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Statement to the United States House of Representatives
Committee on Natural Resources

Surface Mining Control Reclamation Act
A 30th Anniversary Review

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Mr. Chairman, my name is Mark Yingling. I am the Vice President of Environmental Services and Conservancy for Peabody Energy and a member of the Executive Board for the Illinois Coal Association and I am committed to the proper utilization and sustainability of this country's natural resources.

According to the U.S. Energy Information Administration, the United States currently imports 59 percent of its oil requirements. This dependence is expected to grow 70 percent by the year 2025. Additionally, natural gas accounts for 16 percent of America's energy imports.

Even with our current dependency on foreign energy supplies, we need to celebrate the enormous American coal resource that has added to the security of energy in the United States. Coal mining shoulders half of this Country's electricity generation while lessening the dependence on foreign oil and, increasingly, our dependence on imported natural gas.

Prior to SMCRA being enacted in 1977, many State Agencies, Trade Associations and Coal Operators, in conjunction with local Legislatures, had already established private/public partnerships to address mine reclamation. These groups developed regulations for re-grading, soils replacement, and revegetation. Programs like Peabody's Operation Green Earth and the early State regulation provided much of the basis for SMCRA which, in turn, has guided the mining industry to its current high level of excellence in environmental stewardship. Mine reclamation has advanced from one of this Nation's major environmental challenges in the 70's to being a success story of private/public partnership. Through initiatives like the Asian Pacific Partnership, many requirements of SMCRA are now being used as examples of best practice across the globe.

SMCRA provides for open involvement from stakeholders, regulators, and the public. The permit application, review, approval and modification processes allow for full characterization of the pre-mine resources, consistent mining and reclamation plans, public input, and dependable "bright lines". The Applicant Violator System, Financial Assurance requirements and Bond Release performance standards assist in maintaining a high degree of industry credibility. The ever present inspection & enforcement provides for ongoing dialogue on planning and performance requirements. Reclamation of prime farmland, water resources, fish & wildlife resources, forestry, and rangeland, once thought to be a major challenge, now is

routinely accomplished. These on-going successes support the realization that mining is a temporary use of the land and that value creation can extend well beyond mineral extraction.

A large part of the success of SMCRA is attributable to the singular focus on mining as opposed to programs that address multiple industries. SMCRA is a mature program administered by experienced and knowledgeable mining professionals in both the Federal and State programs. This level of professionalism helps to provide the consistency and regulatory certainty needed by a dynamic coal industry.

While SMCRA has proven to be a successful program, there is always room for improvement. The ingenuity that has given confidence to achieving many sensitive and difficult performance standards now needs to be used to become more efficient in meeting and even exceeding these same requirements. A concerted effort should to be made to fully utilize existing resources. A prime example includes the AML fund where remaining projects should be finished as soon as practical.

Another area that should be fully promoted are the benefits of reduced grading which includes lower soil compaction, reduced erosion, higher soil moisture retention, better water quality and lower fuel consumption. An associated benefit of reduced grading is increased vegetation production both above ground and within the rooting media which all leads to greater uptake and retention of atmospheric carbon dioxide.

An ongoing source of permitting inefficiency is Section 401 and Section 404 of the Clean Water Act. These requirements are, for the most part, addressed in the SMCRA requirements. This triple overlap of regulation is confusing, inefficient, costly (for both Operators and Regulators), and blurs the “bright lines”.

Additionally, while SMCRA provides solid guidance, a “one-size-fits-all” approach is not always appropriate. Coal regions span the US and have wide ecological, hydro-geological, and climatalogical differences. SMCRA needs to allow for flexibility in the use of local proven practices such as grading diversity that creates wildlife protection zones, small depressions that supplement the landscape, sinuous drainage patterns that improve drainage stability, topsoil substitutes that improve plant diversity and partial highwall retention that improves wildlife habitat and aesthetics.

Thank you for allowing me to provide these comments. Following is a brief set of slides on a few of the many successes during the past 30 years of SMCRA.