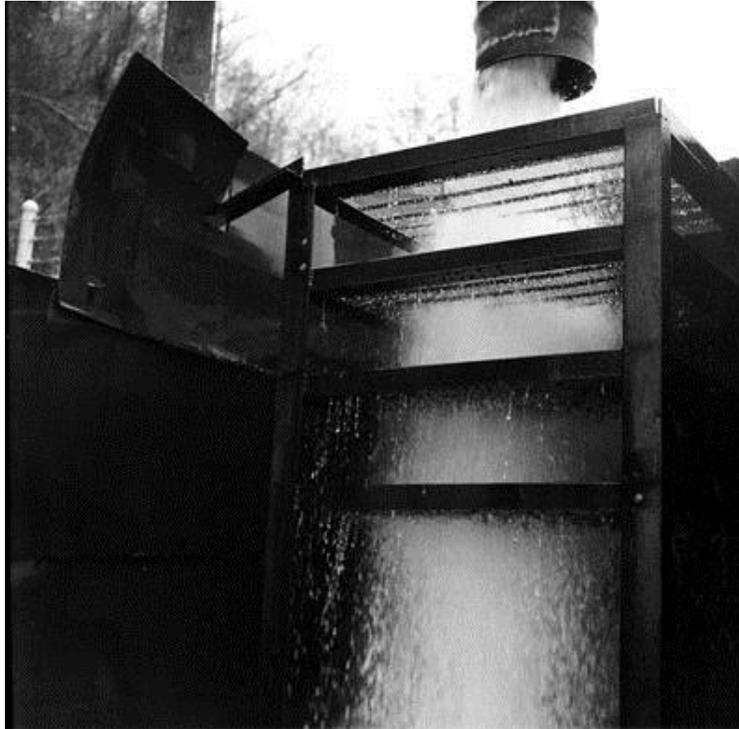


ON THIS DAY IN WEST VIRGINIA HISTORY AUGUST 13



Acid mine treatment plant

On August 13, 1992, Governor Gaston Caperton announced the creation of the West Virginia Streams Restoration Program, dedicated to treating acid drainage from coal mining.

CSO: SS.8.6 and SS.8.9

Investigate the Document: (Extracted from *Acid Mine Drainage Bond Forfeiture Report Submitted to the 1994 Legislature Of West Virginia December 31, 1993, West Virginia Division of Environmental Protection*)

1. What was the purpose of the bond forfeiture/special reclamation program?
2. Which two environmental calamities are cited as being the reason an emphasis has always been on stabilization of disturbed mined lands?
3. This geochemical phenomenon features the forming of sulfuric acid and high concentrations of iron, manganese, and other dissolved metals which are harmful.

Think Critically: Why is it important that streams be kept free from pollution? How can you assist in this effort?

EXECUTIVE SUMMARY

The State has administered a bond forfeiture and/or special reclamation program since before 1959. Operated as two separate programs initially, the programs were combined by an act of the Legislature in 1980, and has functioned since that time as a "bond pool". This action was taken by the Legislature to meet the requirements of the federal Surface Mining Act of 1977 (SMCRA) under which the State was granted, in 1981, primacy to administer its mining and reclamation program. The purpose of the bond forfeiture/special reclamation program was to reclaim and restore mined lands which were abandoned or orphaned by mining companies. Funding for the program arises from three sources: (1) forfeiture of performance bonds posted by mining companies to guarantee compliance with reclamation laws; (2) civil penalty assessments resulting from violations of the law by mining companies; and (3) a special three-cent per ton tax on coal production. The collective fund is characterized under SMCRA as a "bond pool" because monies from the fund are used to supplement expenditures for mine land reclamation where the initial bond posted by the mining company is not sufficient to cover reclamation costs incurred by the State.

Historically, the fund was created and is maintained so that the State, through construction contracts, can restore forfeited mine

sites to a safe and aesthetically-pleasing condition. The emphasis has always been on stabilization of drastically disturbed mined lands to prevent landslides and soil erosion. More recently, considerable attention has been focused on prevention and treatment of acid mine drainage from both active and abandoned mine lands. Formation of acid mine drainage at mine sites is a geochemical phenomenon which occurs through the weathering of exposed minerals that naturally occur in the earth and rock overlying coal seams. These minerals, when weathered, form sulfuric acid and high concentrations of iron, manganese, and other dissolved metals which are harmful to life-forms in the streams and rivers of the State. Heightened public awareness of this condition has led many to the conclusion that the State should address the acid mine drainage problems on bond forfeited sites in conjunction with land reclamation. Both state and federal law contemplates that the responsibility for water discharges from these sites are the responsibility of the mining company, even though the company may be in default and its bonds forfeited. Many believe that the law can be interpreted differently, placing the ultimate responsibility for abatement and treatment with the State. Regardless of one's legal point of view, the State clearly is the custodian of the public's water resources, and has a moral obligation to protect these resources from harmful impacts where possible.