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Surface Mining

Important article

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See "Dept. of Conservation"!



State's Reorganized Rules Could Threaten West Tennessee

By MARVIN BAILEY

IN October Gov. Lamar Alexander announced a reorganization of Tennessee's surface-mining regulatory program. It is one reorganization that should cause concern among West Tennesseans because it promises to allow virtually unregulated exploitation of the area's vast lignite deposits.

In the past both the Department of Public Health's division of water quality control and the Conservation Department's division of surface mining have held joint authority for reviewing and issuing permits to surface miners. The dual permit system, while obviously less efficient to the mining industry than a single-stop permit system, at least afforded Tennesseans a degree of protection against strip mining's considerable threat to soil and water resources.

ALEXANDER'S REORGANIZATION consolidates the two functions and places them in the Department of Conservation, which has the dubious distinction of being the weakest of state agencies and one traditionally used by governors to reward political friends who either know nothing about environmental issues or care nothing about them.

In either case, surface-mining regulation in Tennessee is a disgrace. And the blame lies at the admin-

istrative level, for dedicated and concerned personnel attempt to enforce the regulations.

Recently, for example, a mining inspector who cited the Carbonex Coal Co. for land-reclamation violations was taken off the job after the lawyer who represented the company (and who was a strong political ally of Governor Alexander) complained. More recently, Conservation Commissioner Ann Tuck, against the advice of the director of surface mining, ruled that a convicted wildcat strip miner could, indeed, mine again in Tennessee.

The reorganization also calls for moving the new office for permit review to Knoxville. The ramifications of such a move are critical to the enforcement of mining laws in Tennessee. In one instance, the move totally ignores the fact that West Tennessee is soon to be subject to considerable surface-mining activity.

The state is having to implement a new surface-mining law at a time when personnel in both water quality and surface mining have chosen not to move to Knoxville. Three of five staff members in water quality and four from surface mining have resigned as a result of the reorganization. Also, all staff attorneys in the Department of Conservation have resigned.

Most telling, however, is the resignation of the director of surface mining, C. C. McCall, whose recent appointment as director was endorsed by environmental organizations.

McCall summed up the danger in a letter to Commissioner Tuck: "Loss of experienced personnel, at this time, is about the worst thing that could happen with only 60 days or so left to change the state regulations, procedures and promulgate regulations. We were on a tight schedule with a very small experienced staff. New inexperienced people cannot contribute much."

Although the reorganization is promoted as a move toward greater efficiency in state government, Alexander demonstrated the true nature of the action when he recently appointed to the state Board of Reclamation Review two strip mine operators and one lawyer who represents strip miners. The governor has appointed no representative from environmental organizations and no representative from citizen groups in areas affected by surface mining.

WEST TENNESSEANS now should join with others across the state and urge that the federal Office of Surface Mining take over the job of strip-mine enforcement in Tennessee.