



IMCC 2012 Annual Meeting Held in Asheville, North Carolina

The Interstate Mining Compact Commission's (IMCC) 2012 Annual Meeting was held from April 29 - May 2, 2012 at the Biltmore DoubleTree Hotel in Asheville, North Carolina.

A welcoming reception kicked-off the meeting on the evening of Sunday, April 29. The opening session began on Monday morning, April 30 with a welcome address presented by the Honorable Dee Freeman, Secretary of the North Carolina Department of Environment and Natural Resources. The General Session followed featuring the following speakers and topics: Peter Margolin, Retired, U.S. Geological Survey presented "From Stone Age to Space Age: 2,000 Years in the Mines of the Blue Ridge"; Dr. Kenneth Taylor, Chief, North Carolina Geological Survey Section spoke on "Shale Gas Exploration in North Carolina"; and Anna Krzyszowska-Waitkus of the Wyoming Department of Environmental Quality and Scott Belden with Peabody Powder River Operations, LLC spoke on "Geospatial Tools for Tracing Bond Release at a Large Wyoming Surface Coal Mine." The speaker session was followed by a joint meeting of the Mine Safety and Health and Noncoal Environmental Affairs Committees. A field trip via the scenic Blue Ridge Parkway to the Wiseman-Sullins (Permit #61-02) feldspar mine site located in Mitchell County in the Spruce Pine area, followed by a networking dinner at the Little Switzerland Inn, took place on Monday evening.

On Tuesday morning, May 1, a meeting between IMCC and the federal Office of Surface Mining (OSM) was held followed by a joint executive session of the Abandoned Mine Lands and Coal Environmental Affairs Committees. The Annual Awards Reception and Banquet took place on Tuesday evening where the 2012 IMCC National Reclamation Awards and Minerals Education Awards were presented.

IMCC's Finance and Administrative and Resolutions Committees met jointly on the morning of Wednesday, May 2, followed immediately by the Executive Commission Business Meeting which concluded the Annual Meeting.

A Newsletter Published by
Interstate Mining Compact
Commission

Upcoming Meetings:

IMCC 2012 Mid-Year Meeting

October 11 - 12, 2012
Renaissance Blackstone Hotel
Chicago, Illinois

For more information on IMCC Meetings as it becomes available, visit our website: www.imcc.isa.us and click on the "Conferences" tab. Some presentations from IMCC Meetings and Workshops can also be viewed on the website at the "Conferences" tab. Copies of IMCC's Compact Newsletter are available on the website by clicking on the "Publications" tab.

Contact Information:

Interstate Mining Compact Commission
445-A Carlisle Drive
Herndon, VA 20170
Ph: 703.709.8654 / Fax: 703.709.8655
Email: gconrad@imcc.isa.us or
bbotsis@imcc.isa.us

IMCC Presents 2012 Annual National Reclamation Awards

The Interstate Mining Compact Commission (IMCC) presented its Annual National Reclamation Awards at the Awards Banquet held during the 2012 Annual Meeting in Asheville, North Carolina on the evening of May 1. Named after the charter executive director of the Compact, the Kenes C. Bowling National Mine Reclamation Awards are presented each year to mining operations in the coal and noncoal categories that have demonstrated excellence in reclamation based on achievement in five categories: compliance; contemporaneous reclamation; drainage control; bond release (or reclamation success); and innovativeness.

The 2012 winner in the coal category was the North Antelope Rochelle Mine of Peabody Powder River Operations, LLC located in Campbell County, Wyoming. The 2012 winner in the noncoal category was the R.E. Sansom Mine and Mill of Virginia Vermiculite, LLC located in Louisa County, Virginia.

The North Antelope Rochelle Mine covers 46,000 permitted acres and produces over 100 million tons of coal per year. Employing over 1300 people, the mine consists of more than 400 compliance features, including pond structures, topsoil stockpiles, culverts, alternate sediment control measures, ground water monitoring wells and surface water monitoring stations. Approximately 6,000 acres have been reclaimed, of which 4,800 acres have been approved for Phase I bond release under Wyoming's regulatory program. Recent reclamation activities have included the reconstruction of a stream channel of Porcupine Creek, an important drainage in the immediate mine area. The reconstruction required specialized reclamation methods, including precise grading of various flood plains and placement of acceptable substitute alluvium. Reclamation also required the construction of wildlife features to support the postmined land use function in the form of rock piles, snags and nest platforms. Given the significant contemporaneous reclamation effort at the mine, a series of ten photo points throughout the permit area have been established which allows the regulatory authority to monitor the progress of the backfilling and grading operations on a continual basis.

One of the innovative practices utilized at the North Antelope Rochelle mine, which was jointly developed by the Wyoming Land Quality Department and Peabody Powder River Operations, LLC, is the creation of an electronic geodatabase to track bond release reclamation verification criteria and assess compliance with the regulatory requirements and permit commitments. This pioneering geodatabase is the first spatially supported database developed in Wyoming for mined land reclamation bond release and inspection purposes. The system uses a combination of Global Positioning System (GPS) and Geographical Information System (GIS) technology which enables state inspectors to monitor selected compliance features such as sediment ponds, topsoil stockpiles, culverts, alternate sediment control measures, groundwater monitoring stations, erosion and wildlife features. This has helped to streamline the preparation of inspection reports and accelerate the processing of bond release requests, as well as facilitating the tracking of bond released lands. It has also allowed greater transparency and availability of data and information to the public.

The 2012 winner in the noncoal category, Virginia Vermiculite LLC operates the R.E. Sansom Mine and Mill on approximately 130 acres of land in Louisa County, which is home to large and small farms, some of historical importance. Virginia Vermiculite is one of only two companies mining this mineral in the United States, which is geologically similar to mica. The vermiculite makes up about 25% of the mined raw material. A wet process is used to separate the mineral from the raw feed and the balance of the mined material is returned to mined-out pits in slurry form. The reclamation site encompasses the original processing plant site, raw and finished material storage areas, equipment shop and a pit/pond area. The tailings from the processing plant were returned to the pit. Following a period of drying out, the area was graded to nearly its original contour. The mine operator experienced a shortage of topsoil on site and therefore arranged for excess spoil from a nearby commercial project to be used. After topsoil replacement, the operator used a variety of seed mixtures to enhance the postmining land use of pastureland and grazing. The operator also improved drainage and erosion control to preserve the topography of the area using a combination of rip-rap, gabion, silt fencing, erosion control fabric and straw bales.

The property encompassing the R.E. Sansom Mine is one of very few mineral sites where nearly all of the land was returned to its original contour and use. The property owner did not want ponds of any type left following mining and in fact gained pasture acreage following mining. The land owner also requested that specific structures be left in place for his cattle operations, including pole barns for hay and farm equipment and truck scales for weighing cattle. The farm has been accepted into the Virginia Outdoors Foundation conversation easement program, which limits future property development while leaving the land in private ownership. The property is also part of the first rural National Historic District designated and administered by the National Park Service.

IMCC Presents 2012 National Minerals Education Awards

The Interstate Mining Compact Commission (IMCC) presented its Annual National Minerals Education Awards at the Awards Banquet held during the 2012 Annual Meeting in Asheville, North Carolina on May 1. Begun in 1999, the minerals education awards are presented each year in two categories: the mining awareness educator category and the public outreach category. The mining awareness educator award is presented to a teacher or school from one of the 24 member states of the IMCC that has achieved excellence in one or more of the following categories: provided educational outreach in an innovative manner that increases the level of understanding in the classroom and/or community about mining and its impacts; promoted environmental stewardship while enhancing the understanding of issues associated with mining and natural resource development; and/or created unique educational materials or curriculum demonstrating the production and/or use of minerals and associated environmental protection. The criteria can be met through classroom and/or out-of-classroom (i.e. field trips, mine tours, etc.) activities. The winner received an apple plaque and a \$500 cash award for classroom resource materials. The public outreach award is presented to an industry, environmental, citizen or other group, or to a state government body, that has achieved excellence in one or more of the following categories: provided educational outreach in an innovative manner that

increases the level of understanding in the community about mining and its impacts; promoted awareness of environmental stewardship associated with mining through active involvement of citizens; fostered cooperation and partnerships with diverse groups to achieve understanding; enhanced the understanding of issues associated with mining and natural resource development; and/or fostered public education through mine tours, visitor centers, community awareness days, career days, personnel volunteerism in the schools, maintaining adopt-a-school programs or education partnerships, or any other innovative initiative deemed deserving by the awards committee. There were two winners chosen in the public outreach category for 2012. The winners were each presented with an engraved plaque of recognition.

The winners in the public outreach category for 2012 were Lignite Energy Council located in Bismarck, North Dakota, and Paul H. Griggs, President and Principal Geologist with Griggs-Lang Consulting Geologists, Inc. in Troy, New York.

For the past 25 years, the Lignite Energy Council (LEC) has sponsored an annual teacher education seminar. The annual 4-day seminar provides teacher participants with a broad understanding of the lignite coal industry and the important role it plays in providing electricity to the region and job opportunities. One day is devoted to touring mining operations, reclamation sites and coal conversion facilities. Tours also include a power plant and the Great Plains Synfuels Plant. Seminar presenters include educators, researchers, lignite industry representatives and government officials. Teachers attending the seminar receive lecture outlines on each presentation, examples of lesson plans, classroom exercises, coal and ash samples, audiovisual materials, and information on the facilities they tour. They also receive resource guides listing publications and audiovisual materials available for energy education. The seminar is open to grade 3-12 teachers from North and South Dakota, Montana and Minnesota, all states which are served by the North Dakota lignite industry. Lodging and meals are provided by the LEC and teachers can receive 2 graduate credits for completion of the course, also paid for by LEC. Since 1986, more than 2,600 teachers have attended the seminar.

Paul Griggs' educational outreach activities have included informational meetings and quarry tours for state legislators, regulators, local government officials and science teachers. He has also led mine tours for seniors, fossil hunts and educational quarry tours for elementary school groups and the Boy Scouts and Girl Scouts. In addition, he has given numerous presentations to college students about geology, minerals and mining. Mr. Griggs educates groups from all segments of society about the importance of mining and mineral resources, the variety of uses for minerals, and environmental and regulatory controls related to mining. In addition, Mr. Griggs works with the New York State Department of Environmental Conservation's Division of Minerals in its "Smart Planning" initiative to educate local governments on the need to plan for future use of the mineral resources within their boundaries. He also serves as a volunteer on task force groups sponsored by New York Construction Materials, Inc, a non-profit industry membership association, to develop and educate members on best management practices for blasting, stormwater control and other environmental controls. He has provided an internship for a student interested in mining and geology; led numerous quarry, fossil finding and cave tours; given classroom presentations on geology, the need for mining, and mining processes; and made presentations to the Science Teacher's Association on "The Economic Impact and Need for Mining and Educational Opportunities", along with numerous other volunteer outreach activities.

The winner in the mining awareness educator category for 2012 was Justin (Jud) M. Spanneut, an earth science teacher with New Hartford Central Schools in New Hartford, New York. Since 2007, Jud Spanneut and his colleagues at the New Hartford Central Schools have been developing and implementing field trip experiences for students, teachers, and parents at two quarries. "Horizons Day" is an annual field trip for students to a quarry to study geology, locate fossils, and consider the environmental challenges associated with an aggregate quarry. Students are given the opportunity to speak directly with the quarry superintendent, heavy equipment operators, truck drivers, geologists, safety personnel, highway engineers and mining company management personnel. They are exposed to these and other career opportunities found in the quarry, including blasting and quality control, among others. The tour is organized to follow the entire path of aggregates production from the face, to the processing plant and hot mix production. Each student is given a packet of information and essay questions to complete. Jud and his team also put together earth science field trips which are attended by over 200 students in one day. These trips focus on the geology at the quarry face, fossils, the environmental impacts of a quarry, and the production of hot mix asphalt. Geologists are on-site to point out rock units in the highwall. Hundreds of feet of rock core are laid out on the quarry floor which are used to teach about exploration geology to the students. Students are given fossil guides to help identify their finds during a fossil hunt. A teaching section about the use and importance of recycled asphalt pavement is covered during the production phase of the tour, along with a discussion about the stockpile of glass which some customers request be added to the hot mix as aggregate. Mined land reclamation and the end use of the property once mining has ceased are also discussed. The team also organized a field trip to the quarry for regional earth science teachers in cooperation with the Mohawk Valley Science Teachers Association in 2009.

In addition to the award winners, honorable mentions were presented this year in the public outreach categories to Best Sand Corporation in Chardon, Ohio and to the Kentucky Coal Mining Museum and Portal 31 in Benham, Kentucky.

IMCC Adopts Updated Strategic Plan; Focuses on Enhanced State Services

The Interstate Mining Compact Commission (IMCC) adopted a revised and updated strategic plan at its recent annual meeting in Asheville, North Carolina on May 2, 2012. Under the new strategies for action, IMCC will focus its efforts over the coming years on enhanced services to the member states pursuant to three main goals: 1) improved methods for communication with and information exchange among the member states (and like-minded state government organizations) to enhance state regulatory program implementation; 2) enhanced working relationships with federal government agencies and Congress to effectively communicate state positions on key issues and to foster partnerships; and 3) advancing the organizational, institutional, financial and administrative integrity of IMCC, including the addition of new member states and retention of existing member states. The plan includes several specific strategies for action and performance measures. The strategic plan is intended to accomplish IMCC's vision of serving as an advocate for the member states through information exchange, effective communication, benchmarking initiatives, liaison with the federal government and educational outreach in an effort to assist the states in fulfilling their dual responsibilities of assuring development of their abundant and strategically important mineral resources while protecting and improving the environment. A copy of IMCC's strategic plan can be found on IMCC's website at: <http://www.imcc.isa.us/Pubs/SFA.htm>.

IMCC Member States Meet with MSHA Officials

Pursuant to its Memorandum of Agreement (MOU) with the Mine Safety and Health Administration (MSHA), members of the Interstate Mining Compact Commission's (IMCC) Mine Safety and Health Committee met via conference call with officials from MSHA on April 10 to discuss a host of common issues and concerns. Among the topics of discussion were proposed memoranda of understanding between the states and MSHA regarding coal refuse piles, impoundments and dams; protocols for dam safety inspections; state training grants; miner certifications and a potential tracking system; digitizing mine maps; and MSHA/state communications and information exchange.

OSM/State Regional Meeting in Appalachia

Member states from the Interstate Mining Compact Commission (IMCC) met with officials from the Office of Surface Mining's (OSM) Appalachia Regional Office on June 5 and 6 in Roanoke, West Virginia to discuss several issues arising under the Surface Mining Control and Reclamation Act (SMCRA). Among the topics of discussion at the meeting were long-term impacts downstream of valley fills in headwater streams of the Central Appalachians; watershed health as an oversight tool; state water quality standards under SMCRA permits; regulatory program electronic management information and tracking system; new requirements for state abandoned mine land (AML) and regulatory grants; interagency coordination; Marcellus Shale development influence on coal mining; the future outlook for coal production; bonding and financial assurance; and state reports and regional priorities. The meeting was followed by a field trip to a nearby bond forfeiture permit to observe a water treatment system.

IMCC Testifies at Legislative Hearings on Alaska Compact Bill

The Interstate Mining Compact Commission's (IMCC) Executive Director, Greg Conrad, testified at several legislative hearings in late March and early April on a bill to bring the state of Alaska into the Compact as a full member state. Mr. Conrad testified via conference call at hearings held by the House Resources and Finance Committees and by the Senate State Affairs and Finance Committees. The bill passed each of these committees, as well as the Alaska House of Representatives, but stalled in the Senate. Plans call for the legislation to be reintroduced in the 28th Alaska legislature in January of 2013. Copies of Mr. Conrad's testimony are available from IMCC.

House Committee Approves Limits on EPA/Corps Authority to Regulate Waters of the U.S.

The House Transportation and Infrastructure Committee recently approved H.R. 4965 which would prevent the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers from issuing proposed guidance that would expand federal jurisdiction over waters protected under the Clean Water Act. The bill would block the two agencies from using the current proposed guidance as the basis for promulgating any rules or issuing any decisions going forward. The bill was originally introduced by Committee Chairman John Mica (R-FL) in response to indications from EPA that it intends to publish final guidance that eliminates the term "navigable" from the Clean Water Act and move regulatory jurisdiction away from the states for certain waters. "Any agency efforts to expand the federal government's regulatory reach must be done with transparency under the Administrative Procedures Act – not the unlawful, backdoor conversion of publicly un-vetted agency guidance into de facto federal regulation", Chairman Mica said. The House Interior Appropriations Subcommittee also included language in its version of the FY 2013 Appropriations bill prohibiting EPA from using funds to implement the guidance.

OSM Stream Protection Rule is Subject of Congressional Subpoenas

As part of a congressional investigation regarding a proposed rule on stream protection by the Office of Surface Mining (OSM), the House Natural Resources Committee issued two subpoenas for the production of documents related to the rulemaking. Expressing frustration at the Administration's alleged non-production of key documents, Committee Chairman Doc Hastings (R-WA) released documents and tape recordings obtained independently by the Committee that raise questions about the rewrite of the "stream buffer zone" rule. The unofficial transcripts and digital audio recordings consist of approximately 30 hours of meetings between OSM personnel and the contractors that were hired to help prepare the rule and accompanying EIS. "The Interior Department must fully comply with both subpoenas and answer key questions about what they are doing, why they are doing it, and how it is being done," said Chairman Hastings. "As these documents reveal, the Administration is fully aware that thousands of American jobs are at stake and it's far past time for them to be open, honest and transparent." For its part, the Interior Department responded that the subpoenas are "inappropriate and premature" and said it has provided 13,000 pages of documents in response to the Committee's investigation.

EPA Issues Preemptive Watershed Assessment for Proposed Pebble Mine in Alaska

In a preemptive assessment of the potential impacts of large-scale mining in Alaska's Bristol Bay watershed, the U.S. Environmental Protection Agency (EPA) recently concluded that extracting billions of pounds of gold, copper and molybdenum from the hills above the Bay would likely result in the direct loss of up to 87 miles of streams and nearly seven square miles of wetlands. EPA further concluded that "at a minimum, mining at this scale would cause the loss of spawning and rearing habitat for multiple species of anadromous and resident fish." The agency's assessment, undertaken prior to the submission of any mining permit applications, generated strong reaction from Alaska Governor Sean Parnell's administration about the legality of EPA's actions.

Kentucky Responds to OSM Action on Bonds for Surface Coal Mines

In response to action by the Office of Surface Mining (OSM) to potentially take over the bonding portions of the Commonwealth of Kentucky's regulatory program under the Surface Mining Control and Reclamation Act (SMCRA), the Kentucky Energy and Environment Cabinet will issue new regulations to increase bonding amounts for all surface coal mining and reclamation operations. Kentucky Commissioner of Natural Resources Steve Hohmann noted that the state has been working for the past several years with coal companies, regulators and environmental groups to fashion a compromise on bonding requirements that would address OSM concerns. Under the emergency regulations that immediately went into effect in mid-May, the minimum bond amount will increase from \$10,000 to \$75,000. "We think we have a plan in place to address the deficiencies that OSM has noted in their 733 letter," Hohmann said. "We think that we have a good plan going forward and that we will bring this to a resolution in a timely manner." Kentucky's formal response to OSM is available from IMCC.

Virginia Uranium Working Group Holds Public Meeting

In January, 2012, Governor Bob McDonnell of Virginia created the Uranium Working Group after asking the state's General Assembly to delay making a decision on ending Virginia's 30-year ban on mining uranium. The multi-agency group made up of state mining, environmental and health officials will study the consequences of uranium mining and develop the regulatory framework and safeguards that would allow uranium to be safely mined in Virginia. The process of developing regulations could take about two years. Virginia has never had a uranium mine and has no regulations currently in place for mining the metal and is examining the issues in light of a proposal by Virginia Uranium Inc. to mine one of the largest known uranium deposits in the world located in Chatham near the North Carolina state line.

The working group held a public meeting recently in Pittsylvania County where a 119-million-pound deposit of the ore is located. Officials from the Virginia Department of Mines, Minerals and Energy, a state geologist and a consultant hired by the working group made presentations at the meeting. "The goal is to provide information to decision-makers," Maureen Matsen, Governor McDonnell's energy advisor and spokeswoman for the group stated in an interview before the public meeting. "There are an awful lot of questions that haven't been answered." The National Academy of Sciences delivered a statewide analysis of uranium mining to the state legislature in December, 2011. The report did not take a position on whether mining should be allowed, but it stated that Virginia would face hurdles to ensure the safety of workers and residents if uranium mining were allowed.

House Interior Appropriations Subcommittee Recommends Increase for State SMCRA Grants

The House Interior Appropriations Subcommittee was poised to approve nearly \$69 million for state regulatory grants under Title V of the Surface Mining Control and Reclamation Act (SMCRA), an \$11 million increase over the Administration's proposed budget. In addition to turning back the proposed cut to state grants, the Interior Department Appropriations Bill would also discourage the Administration from imposing new fees on the coal industry through a cost recovery rulemaking by the Office of Surface Mining (OSM) and would prohibit Interior from using funds "to administer or implement the overly burdensome and potentially damaging stream buffer zone rule" according to the Subcommittee's press release. Action approving the bill was expected on or around June 20. The bill did not contain any recommendations to further the Administration's legislative proposals to eliminate mandatory abandoned mine land (AML) funding to states and tribes that have certified completion of high priority coal projects under SMCRA or to adjust the way that AML grant funds are distributed to non-certified states. IMCC strongly advocated against these AML proposals in its testimony before the Subcommittee, while urging an increase for Title V regulatory grants.
