



Liabilities of Non-Permit Holders Under the Surface Mining Control and Reclamation Act

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Synopsis

Table with 2 columns: Section Number and Page Number. Includes sections like Introduction to the Surface Mining Control and Reclamation Act, SMCRA's Legislative History and Purpose, SMCRA's Mandates for the Coal Industry, Non-Permit Holder Liability Under SMCRA, and Conclusion.

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§ 8.01. Introduction to the Surface Mining Control and Reclamation Act.

The Surface Mining Control and Reclamation Act of 1977 (SMCRA or Act),² was implemented by Congress to “protect society and the environment from the adverse effects of surface coal mining operations.”³ SMCRA represents a comprehensive federal scheme for controlling surface coal mining and the surface effects of underground mining through permitting, performance and reclamation requirements. To accomplish its goal of protecting the health and safety of the public and of the environment, SMCRA imposes broad-based conditions upon surface and underground coal mining permittees. Pursuant to SMCRA, federal and state regulatory authorities may also impose conditions, and upon violation thereof, liability, upon non-permit holders. This chapter focuses on the liability imposed upon non-permit holders under SMCRA and the state counterparts thereto.

§ 8.02. SMCRA’s Legislative History and Purpose.

Prior to the enactment of SMCRA in 1977, coal mining and reclamation operations were regulated by individual states.⁴ The comprehensiveness and effectiveness of these regulations varied by state.⁵ Non-uniform state regulations among coal producing states and a recognition of the environmental and social costs of surface coal mining fueled the passage of federal surface mining legislation.

Enaction of a federal surface coal mining act was a legislative milestone. Prior to the passage of SMCRA, Congress failed to produce a comprehensive national coal mining act. After six years of activity, including seven congressional bills, three House and Senate conference reports and two presidential vetoes, President Carter signed SMCRA into law on August 3, 1977.⁶

² Surface Mining Control and Reclamation Act of 1977, Pub. L. No. 95087, 91 Stat. 447 (codified at 30 U.S.C. § § 1201-1328(1988)).

³ SMCRA § 102(a), 30 U.S.C. § 1202(a).

⁴ D. Hunt, 2 *Coal Law and Regulation* § § 40.01[1] (1985).

⁵ *Id.*

⁶ *Id.* at §40.03 (citing S. Rep. No. 128, 95th Cong., 1st Sess. 50 (1977)).