavation from the sales for 20 years of production. As a result, one effect of the enactment of these proposals would undoubtedly be to cause the premature closing of many existing operations so as to avoid being subject to these requirements.

Such premature closings of existing operations not only would cause many employees to lose the permanent and well-paying jobs which they would otherwise have, it would also cause a severe diminution of the available sources of stone which can meet the increasingly stringent specifications which are being imposed by Federal and state agencies as well as by the private construction industry. Accordingly, all government-sponsored construction activities such as highway programs, dams, bridges, and airports as well as private construction would be confronted by shortages and delays in obtaining their supplies of stone, cement, and other aggregates and building materials, not to mention increases in the prices of those supplies.

These potential effects upon the crushed stone industry make plain that these proposals have been developed without any consideration whatever being given to the impact which they would have upon competition and the economics of operation within the industry.

NCSA very respectfully suggests that, in view of the fact that the Congress expressly directed that specific consideration be given to these precise questions, the failure to do so requires that these recommended proposals be returned to the Department of the Interior for compliance with the Congressional direction. NCSA submits that examination of these questions will demonstrate plainly that many surface mining operations, most particularly including stone quarries, cannot be subjected to the type of reclamation regulation visualized by these proposals and still survive as viable competitive businesses.

Proposals lack adequate legislative standards and procedural safeguards

S. 3132 is utterly lacking in any meaningful legislative standards or procedural safeguards which would tend to limit the vast amount of discretionary authority which would be granted to the Secretary of Interior or which would tend to afford operators at least a modicum of protection against the possibility of completely arbitrary action by the Secretary.

Accordingly, any regulatory proposals which might be forthcoming following examination of the questions concerning the impact of reclamation requirements upon the economics and competitive structure of each of the different segments of the surface mining industry should be directed to include:

1. A precise definition of the term "reclamation";