

The Land Reclamation Report

Part of strip-mining law unconstitutional

A federal judge has ruled that parts of a 1977 federal law requiring coal-mine operators to restore strip-mined farmland to original condition are unconstitutional.

Judge James E. Noland in Indianapolis, IN, ruled that the law requiring coal-mine operators to identify prime farmland and its average crop yields, to remove and replace soil layers separately, and to restore the farmland to its previous fertility level violated the Tenth Amendment to the Constitution. The Tenth Amendment reserves to the states and individuals those powers that aren't specifically granted to the federal government.

The judge also struck down provisions requiring the Interior Department to determine that the coal-mine operator "has the technological capability" to restore the land and requiring the department to approve a use for the land after it has been mined.

Coal use leaps but industry still hurts

The U.S. used more coal in 1980 than originally predicted, but widespread unemployment and unused capacity still plague the industry, reports Newhouse news service.

Consumption of U.S. coal, both domestically and for export, was expected to grow to about 799 million tons in 1980, an increase of almost eight percent over 1979.

Greater use of coal by the nation's utilities and a booming export market accounted for the increased demand.

"Utilities, which account for over 70 percent of demand, are running existing coal-fired plants at higher capacity and are making use of new facilities," says Carl Bagge, president of the National Coal Association.

Bagge said 25 new coal-fired power plants were added in 1979 and another 30 were anticipated in 1980. In addition, a number of utilities, mainly in the East, are reducing their use of oil-fired power plants and are buying energy from coal-burning plants in the Midwest.

Two large projects planned for Midwest

The Office of Surface Mining will reclaim 15 abandoned coal mine sites in Pennsylvania at a cost of \$6.6 million

and 89 acres of abandoned coal mine lands in the Wayne National Forest in Ohio at \$1 million.

The Pennsylvania projects range in size from \$2.4 million to correct a massive subsidence problem in Scranton to a pair of \$14,000 projects to fill open mine shafts which threaten the safety of children in the Boroughs of Kingston and Duryea in Luzerne County. Eight of the 15 projects lie in the anthracite country.

The Ohio project, located about 50 miles from Columbus in Hocking County, focuses on land used heavily for recreation. Sediment and acid mine drainage from abandoned surface and underground mines have severely degraded the water quality of the Hocking River and Hocking Creek. Reclamation includes grading, installation of drainage facilities, soil treatment and sediment retention measures, and revegetation.

Interior funds coal land projects

The Interior Department's Office of Surface Mining will provide \$600,000 to reclaim an abandoned coal mine near Eagle Pass, Texas, which is located near a major housing development now under construction.

The funds will come from the federal share of reclamation fees collected from active coal mining operations as provided in the Surface Mining Control and Reclamation Act of 1977. Reclamation will include filling and permanently sealing the open shaft, burying the coal refuse material, grading to eliminate the steep slopes and gullies, and revegetating.

The office has also approved spending of \$240,000 to reclaim an abandoned coal mine and power plant site at Gamerao, NM. The reclamation plan is very similar to the Texas operation and also designated as priority because of the danger to public health and safety.



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