

## IMCC Annual Meeting Held in Baltimore in April

The Interstate Mining Compact Commission (IMCC) held its 2015 Annual Meeting in Baltimore, Maryland on April 26 - 29, 2015 at the Royal Sonesta Harbor Court Hotel located at the scenic Inner Harbor.

On the evening of Sunday, April 26, attendees enjoyed a reception at the hotel which kicked off the Annual Meeting. The Honorable Ben Grumbles, Maryland Secretary of the Environment, presented a welcoming address on the morning of Monday, April 27. Immediately after, officials from the Office of Surface Mining and the Mine Safety and Health Administration met with the IMCC member states to discuss issues of mutual concern. Despite the unfortunate unrest in Baltimore during the week of the meeting which halted the water taxi transportation that was planned, attendees were able to travel by bus and enjoy a traditional Maryland crab feast at the waterfront in Fells Point that evening.

On Tuesday, April 28, the IMCC Standing Committees met, starting with a joint meeting of the Noncoal Section of the Environmental Affairs Committee and the Mine Safety and Health Committee in the morning. Immediately following, the Coal Environmental Affairs and Abandoned Mine Land Committees met jointly and reconvened after a luncheon. The Annual Awards Banquet took place in the evening. As the Annual Meeting host, C. Edmon Larrimore, Program Manager of the Maryland Department of the Environment's Mining Program served as the emcee for the evening. The IMCC 2015 National Reclamation and Minerals Education Awards were presented during the banquet.

IMCC's Finance and Administrative and Resolutions Committees met jointly on the morning of Wednesday, April 29. The Executive Commission Business Meeting followed immediately and concluded the Annual Meeting.

For more information, contact: Beth A. Botsis at 703.709.8654 or E-mail: [bbotsis@imcc.isa.us](mailto:bbotsis@imcc.isa.us).

## IMCC Testifies at Hearing on H.R. 1664, or "STREAM Act"

The Interstate Mining Compact Commission (IMCC) provided written and oral testimony in support of H.R. 1664, the "Supporting Transparent Regulatory and Environmental Actions in Mining Act," or "STREAM Act," at a May 14, 2015 House Energy and Mineral Resources Subcommittee legislative hearing. Russell Hunter of West Virginia presented IMCC's testimony on behalf of the Compact.

The stated purpose of the "STREAM" Act is to "ensure transparency in the development of environmental regulations." More specifically, the bill would require the Office of Surface Mining (OSM) to make available any environmental analysis or economic assessment being used as the basis for a rulemaking in advance of the rule's publication. For "scientific products" receiving federal funds, the act would also require the agency to make available the raw data used in the product and provide relevant background information on the authors of those products.

IMCC is especially supportive of these transparency-encouraging provisions in the context of OSM's continuing efforts to rewrite the 1983 Stream Buffer Zone Rule (SBZ rule). The states maintain that the regulatory frameworks under the 1983 rule are working well and remain skeptical of OSM's purposes in developing a new one, especially since the

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Commission

### Upcoming Meetings:

#### IMCC 2015 Mid-Year Meeting

October 26 - 28, 2015  
La Fonda Hotel on the Plaza  
Santa Fe, NM

For more information on IMCC Meetings as it becomes available, visit our website: [www.imcc.isa.us](http://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](mailto:gconrad@imcc.isa.us) or  
[bbotsis@imcc.isa.us](mailto:bbotsis@imcc.isa.us)

new rule seems to entail a wholesale departure from the existing frameworks. One cause of the states' apprehension is that the new scientific studies cited by OSM as the basis for the new rule are not adequately shared with the states, preventing the primary regulators of these activities from substantively weighing in on their analysis and conclusions and thus the implications of the rule for the states' regulatory schemes. H.R. 1664 will hopefully go a long way to remedy this issue by ensuring that this and any future rule, especially those containing significant technical or engineering components, will be fully supported and justified by the underlying science and that the states have adequate opportunity to review and comment.

H.R. 1664 would also require and fund a study by the National Academy of Sciences (NAS) to investigate the effectiveness of the 1983 SBZ rule in protecting perennial and intermittent streams. IMCC testified in support of this provision, believing that a study by the NAS will help reveal what, if any, due cause exists for a substantial departure from the existing regulatory framework. As efforts at stream protection rulemaking have developed over the last several years, it has become clear that this most recent rulemaking is designed to contend with issues outside of the rule's proper scope, such as the practice of disposal of excess spoil in streams and the mining through or subsidence of streams. These practices, while contentious, are nonetheless permissible under the Surface Mining Control and Reclamation Act (SMCRA), and their outright prevention therefore requires amendment of the law by Congress, not a rulemaking by OSM. IMCC's testimony notes these concerns and contends that H.R. 1664 will be helpful in clarifying OSM's goals in pursuing the new rule and the specific problems it is intended to address.

The hearing itself featured a fair amount of discord, especially as it devolved into more general arguments between Congress and the federal agencies with regard to mining and environmental protection. Minority witness Dr. Michael Hendryx of the University of Indiana and his testimony were the focus of much of the debate as the Committee majority relayed concerns with the integrity of his work and its conclusions regarding the health effects of mountaintop mining.

IMCC witness Russ Hunter expertly fielded questions regarding the states' regulatory programs and their efforts to protect streams. For example, Mr. Hunter discussed at various times the states' adherence to new science as it develops, the importance of scientific studies being shared with the states as primary regulators, the fact that the studies in question as the basis for OSM's newest stream protection rule have never been shared with the states, and the fact that there have been virtually no concerns expressed by OSM regarding implementation of the existing rule by the states.

For more information, contact: Ryan Ellis at 703.709.8654 or E-mail: [rellis@imcc.isa.us](mailto:rellis@imcc.isa.us).

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### **Cooperating Agency States Testify at Hearing Re. OSM's Stream Protection Rule**

On May 20, 2015, the House Investigations and Oversight Subcommittee held an oversight hearing titled, "State Perspectives on the Status of Cooperating Agencies for the Office of Surface Mining's Stream Protection Rule." Representatives from three of the original nine states (UT, NM, KY, TX, WY, WV, AL, IN, and VA) who signed on as cooperating agencies in the development of the Environmental Impact Study (EIS) process for the Office of Surface Mining's (OSM) new Stream Protection Rule testified at the hearing. Russell Hunter of West Virginia, Randall Johnson of Alabama, and Greg Baker of Virginia were the three state witnesses. Mr. Dustin White, a community organizer with the Ohio Valley Environmental Coalition located in Charleston, West Virginia also testified.

The purpose of the hearing was to investigate whether OSM abided by the requirements of the National Environmental Policy Act (NEPA) in how they collaborated with the nine cooperating agency states in the development of the EIS. The three state witnesses testified that OSM failed to provide the cooperating agency states opportunities for "meaningful participation" in the EIS process as is required under NEPA. Although the cooperating states were given the opportunity to review the first three chapters of the EIS early on in the process, they said the time frames allotted for them to submit comments were unreasonably short which prevented them from providing as much detail and analysis as they would have liked. OSM also did not provide any of the underlying studies and documents to the states as part of their review, despite the states' requests to have access to them. The states also have not been permitted an opportunity to review any revised or new draft chapters of the EIS that have been developed after that time. Since 2011, the cooperating agency states have been completely cut out of the process, according to the testimony, during which time OSM has made extensive changes to the EIS.

In his opening statement, Chairman Gohmert (TX) stated that the OSM "ran roughshod over the very states they're supposed to be working with" in this process. He emphasized that NEPA requires cooperating agencies to be given an opportunity for participation *throughout* the EIS process and OSM appears to be treating the cooperating agencies as "just another commenter" after the rule is published, rather than as active participants throughout the process.

Congresswoman Dingell (MI) asked which states had been cooperating agencies during the Bush Administration when the 2008 Stream Buffer Zone Rule was developed, and whether they had complained at that time about lack of participation. Though the states had not been cooperating agencies during that effort, Mr. Hunter later addressed her question when he said West Virginia "had participated in the development of an EIS related to mountaintop removal mining in 2005 which the 2008 rule had been tiered off of."

The states skillfully responded to several other questions from members of the Subcommittee, many centered around what their expectations of involvement were when they agreed to become cooperating agencies and signed their Memoranda of Understanding (MOUs) with OSM, and whether those expectations had been met. Questions regarding the authority and expertise of the state regulatory authorities and the importance of the states' involvement in the process were also addressed.

In his testimony, Dustin White claimed he had personally witnessed the ill effects of mountaintop removal mining and referred to "many studies" having been published showing the direct links of mountaintop removal mining to increased health risks. In addition, he accused state regulators of not protecting citizens or upholding the laws and of allowing companies in violation of the laws to operate without interruption and without receiving violations, though he did not cite any specific examples in his testimony.

For more information, contact: Beth A. Botsis at 703.709.8654 or E-mail: [bbotsis@imcc.isa.us](mailto:bbotsis@imcc.isa.us).

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### **House Interior Appropriations Subcommittee Approves FY 2016 Appropriations Bill for DOI**

The House Interior Appropriations Subcommittee marked up and passed its version of the Fiscal Year (FY) 2016 Appropriations Bill for the Interior Department (DOI) and Related Agencies on June 10. Of particular importance to the states, the bill rejects the Administration's proposed cuts for Title V regulatory grants under the Surface Mining Control and Reclamation Act (SMCRA) and instead funds those grants at \$68.6 million, equal to the FY 2015 enacted level. In doing so, the Subcommittee stated that "the Committee continues to reject the proposal to increase inspections and enhance federal oversight to ensure continued implementation of a protective regulatory framework. Accordingly, the Committee has not provided the requested funding and FTE [full time equivalent] increase for those activities." The bill also contains a \$30 million increase for abandoned mine land (AML) reclamation work to be undertaken "in conjunction with economic and community development and reuse goals." Funding for this pilot program will come from the general treasury (not the AML Trust Fund) and will be spread equally among three Appalachian states with the greatest number of high priority AML sites (meaning Kentucky, West Virginia, and Pennsylvania). The Committee noted that it envisions a collaborative partnership between the AML programs in these states and their respective state and local economic and community development programs. "As such, the Committee expects that State efforts under this pilot program will inform future policy discussions, possibly under a reauthorization of SMCRA, which the Committee supports." Notably, the bill also contains several riders of interest to the states, one of which would prohibit the use of funds by the Office of Surface Mining (OSM) to develop, carry out or implement 1) any guidance, policy or directive to reinterpret or change the historic interpretation contained in the 1983 stream buffer zone rule or 2) proposed regulations or supporting materials described in OSM's proposed stream protection rule as published on June 18, 2010. Other riders addressed EPA's "waters of the U.S." rule; EPA's rulemaking under section 108(b) of CERCLA regarding financial assurance requirements for the hardrock mining industry; and EPA's definition of "fill material" under the Clean Water Act.

For more information, contact: Greg Conrad at 703.709.8654 or E-mail: [gconrad@imcc.isa.us](mailto:gconrad@imcc.isa.us)

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### **Senate Interior Appropriations Committee Approves FY 2016 Interior Appropriations Bill**

On June 18, 2015, the Senate Committee on Appropriations marked up and approved its version of the Fiscal Year (FY) 2016 Interior, Environmental and Related Agencies Appropriations Bill. The bill provides funding for the Interior Department, Environmental Protection Agency (EPA), U.S. Forest Service, Indian Health Service, and numerous agencies and programs regarding the management of public lands, including national parks and forests. The bill was approved by a 16 - 14 party-line vote. Of particular importance to the states, the bill funds the Office of Surface Mining (OSM) at \$122.7 million, equal with current levels. As in the House bill, the Senate bill rejects the Administration's proposed cuts to state regulatory grants under the Surface Mining Control and Reclamation Act (SMCRA) and funds those grants at \$68.6 million, equal to the FY 2015 enacted level. Similarly, the committee rejected the Administration's proposal to increase funding by \$3.5 million for oversight of state regulatory programs, and the request for \$200,000 for additional solicitor support. The bill funds Title IV of SMCRA for abandoned mine land (AML) reclamation work at \$27.4 million. No provisions were included in the bill for the Administration's budget request to release \$1 billion in AML funding early for economic revitalization under the President's Power Plus Plan.

The Senate bill does not block OSM from moving forward with the Stream Protection rule, as did the House version. However, in its report the committee expressed concern about the work OSM has done on the rule and noted that, "more than half of the States who agreed to work as participating agencies have withdrawn from the process. The Committee is concerned that OSMRE is not working with important State partners in an effective manner and believes that OSMRE should reengage State partners in a meaningful manner before further action is taken on the Stream Buffer Zone rule." The report continues, "OSM should provide the States with all documents, technical reports, data, information, analyses, comments received, and working drafts relative to the environmental reviews, draft and final environmental impact statements, and meet with any State with primacy during such process at the request of the State."

Other riders in the Senate bill would: prohibit the Fish and Wildlife Service from listing the sage-grouse as an endangered species; bar the Environmental Protection Agency (EPA) from using funds to implement the Administration's greenhouse gas regulations and enforce submission of the implementation plan by the states; prohibit implementation and enforcement of the EPA "Waters of the United States" rule; prohibit the Council on Environmental Quality (CEQ) or any federal agency from incorporating the consideration of greenhouse gas emissions and effects of climate change into National Environmental Policy Act (NEPA) reviews; and prohibit EPA from imposing new financial responsibility requirements on the mining industry pursuant to 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). The Senate bill also provides \$45 million of funding to the Bureau of Land Management to be devoted to sage-grouse activities.

For more information, contact: Beth A. Botsis at 703.709.8654 or E-mail: [bbotsis@imcc.isa.us](mailto:bbotsis@imcc.isa.us).

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### **House Considers OSM/AML/EPA Appropriations Amendments to H.R. 2822**

On June 25, the House approved an amendment to H.R. 2822, "Department of the Interior, Environment, and Related Agencies Appropriations Act, 2016" related to funding for the Office of Surface Mining (OSM). The amendment, offered by Representative Bill Johnson (OH), would reduce OSM's regulation and technology budget by \$2 million. Those funds would be transferred to the Drinking Water State Revolving Funds. Johnson said the amendment would "help bring spending in parity with the work done by OSM" citing that, "According to OSM, states and tribes perform 97 percent of the regulatory activity related to surface mining in the United States; yet OSM receives 25 percent of the staffing resources to perform 3 percent of the work." He also called OSM's stream protection rule a "massive regulatory undertaking" that usurps the regulatory authority of the states, and said his amendment is needed to "help restrain the resources of the agency from promulgating a rule made without State consultation and in violation of NEPA [National Environmental Policy Act]." The bill already includes a rider which would block OSM from going forward with the stream protection rule.

The House rejected an amendment to expand the number of Appalachian states eligible to receive grants from the \$30 million in treasury funds to be made available through a pilot program for AML projects that include an economic and community development component (*SEE: Related article above re. House Interior Appropriations Bill*). Representative Morgan Griffith (VA) offered the amendment that would increase the number of states eligible from three to six and allow additional states, including Virginia, to participate.

Two amendments from Representative Alex Mooney (WV) were approved. The first would provide \$1 million in additional funding for the Office of the Inspector General at the Environmental Protection Agency (EPA) to strengthen oversight and transparency of the agency and eradicate waste, fraud, and abuse. The additional funding would be taken from a decrease of \$2 million in funding from the Office of Public Affairs, which was contained in the second Mooney amendment approved by the House. Mooney called the Office of Policy the "regulatory nerve center" of EPA that coordinates the rulemaking process for the agency, including the clean power plan, EPA's proposed ozone standard, and "an enormous number of rules and regulations." The amendment is intended to slow that regulatory process.

Further amendments will be voted on by the House when they return from a week-long holiday recess.

For more information, contact: Beth A. Botsis at 703.709.8654 or E-mail: [bbotsis@imcc.isa.us](mailto:bbotsis@imcc.isa.us).

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### **FWS Lists the Northern Long-Eared Bat as "Threatened" Under the ESA**

On April 2, the U.S. Fish and Wildlife Service (FWS) listed the Northern Long-Eared Bat (NLEB) as "threatened" with an interim 4(d) rule under the Endangered Species Act (ESA). The Service hopes to have the final 4(d) rule in place by December and the comment period deadline on the rule is July 1. The 4(d) rule does not impact mining.

FWS has determined that the NLEB is one of the species of bats most impacted by White Nose Syndrome (WNS), a fungal disease that is primarily responsible for the decline of the species. The listing became effective on May 4.

The states had been awaiting the opportunity to participate in a joint work group with FWS and the Office of Surface Mining (OSM) to develop a NLEB species-specific protection plan, as had been done for the Indiana Bat when it was listed as "endangered" several years ago. However, the FWS is working to develop the NLEB plan independently, rather than through a joint work group. The states may be given an opportunity to weigh in on the plan at a later stage in the development process. In the meantime, the states have been told that having an Indiana Bat Protection and Enhancement Plan (PEP) in place for mine permits that are issued would cover them until the NLEB PEP becomes available, since the two bat species' habitats are similar and the IBAT PEP will afford some protections to the NLEB.

For more information, contact Beth Botsis at 703.709.8654, or E-Mail: [bbotsis@imcc.isa.us](mailto:bbotsis@imcc.isa.us).

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### **House Interior Appropriations Bill Rider Re. Sage Grouse**

A recent markup conducted by the House Interior Appropriations Subcommittee, contained the following language regarding sage-grouse conservation. The rider begins by stating that over the past three years Congress, the Departments of Interior and Agriculture, 11 western states, and other partners have undertaken a major collaborative effort to prevent a listing of the sage-grouse as endangered under the Endangered Species Act (ESA). It goes on to say, "As part of that process, the Bureau of Land Management (BLM) and U.S. Forest Service (USFS) recently released their proposed resource management plans to protect the sage-grouse and the sage-brush ecosystem. The Committee is aware some States have serious concerns with the plans, and that BLM and USFS appear to have disregarded some of the recommendations the States provided." The committee identified some of the state concerns with the BLM/USFS plans, including transparency and consultation with the public, limiting some activities while identifying fire and invasive species as causing greater harm to the sage-grouse than those activities, among others.

The rider ends by directing the BLM and USFS to work closely with each of the 11 states and affected communities and to seek to collaboratively resolve all issues. In addition, the committee directed BLM and USFS to report to the Committees on Appropriations of the House and Senate as to how each concern raised by a state has been resolved within 30 days after the comment period closes on proposed resource management plans.

The Senate Interior Appropriations Committee included language in its Interior Appropriations bill markup report taking issue with the Department of Interior for directing the Fish and Wildlife Service to announce a listing decision about the greater sage-grouse during fiscal year 2015, "in direct contravention of the intent of Congress as put forth in language contained in the Consolidated and Further Continuing Appropriations Act of 2015." The committee noted the purpose of the language was to delay just such a decision-making with the intent of allowing the 11 states adequate time to demonstrate that state-developed sage-grouse management plans can provide adequate sage-grouse conservation when coupled with the improved management of public lands.

For more information, contact: Beth A. Botsis at 703.709.8654 or E-mail: [bbotsis@imcc.isa.us](mailto:bbotsis@imcc.isa.us).

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### **IMCC Submits Comments In Response to MSHA RFI**

The Interstate Mining Compact Commission (IMCC) recently submitted comments on behalf of the member states to the Mine Safety and Health Administration (MSHA) in response to a Request for Information (RFI) published in the *Federal Register* on February 26, 2015. IMCC's comments specifically addressed questions posed in section G of the RFI concerning criteria and procedures for certification, recertification, and decertification of persons certified under 30 CFR 75.100 to conduct mine examinations in underground coal mines. A compilation of individual state responses to MSHA's section G RFI questions along with information concerning the status of individual state certification programs accompanied IMCC's comments.

IMCC emphasized the importance of the matter given the primary role that many states exercise with respect to the certification of miners, and the fact that MSHA has relied on the states to take the lead on this aspect of miner health and safety. The individual state comments assert that they continue to be in the best position to implement miner certification programs under the Mine Safety and Health Act of 1977, as amended. "The states' years of experience running these programs and knowledge of the people and the conditions in their mines position them well to establish the qualifications and testing for key positions requiring certification," according to IMCC's comments. "The states believe it is essential for them to continue to take the lead in implementing these programs."

MSHA's RFI included questions regarding whether the states would support uniform criteria and procedures for certification, decertification and recertification. IMCC responded that the states could support such an approach to the

extent that the criteria and procedures are based on existing state standards and allow for states to be more stringent than any minimum national standards. IMCC also suggested, "There is frankly more merit to considering such criteria and procedures with respect to recertification and decertification. If coupled with the potential for a national database or tracking system for decertified miners, both MSHA and the states would be well served." Just as the Office of Surface Mining's Applicant/Violator System has proven to be a valuable tool in blocking permits to those who have outstanding violations or penalties in another state, IMCC said a similar mechanism to centrally locate information on decertified miners which could be easily accessed and updated by the states would be helpful in monitoring decertifications.

For more information, contact Beth Botsis at 703.709.8654, or E-Mail: [bbotsis@imcc.isa.us](mailto:bbotsis@imcc.isa.us).

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### **IMCC Participates in Bat Symposium at ASMR Conference In Lexington, Kentucky**

On June 10, 2015, the Interstate Mining Compact Commission (IMCC) and several member states participated in a Bat Symposium held in Lexington, Kentucky in conjunction with the 2015 Joint Conference of the American Society of Mining and Reclamation (ASMR) and Appalachian Regional Reforestation Initiative (ARRI). IMCC Deputy Executive Director Beth Botsis moderated a panel presentation during the symposium entitled, "State Perspectives on Bat Protection Issues at Mine Sites." State panelists included: Richard Wahrer, Environmental Scientist Consultant, Office of the Commissioner, Kentucky Department for Natural Resources; Geoff Lincoln, Chief of the Environmental Studies Section, Bureau of Mining Programs, Pennsylvania Department of Environmental Protection; Clay Kolar, Natural Resource Specialist, Land Reclamation Division, Office of Mines and Minerals, Illinois Department of Natural Resources; and Kevin Quick, Environmental Resource Analyst, Program Development Section, Division of Mining and Reclamation, West Virginia Department of Environmental Protection.

The state panelists fielded questions on topics related to the state mining regulatory authorities' (RA) responsibilities, successes, and challenges in implementing protection measures for endangered and threatened bat species under the Endangered Species Act (ESA) at mine sites; the effectiveness of Indiana Bat Guidelines in preparing protection and enhancement plans (PEPs); interaction and coordination between the state RAs with their regional U.S. Fish and Wildlife Service (FWS) offices; bat presence and absence surveys; possible implications of the recent listing of the Northern Long-Eared Bat as threatened under the ESA; timbering as a mining activity; habitat protection around hibernaculum; handling of species proposed for listing under the ESA; landowner responsibility post bond release; and characteristics of and procedures used for mine portals and portal gates for winter bat habitat.

Speakers from the Fish and Wildlife Service and the Office of Surface Mining, among others, also spoke during the day-long symposium on several topics related to threatened and endangered bat species.

For more information, contact Beth Botsis at 703.709.8654, or E-Mail: [bbotsis@imcc.isa.us](mailto:bbotsis@imcc.isa.us).

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### **IMCC Testifies at Hearing on "The American Minerals Security Act of 2015" (S. 883)**

On Tuesday, May 12, the U.S. Senate Committee on Energy and Natural Resources held a legislative hearing on Senate Bill 883, "The American Mineral Security Act of 2015." This bill is the most recent iteration of efforts by several members of Congress, in particular Senator Murkowski of Alaska, to shore-up our Nation's domestic supply of "critical minerals," which are designated as such due to their importance for certain industries and their being potentially subject to supply restrictions. These minerals will likely include, but are not limited to, Molybdenum, Tungsten, Thorium, Cobalt, Lead, Lithium, and the 17 rare earth elements.

The United States is currently highly dependent on foreign sources for these important resources. The bill would seek to reduce dependence on foreign sources by revitalizing domestic access to these minerals. To that end, the bill requires a comprehensive assessment of domestic sources of critical minerals and measures to encourage the maximum efficiency of permitting to facilitate domestic production.

Ed Fogels, Deputy Commissioner of the Alaska Department of Natural Resources (DNR), served as a witness for the hearing and gave testimony on behalf of the Alaska DNR and the Interstate Mining Compact Commission (IMCC), each of which also submitted respective written testimony. Mr. Fogel's testimony provided specific examples of how, in Alaska's experience, "government focus and investment can significantly improve our understanding of resource potential, ensure protection of the environment, and encourage private sector investment to help meet our mineral commodity needs."

IMCC and Alaska DNR are particularly supportive of provisions in the bill designed to help reduce permitting inefficiencies by requiring government agencies at various levels to cooperate to eliminate permitting delays and redundancy. Inefficiency and uncertainty surrounding the permitting process for mineral extraction has been identified as one of the primary impediments to a healthy domestic supply of critical minerals.

The Committee appeared to be broadly supportive of the bill and its purposes at the hearing.

For more information, contact Ryan Ellis at 703.709.8654, or E-Mail: [rellis@imcc.isa.us](mailto:rellis@imcc.isa.us).

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### **IMCC Participates in AMR Conference in Pennsylvania**

On Friday, June 26, Ryan Ellis, Legislative and Regulatory Affairs Specialist for the Interstate Mining Compact Commission (IMCC), and Eric Cavazza, Director of the Pennsylvania Bureau of Abandoned Mine Lands and current President of the National Association of Abandoned Mine Land Programs (NAAML), jointly presented a talk on "Preparing for SMCRA [Surface Mining Control and Reclamation Act] Reauthorization in 2021" at the 2015 Pennsylvania Abandoned Mine Reclamation Conference in State College, Pennsylvania. They provide information related to the preliminary discussions and efforts of IMCC and NAAML as the two organizations work toward the reauthorization of the Abandoned Mine Land Reclamation Program (Title IV) under SMCRA. Some of the key issues covered in the talk include how things have changed since the 2006 reauthorization of Title IV, the key players and their likely interests going into the new reauthorization effort, and the groundwork that must be laid in preparation for 2021.

For more information, contact Ryan Ellis at 703.709.8654, or E-Mail: [rellis@imcc.isa.us](mailto:rellis@imcc.isa.us).

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### **Update on EPA CERCLA Section 108(b) Financial Assurance Rule**

In a quick response to a District of Columbia Circuit court order of May 19 that directed EPA to expedite the development of financial responsibility requirements for hardrock mining under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), EPA has begun working to form an advisory panel. For any rule that will potentially have significant economic impacts on a large number of small business entities, EPA is required to form such a panel to advise the agency on the proposed rule. The panel will consist of EPA representatives, small business representatives (SERs), the Office of Management and Budget, and the Small Business Administration. On June 8, EPA announced a June 22 deadline for nominations for SERs to be submitted to the agency. An updated rulemaking schedule including the agency's target dates for issuing the proposed and final rule will be filed with the D.C. Circuit by June 23, 2015. The rule would require hardrock mining facility operators and owners to provide evidence of financial assurance applicable to the extraction, beneficiation, or processing of metals and non-metallic, non-fuel minerals that is "consistent with the degree and duration of risk associated with the production, transportation, treatment, storage or disposal of hazardous substances."

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