

the greatest of public interest. Kindly include this letter in the record of hearings held on this matter.

Thank you.

Sincerely,

PHILIP A. DOUGLAS, *Executive Secretary.*

BLACK, McCUSKEY, SOUERS & ARBAUGH,
ATTORNEYS AND COUNSELORS AT LAW,
Canton, Ohio, April 22, 1968.

Re mined lands conservation hearings.

Hon. FRANK J. LAUSCHE,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR LAUSCHE: If it is permissible for the Senate Interior Committee to receive written letters of opinions and exhibits concerning pending bills for the protection and reclamation of land, I would appreciate your bringing this letter and enclosures to the Committee's attention. It is my intention to send additional photographs of mined areas here in Northeastern Ohio later this week.

This letter expresses my views as a citizen concerning the need for federal control of open mining operations based on my observations of such operations here in Eastern Ohio. I have resided in or about Tuscarawas County, Ohio, in excess of twenty-five years and have always considered this area to be one of the most scenic in the State. I have long been frustrated by the tragic defacing of the countryside in this and other areas of Ohio by open mining activities. While open mining is an inexpensive method of obtaining an energy source such as coal, it is also a method which is exacting a terrible price in terms of destroying the natural beauty of our country. Earthmovers now exist in Ohio that can shovel 180,000 tons of overburden in a single day (see enclosure), and they daily create high walls, sour water and piles of overburden which resist vegetation.

There is, I feel, a strong resentment among the general populace concerning this form of mining activity, but, regrettably, this resentment is not organized. Even with recent enactments of legislation on open mining operations, Ohio's State government has failed to adequately regulate open mining. There are several reasons for this, but basically those who oppose this desecration of the countryside and the resulting pollution to our streams have been unorganized, while those who derive a direct short term benefit from such operations, such as the power companies and the mining companies, have exerted tremendous pressures on the state legislature with regard to mining and reclamation legislation. I am enclosing portions of the current Ohio Code governing reclamation of open mined areas by an open mining operator. On paper, the regulations governing the open mining operator appear very complete, but as a personal viewing of the open mined areas of Ohio would reveal, these laws are not doing the job of protecting Ohio land from such operations. Enforcement provisions are woefully inadequate. Bond amounts required to be posted by the mining companies are too low and when a mining operation fails (which is not infrequent) or if the bond is forfeited for noncompliance, insufficient funds exist to reclaim the land used by the defunct mining company. If an operator elects not to cover the exposed coal vein by an impoundment of water in the final cut, he is required to cover the exposed coal seam with overburden, but the amount of overburden coverage which is required by the law and the regulations promulgated thereunder often is not adequate to prevent leeching of sour water from the mined area.

I am enclosing some pictures depicting open mining activity in York, Clay and Jefferson Townships, Tuscarawas County, Ohio, so that the Committee members who have not visited these areas of our State may see what is really happening here. No picture, and especially my amateur photography, begins to represent how ugly and useless the land really is which has been subjected to open mining operations and "reclaimed" according to the State's standards.

Eventually, I feel confident that the Ohio public will become sufficiently aroused to enact tough open mining and reclamation legislation and demand proper enforcement of the same, but based on the past performance of the Ohio legislature and governmental authorities, this legislation will not come until the real damage has occurred, as was the case in Pennsylvania.

The need for federal legislation for land protection and reclamation is one of the greatest of the people of the United States today, even though it is not