

CHAPTER 11

Legal Implications of Mine Closings

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§ 11.01. Introduction.

Regardless of how savvy a mine's management is, how skilled its work force, or how lucrative its contracts, every mine must some day face the reality of closing. The closure of any mining facility, large or small, is usually accompanied by a flurry of activity demanding the immediate attention of mine management. Therefore, management should carefully plan in advance how it will handle each aspect necessary for closure before the process begins. The failure to plan well can result in unnecessary fines, penalties, or costly litigation.

The primary legal concerns of a coal operator who is about to close a mining facility arise from obligations imposed by federal labor and plant closing laws and federal and state environmental statutes. Those laws include the National Labor Relations Act⁽¹⁾ (NLRA), the Worker Adjustment, Retraining, and Notification Act⁽²⁾ (WARN), the Surface Mining Control and Reclamation Act of 1977⁽³⁾ (SMCRA), the Resource Conservation and Recovery Act⁽⁴⁾ (RCRA), the Clean Water Act⁽⁵⁾ (CWA), and the Clean Air Act⁽⁶⁾ (CAA). In addition, both the Federal Mine Safety and Health Act⁽⁷⁾ (Mine Act) and the mine safety legislation for the individual states impose reporting and other requirements for mine closings.

This Chapter briefly outlines the obligations imposed on operators by these regulatory schemes and discusses how compliance with their requirements can be achieved.⁽⁸⁾

§ 11.02. Labor Law Obligations.

The decision to close a mine or related facility may have serious economic consequences not only for the operator, but for those employed at the mine. Congress has attempted to lessen, through legislation, the