



# the compact

A QUARTERLY NEWSLETTER FROM THE INTERSTATE MINING COMPACT COMMISSION

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## **IMCC Annual Meeting Held in Point Clear, Alabama**

The Interstate Mining Compact Commission's (IMCC) Annual Meeting was held at The Marriott Grand Hotel in Point Clear, Alabama from April 11 - 14, 2010.

A welcoming reception kicked off the meeting on the evening of Sunday, April 11. G. Thomas Surtees, Director of the Alabama Department of Industrial Relations welcomed attendees the morning of Monday, April 12. The general Session followed with speakers addressing various Alabama mining topics of interest including: "Mulga Gob Fire Project" by Larry Barwick, Harold Smith and Chuck Williams of the Alabama Department of Industrial Relations; "Digital Documents and Applications" by Dr. Randall Johnson, Director of the Alabama Surface Mining Commission; "Uniform State Laws – Purpose, Development and Use" by Professor Bill Henning of the University of Alabama School of Law; and "Focus on Safety" by Larry McCarty, Alabama Mine Safety Inspector. The General Session was followed by a joint meeting of the Mine Safety and Health and Noncoal Environmental Affairs Committees. In the evening attendees enjoyed an Old South barbeque buffet on the pier.

On Tuesday, April 13, the Abandoned Mine Lands and Coal Environmental Affairs Committees met jointly. Office of Surface Mining (OSM) Director Joe Pizarchik, OSM's Regional Directors Al Klein, Erv Barchenger, and Tom Shope and other OSM staff addressed the committee on the status of current OSM issues of interest to the states. IMCC's Annual Awards Reception and Banquet were held that evening. The 2010 IMCC reclamation award and minerals education award winners were recognized at the banquet and the awards were presented (See related articles for awards details).

The Resolutions and Finance and Administrative Committee meetings were held on the morning of Wednesday, April 14, followed by the Executive Commission Annual Business Meeting, which concluded the Annual Meeting.

## **IMCC Presents 2010 National Reclamation Awards**

The Interstate Mining Compact Commission (IMCC) presented its annual national reclamation awards at a banquet held in conjunction with IMCC's Annual Meeting on April 13, 2010, at the Marriott Grand Hotel in Point Clear, Alabama. 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 2010 winner in the coal category was Enterprise Mining Company, LLC, Big Branch South Mine, KYDMRE Permit #860-0453, located in Knott County, Amburgey, Kentucky. The 2010 winner in the noncoal category was Thelen Sand and Gravel, Inc., Fox Lake Pit, located in Lake and McHenry Counties in Fox Lake and Spring Grove, Illinois. This year a special Floyd C. Durham Small Operator Award was also presented to Warren C. Hartman Contractor, Mine #28, Permit #14980101, located in Snowshoe Township, Centre County, Pennsylvania.

This year's winner in the coal category, Enterprise Mining Company's Big Branch South Mine, has a permit area of 464.20 acres that is now ready for phase I bond release. It is located directly within the watershed of the Carr Fork Lake. Prior to mining, the environment was mainly an un-travelable ridge line of mixed un-managed forest land with disturbances from logging, gas wells and previous pre-law mining. Active mining of the permit and subsequent reclamation concluded in the summer of 2009. On average, Big Branch South employed from 130 to 150 people and moved approximately 100,000 tons of coal monthly. The sediment control plan was designed to maintain runoff in several ways, including retaining runoff through diversions, keeping water diverted in-pit as much as possible, and building sediment control structures in a timely manner. Once coal mining was completed, the permittee ripped the compacted ground of the internal access roads, removed all berms, directed drainage to rip-rap corridors that lead to sediment control structures, and hydroseeded areas to control runoff and prevent future erosion problems from occurring.

The permit involved a combination of area, contour and steep slope mining and was granted a contemporaneous reclamation variance for time and distance to accommodate these types of mining operations. This allowed multiple seams to be mined, multiple pits to be open, and reclamation to occur simultaneously, thus maximizing resource recovery so that future disturbance in that watershed would be minimal. Timely reclamation and maintenance on the permit area were achieved using expedited grading, fertilizing and seeding through the winter of 2008. All available top and sub soil was transported to areas on the permit so that final grading could be completed. This soil material was then spread over the backfill areas to create a good growth medium for the hydro-seed. The process resulted in very successful revegetation efforts initially and saved the permittee time and money by not having to fertilize and re-seed backfill.

To help minimize disturbance to the environment, the permittee shared facilities (roads, sediment ponds, hollow fills) with another adjoining Enterprise Mining permit. By sharing facilities with the existing permit, more acreage was left undisturbed, and the company saved time and money. Any excess spoil not used for backfilling the open highwall was placed in shared hollow fills or used to achieve the approximate original contour (AOC). The final AOC contours created gently rolling mountains which helped to enhance the designed post mining land use of hay and pastureland. The majority of landowners wanted the post-mining land use to be pastureland due to the mine's proximity to the Carr Fork Lake recreational areas. The gently sloped mountains facilitate cattle grazing and increased property value for future development.

The 2010 winner in the noncoal category, Thelen Sand and Gravel, Inc., Fox Lake Pit, is a family owned business that has been supplying construction aggregate since 1947. The pit and reserves encompass approximately 1,300 acres spanning the boundary line of two counties and two communities. There are active mining areas, reclaimed areas and a composting area located on site. Thelen operates under a “4 R’s” philosophy: Reduce, Reuse, Recycle, and Reclaim. The company operates an approved Clean Construction Demolition Debris (CCDD) land filling operation, an aggregate recycling plant, and a ready mix concrete business. Compost materials from Thelen Organics are used for both reclamation and on agricultural lands. A park and landscaped berms have been designed at Fox Lake Pit to enhance a residential subdivision that is being developed.

Extraction and reclamation occur simultaneously at the Fox Lake Pit in an on-going three “cell” process. As mining in an area or “cell” is actively occurring, another area is stripped and cleared for extraction. The overburden from the stripping is then used to reclaim the previously excavated prior cell. Above water extraction operations are conducted first in a cell followed by below water extraction operations, if warranted. As below water extraction proceeds, lakes are formed and are further shaped and designed. Banks and lake edge side slopes are reclaimed with overburden material and revegetated. This process is best illustrated in the western portion of the Fox Lake Pit where an approximately 70 acre lake has been created along with a park which will be publicly dedicated upon completion of mining. In addition to the creation of lakes and public areas during the reclamation process.

Thelen reduces the use of and potential impacts to natural resources such as water and minerals by implementing sustainable mining practices. They minimize the use of fresh water while maintaining its clarity and quality. For example, water usage for material washing, dust suppression/control and crop irrigation is significantly reduced through the capture and reuse of rain, groundwater and process water. Fresh water ponds are used to supply water for process wash water operations. A series of settling ponds is part of the processing area layout. Water is pumped from the fresh water pond for resource material washing and grading. It is then recycled back through the settling pond to allow any remaining sediments to settle out of suspension. No dewatering is conducted as a part of the extraction operations. All areas excavated self-contain any surface runoff. The final reclaimed landform will hold in excess of two 100 year storm events. Overburden consists of one foot of topsoil and ranges from 3-8 feet of brown and silty brown clay. Any overburden removed during mining is used during the ongoing operation and reclamation of the site. Overburden material is used to construct berms and progressively reclaim side slopes as extraction moves from one cell to the next. This minimizes land area affected by active operations and reclaims the property as the extraction operation proceeds.

At the Fox Lake Pit, Thelen was one of the first IEPA permitted Clean Construction or Demolition Facilities in Illinois. By law, only uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed asphalt pavement, or soil generated from construction or demolitions activities may be accepted as a CCDD material. By accepting CCDD material, Thelen is able to reclaim lands efficiently, reduce the stream of materials hauled to landfills and create the next generation of useable land. In addition, Thelen also crushes and recycles concrete and asphalt and they provide this material to customers

as an alternative to virgin aggregate, thus reducing the amount of additional new material that has to be mined. The Fox Lake Pit utilizes these recycled materials to create haul roads which provide greater dust suppression and control. The materials are also used in the pit to aid in erosion control. Yard waste is turned into beneficial compost at Thelen Organics' facility in Fox Lake. Thelen has become one of Illinois' largest permitted compost facilities. Their blended compost products are very popular and used by many of Chicagoland's golf courses and landscaping companies, as well as internally within the Fox Lake Pit. Thelen's compost is used to rejuvenate the pit's agricultural fields to enhance yields and to replant and reestablish agricultural crops and vegetation on the reclaimed areas. Thelen Organics also manufactured and provided the compost, sand, and topsoil blend for the landscape construction of Chicago's Millennium Park and for the recent replanting and upgrading of the "Japanese Gardens" at the Chicago Botanical Gardens in Glencoe, Illinois. Thelen worked with Veolia Landfill in Zion, Illinois to create a bio-filter used in the landfill and provided 5,000 yards of compost to create the bio-filter. The bio-filter is used to eliminate odors created from garbage or the landfill process. It is a natural and environmentally friendly way to eliminate the odors instead of masking them.

Thelen's process entails continuous reclamation of previously excavated sites into a mix of agricultural, passive/active recreational areas as well as residential, commercial, and public lands. The company's comprehensive reclamation plan for the approximately 1,300 acre Fox Lake site has enabled Thelen to identify, design, and create future land uses that enhance natural resources, preserve open space, provide for community inter-connectivity, and provide for future residential and economic development. Several areas of the Fox Lake Pit have already been reclaimed and now house active businesses. Once the reclamation is ultimately completed, Fox Lake Pit is expected to include approximately 380 acres of lakes and ponds, 80 acres of public space, and a park.

The winner of the 2010 Floyd Durham Small Operator Award, Warren C. Hartman Contractor, Mine #28, Snowshoe Township, Centre County, Pennsylvania, was nominated by the Commonwealth of Pennsylvania for the quality of the reclamation work and exemplary compliance with permit conditions and regulations. Approximately five thousand feet of abandoned high walls and spoil piles were eliminated by the operator on this surface mine. The operator mined the Clarion seam using a block cut, contour mining method. The affected area included 111.5 acres and 40 feet of overburden was removed from the coal seam.

Bio solids were utilized as a soil amendment at the site. Wildlife species were planted in order to create a variety of wildlife habitat. Fences were built around some of the wildlife habitat areas to protect the seedlings and allow time for the trees to grow to maturity. Alkaline material was added to the pit floor, spoils and surface to improve long term water quality. The operator constructed four limestone trenches off site prior to mining to improve local water quality. Wetlands were created around some of the sediment ponds, which remain as post mining structures. High quality access roads were left as permanent structures at the request of the landowners, including the Pennsylvania Game Commission. The western portion of the mine operation, which is owned by the Game Commission, is open to public hunting thereby providing long term benefits to the public.

Larry D. Baumgardner Coal Co., Inc., Turner Operations, Surface Mining Permit #17990111, located in Clearfield County in Philipsburg, Pennsylvania was also recognized and awarded an honorable mention in the coal category.

## **IMCC Presents 2010 National Minerals Education Awards**

The Interstate Mining Compact Commission (IMCC) presented its annual minerals education awards at a banquet held in conjunction with the IMCC Annual Meeting on April 13, 2010 in Point Clear, Alabama. 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 engraved plaque and a \$500 gift certificate 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. The winner was presented with an engraved plaque of recognition.

The winner in the educator awareness category for 2010 was Gequetta Bright Laney, a teacher at Coeburn High School in Coeburn, Virginia. Ms Laney was nominated for her innovative approach and dedication to teaching her students about minerals and mining in a comprehensive fashion. She has merged coal awareness and the Virginia Standards of Learning educational requirements through the use of the Coal Education Development and Resources (CEDAR) teaching units and projects fair. Her teaching unit addresses utilization and stewardship of our natural resources, the protection and restoration of our environment, and the role of mining in the community. Her students participate in projects reflecting the science, culture and economics of the local area's primary industry which is coal mining.

Ms Laney developed a list of vocabulary words pertinent to the materials taught in the unit which students record and define in their notebooks for a daily score. Readings and notes are studied on several key principles including: types of economies, the connection between political and economic freedoms, productivity of nations, entrepreneurship, profit, business models, factors of production, supply and demand, economic interdependence, role of the government in the economy of a nation, and

the government as the regulator. Ms Laney adapted and expanded the “Cookie Mining” activity to give students hands-on experience in developing a business plan, to familiarize them with the economics, processes and regulations of mining, and to teach about reclamation. Quizzes and tests on the materials being taught are interspersed in the unit as well. In another class section students develop KWL charts (“What I KNOW”; “What I WANT to know”; and “What I LEARNED”) on three topics including: the Virginia Department of Mines, Minerals and Energy(DMME); the Commission of Revenue; and entrepreneurship. The class also visits with DMME, the Commissioner of Revenue, and a local entrepreneur to ask questions related to their KWL chart. Ms Laney ends the unit with a very innovative teaching tool she developed by revising the traditional “Monopoly” game into “Mineopoly” by converting properties to local coal camps. Each camp is given a sub-name of coal seams located close to the camp. Jail is converted to annual miner retraining. The “community chest” and “chance” cards are rewritten to reflect expenses and profits related to the mining industry. Players choose colored mining hats as game pieces and each player is given start-up cash. The game reflects how individuals understand economics and profits. This is a favorite activity of students and they have asked for an opportunity to play again after the unit was concluded. Ms Laney has succeeded in developing an innovative and valuable teaching unit which instructs youth about fair business models, safe mining practices and how the government is connected to the industry.

The winner in the public outreach category for 2010 was Thunder Basin Coal Company located in Wright, Wyoming. Thunder Basin Coal Company’s (TBCC) multi-faceted educational efforts have effectively reached people in the local community, the state, and the nation. Every year TBCC staff spends many hours giving tours of the active coal mine at Black Thunder, volunteering for numerous community activities, giving presentations at schools, making media appearances, working with government officials, and participating in specialized groups. Thunder Basin conducts the Arch Teachers Award Program annually which recognizes ten Wyoming teachers who display exemplary influence on their students based on their teaching philosophy, reflections on what motivates them to teach, and the creative methods they use to achieve results in their classrooms. TBCC has also worked with the local bird rehabilitation center on a number of bird rescues and donated help with other rehabilitations around the state. Black Thunder Mine has also worked with the NEW Raptor Center, Thunder Basin Grasslands Prairie Ecosystem Association and HawkQuest. TBCC received the 2005 Industry Wildlife Stewardship Award from the Wyoming Game and Fish Department for their help in coordinating and sponsoring a tri-nation study of ferruginous hawks in cooperation with the Nature Conservancy, U.S. Forest Service, and governmental entities in Mexico and Canada.

Several TBCC employees were involved in the creation of state and national television campaigns regarding coal mining. TBCC assisted the Wyoming Mining Association in a campaign highlighting “Miner’s Stories” and focusing on the benefits of coal mining for Wyoming and its residents. TBCC also teamed with the American Coalition for Clean Coal Electricity in the “Real People. Real Stories.” campaign. This national campaign will air on television and be distributed online and converted to print ads. It features the “Real People” behind the production of coal generated electricity. TBCC staff spent time with the Sturgis, South Dakota High School freshman class which is evaluating future energy

sources and their environmental footprints. The class learned why coal will continue to be a vital part of America's energy future and about environmental impacts associated with coal. TBCC hosted several tours in 2009 which served to educate visitors about the mining process and the role that coal plays in meeting the nation's energy demands. TBCC also invites neighboring ranchers and their families to an annual Rancher's Luncheon. During the luncheon mine personnel and ranchers are afforded an opportunity to discuss any shared concerns and issues. Thunder Basin also supports employee volunteerism in community activities locally, and across the country. Some of the activities and organizations employees have volunteered with include: the Junior Livestock Board for Weston County; the McCurdy School in Espanola; the Boy Scouts of America; the Powder River Section of the Society of Mining Engineers; the Wyoming Water Association; the Wyoming Mining Association's Regulatory Affairs Committee; the Rocky Mountain Coal Mining Institute; and the Gillette Area Groundwater Monitoring Organization among others.

## **IMCC Comments on OSM NOI to Prepare EIS on Stream Protection**

The Interstate Mining Compact Commission (IMCC) recently submitted comments to the Office of Surface Mining (OSM) concerning a notice of intent (NOI) to prepare an environmental impact statement (EIS) on a potential proposed rule regarding the protection of streams from the adverse impacts of surface coal mining operations. IMCC challenged the basis for both the EIS and the proposed rule, indicating that neither data nor science supports the rule. IMCC also raised concerns about the resource implications for the states based on the various "principal elements" of the anticipated proposed rule in the areas of permit reviews, technical analyses, monitoring requirements, and intergovernmental coordination. After noting several technical issues associated with some of the concepts addressed in the rulemaking elements, IMCC also identified a number of practical impacts associated with implementation of the rule including new permitting requirements, the nationwide application of certain definitions, assessment of stream restoration success, duplicative bonding requirements, biological monitoring, and limitations on postmining land uses. IMCC member states had an opportunity to discuss their concerns in greater detail with OSM at a series of stakeholder meetings concerning the stream protection concepts on May 3 and 4 in Washington, DC and May 10 and 11 in Denver, Colorado.

## **IMCC Supports SMCRA Amendments re. Funding for Noncoal AML Reclamation**

The Interstate Mining Compact Commission (IMCC) recently testified before the Public Lands and Forests Subcommittee of the Senate Energy and Natural Resources Committee in support of a bill (S. 2830) introduced by full Committee Chairman Jeff Bingaman (D-NM) that would amend the Surface Mining Control and Reclamation Act of 1977 (SMCRA) to clarify that state and tribal abandoned mine land (AML) fees that had previously been collected could be used to pay for noncoal reclamation projects. The bill would correct an interpretation by the Interior Department contained in both a Solicitors Opinion and a final rule that limited the use of unappropriated state and tribal share balances in the AML Trust Fund for noncoal AML reclamation by states and tribes who had not yet certified that all of their high priority coal AML reclamation work was done. In his testimony, IMCC Executive Director Greg Conrad noted that Interiors' interpretation "not only disregards the fact that section 409 [authorizing noncoal AML reclamation projects] was left unamended by Congress, it is also inconsistent with assurances

repeatedly given to the states and tribes by OSM during the consideration of the legislation that noncoal work would continue to be undertaken with these AML funds. The interpretation would also have the unacceptable result of requiring states and tribes to devote funds to lower priority coal sites while leaving dangerous noncoal sites unaddressed.” IMCC also requested that S. 2830 be amended to allow the use of unappropriated state share balances for the acid mine drainage (AMD) set aside program. “AMD has ravaged many streams throughout the country, but especially in Appalachia,” Mr. Conrad noted. “Given their long-term nature, these problems are technologically challenging to address and, more importantly, are very expensive. The states need the ability to set aside as much funding as possible to deal with these problems over the long term.” A copy of IMCC’s testimony is available by contacting Greg Conrad.

## **IMCC Testifies on OSM’s FY 2011 Proposed Budget**

Testifying on behalf of the Interstate Mining Compact Commission (IMCC), Butch Lambert, Deputy Director of the Virginia Department of Mines, Minerals and Energy strongly urged the House Interior Appropriations Subcommittee to reject a proposal in the Office of Surface Mining’s FY 2011 budget that would reduce Title V grants to states and Indian tribes by \$11 million or 15% below the FY 2010 enacted level. “In its FY 2011 budget, OSM has unilaterally and drastically reversed course and essentially unraveled and undermined the progress made by Congress in supporting state programs with adequate funding,” Mr. Lambert noted. “This comes at precisely the wrong time. The states are still in the process of putting the recent improvements in funding to work in their programs through the filling of vacant positions and the purchase of much needed equipment. As states prepare their future budgets, we trust that the recent increases approved by Congress will remain the new base on which we build our programs.” IMCC also requested Congress to reject a proposal by OSM to offset the drastic cuts to state funding by increasing user fees. “OSM’s proposal is completely out of touch with the realities associated with establishing or enhancing user fees”, IMCC noted. “IMCC’s recent polling of its member states confirmed that, given the current fiscal and political implications of such an initiative, it will be difficult, if not impossible, for most states to accomplish this feat at all, let alone in less than one year.” IMCC also urged Congress to restore funding for the AML emergency program and to sustain funding for the OSM training program and technical support.

## **EPA Proposes Coal Ash Regulation; Mine Placement Remains with OSM**

The U.S. Environmental Protection Agency recently proposed two potential approaches under the Resource Conservation and Recovery Act (RCRA) for regulating the disposal of coal combustion by-products. One approach, using authority under RCRA Subtitle C, would create a comprehensive program for regulating CCBs as a hazardous waste; the second approach under RCRA Subtitle D would give EPA authority to set performance standards for impoundments and landfills and would be enforced primarily through citizen suits. Neither option would regulate the placement of CCBs at mines, which would continue to be regulated by the Office of Surface Mining. OSM is expected to issue its own rulemaking on the matter in the coming months. IMCC Executive Director Greg Conrad recently addressed the topic of “Recent Legislative and Regulatory Developments Regarding the Use of Coal Combustion By-Products in Mine Reclamation” at an EUCI Conference in Houston. As a part of his presentation, Mr. Conrad presented an overview of the states’ perspective on the regulation of mine placement of CCBs.



## **Sens. Cardin, Alexander Re-introduce Appalachian Restoration Act**

Senators Ben Cardin (D-MD) and Lamar Alexander (R-TN) recently re-introduced the “Appalachian Restoration Act” (S. 696), which is intended to ban the practice of mountaintop mining but could affect all surface coal mining in the region. The bill, similar to their earlier efforts, would prevent the issuance of any permit under Section 404 of the Clean Water Act to any operation that removes an entire coal seam “from outcrop to outcrop or seams running through the upper fractions of a mountain, ridge or hill by removing substantially all of the overburden of the mine bench.” Both EPA and the Congressional Research Service opined that S. 696 would extend to all surface coal mining operations. A similar bill, the “Clean Water Protection Act” (H.R. 1310) has again been introduced in the House by Rep. Frank Pallone (D-NJ). His bill would limit the definition of “fill materials” and would negatively affect all earth moving activities, including road and highly construction and private and commercial development.

## **EPA Moves to Restrict Valley Fills Associated with Mining Operations; Congressional Opposition Mounts**

In a related action, EPA on April 1 moved to drastically reduce the number of permits granted for coal mining operations under the Clean Water Act with the publication of new permitting “guidance”. While supposedly limited to Appalachia, the technical guidance document is likely to have serious impacts on all surface and underground mining. The most significant aspect of the new guidance is EPA’s imposition of numeric values for conductivity in states that are already working to develop their own narrative water quality standards. EPA’s limit of 300 – 500 microSiemens per centimeter must be incorporated into all state-issued discharge permits and all Section 404 permits issued by the U.S. Army Corps of Engineers or face EPA objection. Over the past few weeks, several members of the U.S. House of Representatives – including both Republicans and Democrats – have condemned EPA for delays in coal mine permitting and for its technical guidance document. The group of congressmen called upon EPA Administrator Lisa Jackson to withdraw the guidance as it has “caused significant barriers and delays in issuing job-creating coal mining permits throughout the region.”

## **Mine Safety Legislation Begins Movement in Congress**

In the wake of the Upper Big Branch mining disaster on April 5, several congressional hearings have recently been held and efforts are underway to develop legislation that would address some of the perceived problems associated with the tragedy. The Senate Committee on Health, Education, Labor and Pensions held an oversight hearing on safety enforcement authority at the Mine Safety and Health Administration (MSHA) the week of April 26 and the Senate Appropriations Committee held a hearing on May 20 to review current safety resources at federal agencies, including MSHA. The House Education and Labor Committee held a field hearing in Beckley, West Virginia on May 24 to hear testimony from family members of those who died. Senator Jay Rockefeller (D-WV) outlined his recommendations for new mine safety legislation in a letter to President Obama dated June 1. Among the proposals he endorsed are the following:

- Reform of the Pattern of Violations (POV) process by removing the current regulatory step of placing mines on a “potential POV status and the requirement that only final orders are considered when establishing a POV;
- Provide necessary resources to reduce the appeals backlog;
- Protect “whistle blowers” by criminally charging supervisors and companies for retaliatory firing and empower mineworkers to

- come forward to report safety concerns;
- Provide resources for a joint Department of Justice and Department of Labor Mining Crimes Task Force
- Allow miners to proactively identify and correct unsafe mining conditions; and
- Hold all levels of a corporation accountable for workplace safety.

## **Upcoming IMCC Meetings Scheduled**

**IMCC 2010 Mid-Year Meeting** – October 26 - 27, 2010 at the DoubleTree Guest Suites – Historic District, Charleston, South Carolina

*For further details on this and other IMCC meetings as they become available, check the “Conferences” page of the IMCC website at [www.imcc.isa.us](http://www.imcc.isa.us).*