

Former DEP chief speaks out on mining reclamation – 7/26/07

By Scott Finn, West Virginia Public Broadcasting

Studio lead: For more than four decades, David Callaghan has helped regulate the mining industry in West Virginia. He saw what it was like before the federal government got involved in regulating surface mines. In 1977, he and his boss, then-Governor Jay Rockefeller, helped convince Congress to pass the Surface Mining Control and Reclamation Act.

Most recently, he served as director of the Division of Environmental Protection under former Governor Gaston Caperton. While he was DEP chief, he witnessed the tremendous growth of mountaintop removal mining in West Virginia. Now he's retired, and he's speaking out. Scott Finn reports.

Finn: Right now, there are at least three major filmmakers working on documentaries about mountaintop removal in West Virginia. Just in the last few weeks, Grammy-winner Kathy Mattea and environmentalist Robert Kennedy Jr. have visited Larry Gibson's homeplace up on Kayford Mountain to see his 180-degree view of a mountaintop removal site.

It seems like there's a lot of new interest in the environmental aspects of surface mining. But Callaghan says he's seen it before.

Callaghan: Well, the current controversy over surface mining has never gone away...The big difference is, so much bigger. Surface mining less than 20 percent – now more than 40 percent

Finn: Back then, the problem was contour mines, which tore the sides out of a mountain. They left behind sheer cliffs called high walls. West Virginia passed laws in the early 1970s to deal with the problem, but many states did not. Callaghan says that's one reason why we needed a federal surface mining law.

Callaghan: We required elimination of high walls in West Virginia – none of the surrounding states did, competitive disadvantage – also AML – so Rockefeller went up there to testify, Carter signed it

Finn: But the coal industry got one thing it wanted. The states, not the federal government, would have primary control of the surface mining program.

Callaghan: The one thing the coal industry didn't want, they didn't want the federal coal industry in here, because they thought a state program would be somewhat sympathetic. The feds stepped back, and they stepped pretty much out of the picture.

Finn: Callaghan says that SMCRA has accomplished a lot. It set up a fund to reclaim abandoned mine lands, and it strengthened the state's weak laws involving runoff from underground mines.

But when it comes to mountaintop removal, he says SMCRA is falling down on its main goal – restoring the land.

Callaghan: When you take a forested area...you have a totally different environment, and it has always been difficult to establish forest stands after such a catastrophic change.

Finn: Callaghan has spent a lifetime working to promote and improve the coal industry. But now, he's left with doubts.

Callaghan: If you take the long viewpoint, lion's share of riches out of southern West Virginia, but impoverished...

Finn: For West Virginia Public Broadcasting, I'm Scott Finn in Charleston.