

HOUSE No. 349

By Mr. Norton of Fall River, petition of Thomas C. Norton relative to regulating the environmental impact from mining coal in the Commonwealth. Energy.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT TO REGULATE THE ENVIRONMENTAL IMPACT FROM MINING COAL
IN MASSACHUSETTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The General Laws are hereby amended by deleting the existing
2 Chapter 21B and substituting the following chapter:

CHAPTER 21B

MINING REGULATION AND RECLAMATION

Section 1. Title

6 This act shall be known and may be cited as the "Massachusetts
7 Coal Mining Act".

Section 2. Intent and Purpose

9 The objective of this act is to provide for the prudent use and safe
10 and reasonable reclamation of land and water areas, both public
11 and privately owned, where disturbances will be created by coal
12 mining. It is the purpose of this act to permit an efficient coal
13 mining industry in this commonwealth compatible with the protec-
14 tion of taxable value of property, the protection of the environ-
15 ment, the conservation of natural resources and preservation of
16 aesthetic values, the protection and promotion of the health and

17 safety of the people of this commonwealth consistent with the
18 rights and interest of property owners and all citizens of the com-
19 monwealth and with maximum employment and the economic and
20 industrial well-being of the commonwealth.

21 The potential for development of this commonwealth's coal
22 resources requires that measures be adopted to assure the growth
23 of the mining industry in a manner that will not have undue adverse
24 affects upon other natural resources, the environment, or the
25 people. The intent of this act is to devise an orderly and equitable
26 system whereby mining operations may be carried out in a manner
27 to the public interest. The commonwealth has the responsibility
28 and the authority to act for the general welfare of its inhabitants by
29 insuring that mining operations are conducted in accordance with
30 sound principles of conservation, health, safety and reclamation,
31 and with regard for protection of lands, waters, forests, air, wildlife
32 and other resources and to improve the use and enjoyment of the
33 natural resources of the commonwealth.

34 *Section 3. Findings*

35 It is the finding of the legislature and governor that the provi-
36 sions of Federal Public Law 95-87, the Surface Mining Control
37 and Reclamation Act of 1977 are directly addressed to, and are
38 sufficient to achieve, the intent and purpose of this law.

39 *Section 4. Means*

40 To accomplish the purpose of this act the commonwealth shall
41 utilize the coal mine regulatory authority and rules and regulations
42 of the U.S. Department of the Interior, Office of Surface Mining
43 promulgated under Public Law 95-87.

44 The Massachusetts state geologist in the department of environ-
45 mental quality engineering shall also be designated as the director of
46 the Massachusetts Mining Authority. In such capacity he will serve
47 as the commonwealth's administrator to carry out the purpose of
48 this act.

49 He shall be empowered to:

50 1. Act as the commonwealth's liaison officer to the Federal
51 Office of Surface Mining.

52 2. Prepare and recommend rules, regulations, and suggested
53 legislation as required to better fulfill the intent and purpose of the
54 act and the needs of the commonwealth.

55 3. To review coal mining plans and schedules and reclamation
56 plans and express the commonwealth's views to the Federal Office
57 of Surface Mining.

58 4. To accept and use such funds, appropriations, facilities, per-
59 sonnel or equipment as may be or may become available for the
60 purposes of this act.

61 5. To act as the commonwealth's liaison officer concerning
62 provisions of this act with all federal and state agencies, industry,
63 and all interested parties.

64 6. To act as the commonwealth's public information officer
65 concerning all provisions of this act.

66 7. To enter in and inspect coal mines or land affected by coal
67 mining at any time for the purpose of determining whether the
68 intent and purpose of this act are being met. Inspections shall be
69 conducted not less than four times each year. Unsatisfactory con-
70 ditions or problems shall be brought immediately to the attention of
71 cognizant officers of the federal office of surface mining, and if
72 appropriate to federal, state and local environmental, public health
73 and safety, labor, zoning, and conservation officials and to the
74 governor.

75 *Section 5. Repeal*

76 It is intended that this act shall implement existing law applica-
77 ble to mining, water pollution or impoundment, air quality, dredg-
78 ing and filling or reclamation and that only provisions of such law
79 which directly conflict with or are inconsistent with this act are
80 hereby repealed to the extent of such conflict or inconsistency.

81 Local zoning and planning ordinances and procedures are not
82 superseded by this law, except for conflicts or inconsistencies as
83 noted in the previous paragraph.

84 This act specifically does not affect mining or industrial health
85 and safety laws. The authority shall have no jurisdiction over
86 working conditions for the mine labor force.

87 Hereby repealed is pre-existing twenty-one B, Mining Regulation
88 and Reclamation, An Act Regulating Coal Mining Operations in
89 the commonwealth of the acts and resolves of 1977 approved by the
90 governor on January 11, 1978.

91 *Section 6. Records*

92 The Authority shall keep a journal or record of all inspections,

93 examinations, work done, and copies of all official communica-
94 tions; and is authorized to procure such books, instruments and
95 chemicals, or other tests, as may be found necessary to the proper
96 discharge of duties under this act, at the expense of the common-
97 wealth. All instruments, plans, books and records pertaining to the
98 Authority shall be the property of the commonwealth.

99 The director shall, at all times, be accountable to the governor
100 for the faithful discharge of his duties imposed on him by law, and
101 the administration of the Authority and the rules and regulations
102 pertaining to said Authority shall be subject to the approval of the
103 governor.

104 The director shall prepare and submit to the governor an annual
105 report on the activities of the authority. Any violations of the intent
106 and purposes of this act, environmental damage resulting from
107 said violations, and corrective or preventative actions taken shall
108 be catalogued in the annual reports.

109 *Section 7. Severability*

110 The provisions of this act are severable; and if any part, section,
111 subsection, clause, paragraph or phrase of the act shall be adjudged
112 invalid or unconstitutional by any court of competent jurisdiction;
113 such judgment shall not affect, impair or invalidate the remainder
114 of this act, but shall be confined in its operation to that element of
115 this act directly involved in the controversy in which such judgment
116 shall have been rendered.

117 *Section 8. Effective Date*

118 The act shall become effective on July first, nineteen hundred
119 and eighty-one.