

# The Land Reclamation Report

The newsletter of mine site restoration and revegetation of other disturbed lands.

September 4, 1978/VOL. 1, NO. 3

## The Land Reclamation Report

The newsletter of mine site restoration and revegetation of other disturbed lands.

### LAWSUITS

#### Almost all interim regs upheld; possible changes up to OSM

Industry had few reasons to celebrate over the holiday weekend since it was still suffering from the impacts of U.S. District Judge Thomas Flannery's August 24 decision that struck down most of its lawsuits challenging the OSM's interim regulations. The few bright spots in the lawsuit pertained to reclamation, but even some of those decisions were sent back to the Secretary of the Interior and OSM for further comment, with no promise of revision.

The only area where Judge Flannery has told OSM that the regulations must be changed pertains to prime agricultural farmlands.

Flannery struck down the clauses in the farmlands regulation saying that any land used during five of the last 20 years would be placed in the prime farmlands category. Saying the regulations were "clearly overbroad in achieving its stated purpose" he has asked OSM to come up with a new definition.

There were some partial victories. Judge Flannery has required OSM to reconsider its rule on sedimentation ponds and dams that imposes a three-foot difference between the top of the dam and the surface of the water. But OSM was only asked to reconsider this since Flannery felt it did not document its reasons for the requirement in previous court briefs. He seemed to feel that the government should more or less double-check this since "these dam requirements are

MONTANA LAND DISTURBED BY SURFACE MINING



TOTAL ACRES REQUIRING RECLAMATION SERVICE BY STATE (BASED ON FEDERAL ON-LAND ASSESSMENT BY COMPLETED RECLAMATION SURVEY OF THE STATES COAL)

MONTANA ACRES BONDING UNDER STRIP MINING REGULATIONS



4 INTO STATE RECLAMATION DEPT OF STATE LANDS THE DEPT OF STATE LANDS REPORTS THAT NO BOND HAS BEEN RELEASED TO DATE THE SUCCESSFUL RECLAMATION UNDER THE USED AND PROVISIONS OF THE ACT HAVE BEEN MET THE DEPARTMENT CALLS SUCCESSFUL RECLAMATION "SILENT"

absolute and there is no variance procedure." OSM will be given 60 days to reconsider some provisions that regulate the size of valley and head-of-hollow fill for spoil disposal. The judge asked the government agency to look again at this requirement only after West Virginia cited a March 1976 interim study by Skelly & Loy, the Harrisburg, Pa. engineering firm, which has determined much less costly methods in its report listed Environmental Assessment of Surface Mining Methods, Head-of-Hollow Fill and Mountaintop Removal.

The judge also cited the study when asking OSM to revise its regulations governing design criteria for underdrains and compaction of spoils in valley fills in sites that are less than four feet thick. He also said OSM should "take into account" that West Virginia is considering variances in the later requirement.

The final partial victory was won on the 100-foot buffer zone requirement around intermittent and perennial streams, an area considered "critical" by the Mining and Reclamation Council of America's Dan Garton. Here, too, the judge only asked OSM to reconsider since the reasons for its regulations were not stated in its court brief. Flannery said he would not enjoin its enforcement since it is reasonable, supported by state authorities and technical literature, and contains a variance procedure.

Industry was walloped in other areas. The court struck down Peabody Coal Company's challenge that lands improperly disturbed prior to mining must be restored to the premining use of surrounding lands after surface mining occurs. Flannery also said the regulations do not interfere with EPA's control over water pollution, meaning OSM can set up provisions for variance and exemptions on sedimentation pond design and waste treatment management.

Road gradient requirements and sections making companies cover toxic soil with four feet nontoxic material or provide treatment to prevent water pollution were upheld. Finally, the court upheld the limited use of terraces and the design criteria, and the right of OSM to approve the terraces.

#### STATE GOVERNMENT

#### Illinois may set no time limit on farm productivity

No official word has yet been issued in Illinois on prime farmland regulations, but the state's Department of Agriculture says it will allow coal companies as much time as they need to grow crops that produce 90 percent or more of the yields than before mining occurred. This word comes from Michael Williams, a reclamation supervisor in the Agriculture Department. He said the state doesn't fear poor cooperation since they will be holding some of the companies' assets. As long as we have their bond, we're not that concerned," Williams said. "If they

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**QUICK STARTS**

- How to find new business opportunities page 4
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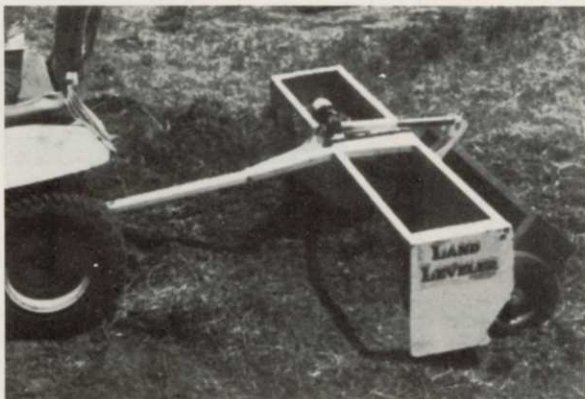
**Lawn manufacturers association formed**

Representatives of the lawn and garden industry have formed a new industry-wide association to promote the growth of the lawn and garden industry.

**LAWN CARE INDUSTRY**

**Lawns safety standards to come by year's end**

A legislation for the Consumer Product Safety Commission in Washington and the CPSC has received more than 100 comments on its proposed new safety standards.

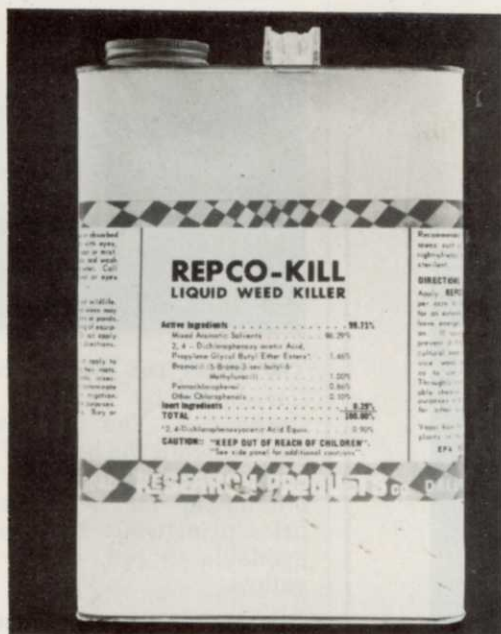


**Land Leveler**, an accessory that can be hooked up to any 12 VDC lawn and garden tractor, is being manufactured and marketed by Avcon Industries.

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**Repc-Kill**, a non-selective, diesel-oil-based weed killer and ground sterilant, has been jointly introduced by Research Products Company and Aero Mist, Inc. Containing 2,4-D, bromacil, phenols, and penetrants, REPCO-KILL is reported to knock down weeds fast, usually within a period of six to eight hours on a warm sunny day. The herbicide has a special penetrant that carries the liquid deep into the ground, killing all vegetation in the area sprayed. It comes in packages of one, five, 30 or 55 gallons.

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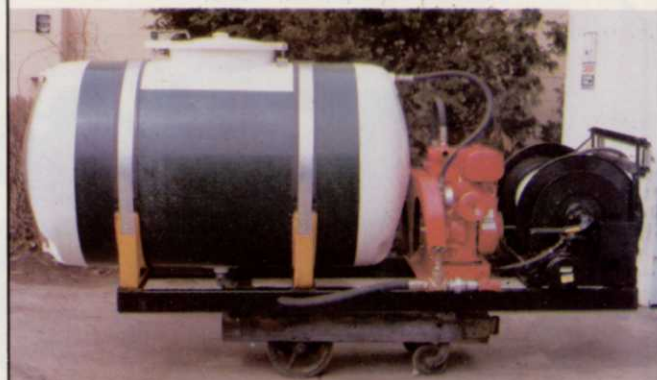
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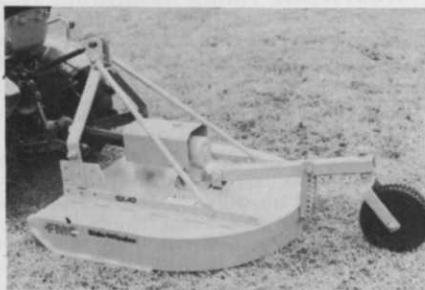


**The Diesel Hydro Traveler**, featuring a 14-horsepower electric start Deutz diesel engine, has been added to the Hydro Traveler Irrigator line manufactured by Hydro Engineering.

Fuel and hydraulic oil tanks on the diesel-powered model are larger and have been relocated, according to a company spokesman. Other improvements include relocated controls for greater operator efficiency and convenience, and a newly designed fiberglass hood over the cable reel and engine.

The hydraulic-drive Hydro Travelers are capable of irrigating 20 acres a day with only two man-hours of labor. Other features include a tricycle design that allows easy maneuverability and twin riser construction for more uniform water distribution.

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When answering ads where box number only is given, please address as follows: Box number, c/o Weeds Trees and Turf, Dorothy Lowe, Box 6951, Cleveland, Ohio 44101.

Rates: All classifications 65¢ per word. Box number, \$1. All classified ads must be received by Publisher the 5th of the month preceding publication date and be accompanied by cash or money order covering full payment. Mail ad copy to: Dorothy Lowe, Weeds, Trees & Turf, P.O. Box 6951, Cleveland, Ohio 44101.

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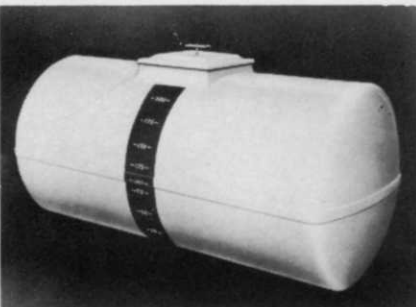
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**FOR SALE: 1972 Royer shredder**, model 362. Phone 203 889-2372.

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**AERIAL BASKETS, digger-derricks,** stump cutter, brush chipper and Prentice loader. 414 354-8730. Allied Enterprises, 9102 N. 75th St., Milwaukee, Wisc. 53223.

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## EVENTS

International Garden Trade Fair, Cologne trade fair centre, Cologne, West Germany, **Oct. 1-3**. Contact: Messe- und Ausstellungs-Ges.m.b.H Koln, Postfach 21 07 60, D-5000 Koln 21, phone: (0221)8211.

California Association of Nurserymen's 68th Annual Convention, Ahwahnee Hotel, Yosemite National Park, Calif., **Oct. 3-5**. Contact: C.A.N. office, 1005 8th Street, Suited 302, Sacramento, Calif., 95814, phone: 916/448-2881.

Golf Course Superintendents Association of New Jersey 14th Annual Turfgrass Equipment, Irrigation, and Supplies Field Day, Rutgers Stadium and Golf Course, Piscataway, NJ, **Oct. 3**. Contact: Dr. Henry W. Indyk, Soils and Crops Dept., P.O. Box 231, Cook College, Rutgers University, New Brunswick, NJ 08903, phone: 201/932-9453.

Central Plains Turfgrass Conference, Kansas State University, Manhattan, Kan., **Oct. 4-6**. Call: 913/532-6170.

Northern California Turfgrass Council Irrigation Seminar, Goodman Hall, Jack London Square, Oakland, Calif., **Oct. 4**. Contact: Richard Harrison, Room 201, City Hall, Alameda, Calif. 94501.

Professional Grounds Management Society's 65th Annual Conference and Trade Show, Atkinson Hotel, Indianapolis, Ind., **Oct. 8-12**. Contact: Allan Shulder, Professional Grounds Management Society, 19 Hawthorne Ave., Pikesville, Md., 21208.

Florida Turf-Grass Annual Management Conference and Show, Sheraton Towers Hotel, Orlando, Fla., **Oct. 15-18**. Contact: Florida Turf-Grass Association, 1520 Edgewater Drive, Suite E., Orlando, Fla., 32804, phone: 305/425-1581.

The Irrigation Association Short Course Program, Wastewater Irrigation, Kansas City, Mo., **Oct. 17-19**. Call: 301/871-1200.

National Golf Foundation Fall Luncheon Meeting, The Registry Resort, Scottsdale, AZ, **Oct. 17**. Contact: NGF, 200 Castlewood Drive, North Palm Beach, FL 33409, 305/844-2500.

18th Annual Southern California Turf/Landscape Equipment & Materials Educational Exposition, Orange County Fairgrounds, Costa Mesa, Cal., **Oct. 18-19**. Call: 213/798-1715.

Southwest Turfgrass Conference, Texas Research Center at El Paso, Texas A&M University, El Paso, Tex., **Oct. 19-20**. Dr. Garald Horst, Texas A&M University, Research Center at El Paso, 1380 A&M Circle, El Paso, Tex., 79927.

Western Garden Writers Symposium and Trade Show, Mansion Inn, Sacramento, Calif., **Oct. 21-23**. Call: 916/448-2881.

13th Annual Wisconsin Golf Turf Symposium, Pfister Hotel, Milwaukee, WI, **Oct. 25-26**. Contact: Bob Welch, 8500 S. 5th Avenue, Oak Creek, WI 53154. 414/764-2300.

Florida Nursery and Allied Trades Show, Curtis Hixon Convention Center, Tampa, Fla., **Oct. 27-29**. Contact: FNATS, Inc., 6535 E. Hillsborough Avenue, Tampa, Fla., 33600, phone: 813/626-4149.

Landscape Industry Cost Accounting Seminar, Empire Room, Newporter Inn, Newport Beach, Calif., **Oct. 28**. Call: 213/941-4900.

National Institute on Park and Grounds Management Eighth Educational Conference, Denver, Colo., **Oct. 29-Nov. 2**. Contact: Erik Madisen, Jr., executive secretary, NIPGM, Executive Offices, National Institute, Box 1936, Appleton, Wisc., 54911, phone: 414/733-2301.

ALCA Design/Build Symposium, Dallas, Tex., **Nov. 8-9**. Call: 703/893-5440.

Eighteenth Annual Missouri Lawn and Turf Conference, Hilton Inn, Columbia, Mo., **Nov. 8-10**. 314/882-7838.

Colorado Annual Pesticide Applicator Workshop, Hilton Inn Airport, Denver, Colo., **Nov. 14-15**. 303/839-2838.

The Irrigation Association Short Course Program, Agricultural Irrigation, Salt Lake City, Utah, **Nov. 14-16**. Call: 301/871-1200.

32nd Annual New York State Turfgrass Conference and Trade Show, The Turf Inn, Albany, N.Y., **Nov. 14-16**. Call: 716/434-5338.

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