

INTERSTATE MINING COMPACT COMMISSION

ANNUAL REPORT 2010



Executive Director's Message

It is my pleasure to submit to you the Commission's annual report for 2010. As IMCC completed 40 years of service to the states in 2010, the organization continued to be recognized for its effective representation of the states concerning mineral development and associated environmental protection issues in our Nation's capitol. IMCC was called upon to testify before the U.S. Congress on several occasions to present the views and concerns of the states on issues such as restoration of abandoned mine lands, regulation of active mining operations, protection of miners' health and safety and funding for states to implement programs addressing each of these areas. IMCC also engaged with several federal agencies on regulatory proposals dealing with mine placement of coal combustion residues, financial responsibility for hardrock mining sites, certification of miners and oversight of state regulatory programs.

IMCC continued to coordinate its efforts with other state government organizations such as the National Association of Abandoned Mine Land Programs, the Association of State and Territorial Solid Waste Administrators, and the Western Governors Association on issues of mutual concern. IMCC also interacted with industry and environmental organizations to provide state perspectives on many of the issues mentioned above. Through these coordination and facilitation efforts, IMCC insures that the states have a strong and concerted voice in the ongoing debate concerning national mineral policy and energy security.

The year 2010 will be remembered as one of the busiest and most productive for IMCC and its member states as we continued to work with both a new Administration and a new Congress. Through the commitment and active participation of each member state, IMCC remains well positioned to advocate for our interests in Washington, DC and to provide much needed support among the member states.

I encourage all of the states to continue their active support of the Compact as we strive to advance the protection of our natural resources while maintaining an efficient and productive mining industry.

Gregory E. Conrad
Executive Director
Interstate Mining Compact Commission

**2010 Annual Report
of the
Interstate Mining Compact Commission**

Gregory E. Conrad
Executive Director

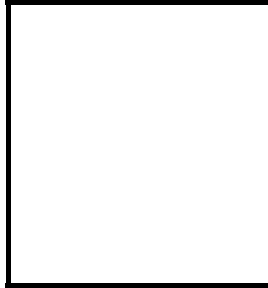
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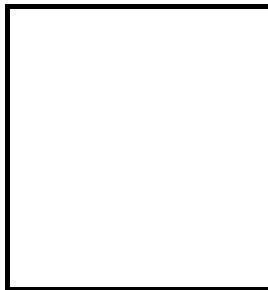
Table of Contents

Photos of 2010 Kenes C. Bowling Reclamation Award Winners	Front and Inside Cover
2010 Officers	1
History and Purpose of the Compact	2
Report of the Executive Director	3
Standing Committees	10
Activities of the Standing Committees	11
Committees and Committee Chairmen and Vice Chairmen for 2011	14
Yearly Commission Meetings	15
Officers Elected for 2011	16
Resolutions	17
Financial Reports	27
Member State Permitting Data	30
Member State Reclaimed Land Use Data	34
2010 Kenes C. Bowling Reclamation Award Winners	36
2010 Mineral Education Award Winners	37
2010 IMCC Membership	38
2011 Commissioners and Their Representatives	47

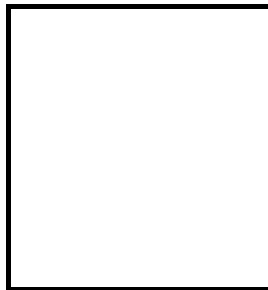
2010 Officers



Governor David A. Paterson
New York — Chairman



Vacant



Governor Martin O'Malley
Maryland — Treasurer

History and Purpose of the Compact

The Southern Governors' Conference Meeting in San Antonio, Texas in 1964 recognized and came to grips with the problems of surface mining. Governor Edward R. Breathitt of Kentucky and Governor Bellmon of Oklahoma sponsored a resolution which in part read: "Whereas the Council of State Governments sponsored an interstate conference, in which surface mining problems of the states were reviewed, and whereas such conference underlined the desirability of action by industry to utilize techniques designed to minimize waste of our natural resources and the desirability of action by the states to assure adherence to sound standards and procedures by the mining industry: Now, therefore, be it resolved by the Southern Governors' Conference that the Council of State Governments be requested to assist representatives of the states in which surface mining takes place in exploring the possible role of interstate action, through Compact and otherwise, in this field."

The Interstate Mining Compact Commission (IMCC) was thus conceived and Kentucky became its first member followed by Pennsylvania and North Carolina. With the entry of Oklahoma in 1971, the Compact was declared to be in existence and operational. In February 1972, permanent headquarters were established in Lexington, Kentucky and an executive director was retained. Since that time, twenty additional states — West Virginia, South Carolina, Maryland, Tennessee, Indiana, Illinois, Texas, Alabama, Virginia, Ohio, Louisiana, Arkansas, New Mexico, Missouri, New York, North Dakota, Utah, Wyoming, Alaska and Colorado — have become members. New Mexico withdrew from the Compact in 1991 as a full member but rejoined as an associate member in 2000. New York joined the Compact as its first associate member state in 1994. Since then the following states have also joined as associate members: North Dakota (2000), Utah (2004), Wyoming (2005), Alaska (2006), and Colorado (2007). New York and North Dakota are now full members.

The Mining Compact is designed to be advisory, not regulatory in nature, and its defined purposes are to:

- ▶ Advance the protection and restoration of the land, water, and other resources, affected by mining;
- ▶ Assist in the reduction or elimination or counteracting of pollution or deterioration of land, water, and air attributable to mining;
- ▶ Encourage (with due recognition of relevant regional, physical, and other differences) programs in each of the party states which will achieve comparable results in protecting, conserving, and improving the usefulness of natural resources, to the end that the most desirable conduct of mining and related operations may be universally facilitated;
- ▶ Assist the party states in their efforts to facilitate the use of land and other resources affected by mining, so that such may be consistent with sound land use, public health, and public safety, and to this end study and recommend, wherever desirable, techniques for the improvement, restoration, or protection of such land and other resources; and
- ▶ Assist in achieving and maintaining an efficient and productive mining industry and increasing economic and other benefits attributable to mining.

Report of the Executive Director

The year 2010 marked forty years of service to the states for the Interstate Mining Compact Commission (IMCC). Over the course of those years, the organization has strived to represent the interests of its member states concerning the development of their rich natural resources, particularly fuel and non-fuel minerals, in a manner that insures the protection of the environment, the safety of our Nation's miners and the protection of public health and safety. The past year was particularly eventful for the Compact as we continued to engage with a new Administration in Washington, DC and as the political winds portended a change in Congress. With control in the House shifting to the Republican party in the historic election of November 2, new alignments in leadership were the order of the day and IMCC began preparations for what promised to be an active year of legislative business in 2011.

The focus early in the year revolved, as usual, around the budget and appropriations process. Following meetings with Office of Surface Mining (OSM) Director Joe Pizarchik on February 26 to discuss the process for rolling out the agency's proposed budget for Fiscal Year (FY) 2011, IMCC arranged for and facilitated a conference call between OSM and the member states of both IMCC and the National Association of Abandoned Mine Land Programs (NAAML) on March 3. IMCC was invited to testify at a hearing on OSM's FY 2011 budget before the Interior Subcommittee of the House Appropriations Committee on March 25, with Butch Lambert of the Virginia Department of Mines, Minerals and Energy serving as IMCC's witness. IMCC also submitted a statement for the record on March 19 with the Interior Subcommittee of the Senate Appropriations Committee regarding OSM's budget request. In both of these statements, IMCC made a strong case for continued funding (at FY 2010 levels or above) for state grants under Title V (active mining) and Title IV (abandoned mine land program) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

IMCC also submitted a lengthy list of questions to Congressional staff of the House and Senate Appropriations Committees and committees of jurisdiction (Senate Energy and Natural Resources and House Natural Resources) for use in oversight hearings held by these various committees regarding both the Interior Department's and OSM's budget requests. Briefings were also held with both majority and minority congressional staff regarding OSM's FY 2011 budget request on March 5 (House and Senate Interior Appropriations Subcommittees) and on March 25 (Senate Energy and Natural Resources Committee and House Energy and Mineral Resources Subcommittee). Also on the appropriations/budget front, IMCC submitted statements to the Labor, Health and Human Services, Education and Related Agencies Subcommittees of the House and Senate Appropriations Committees on March 18 concerning the FY 2011 budget request for the Mine Safety and Health Administration (MSHA) within the U.S. Department of Labor.

Later in the year, on July 18, IMCC held meetings with the staff of the House and Senate Interior Appropriations Subcommittees to discuss the status of the FY 2011 appropriations bill for the Interior Department, as well as a reprogramming request by OSM in which the agency proposed to move \$5.9 million from state Title V regulatory grants for use by the agency to develop an environmental impact statement for its soon-to-be-proposed rule on stream protection. On July 19, IMCC, together with the Western Interstate Energy Board (WIEB), submitted a letter to the Appropriations Committees articulating the states' concerns with the reprogramming request. Throughout the year, IMCC also engaged in regular contacts with congressional staff concerning the elimination of the abandoned mine land (AML) emergency program under Title IV of SMCRA and advocating additional funding for this vital program. IMCC, together with the NAAML, also submitted a letter on May 10 to Secretary of

the Interior Ken Salazar concerning the elimination of funding for the AML emergency program.

On April 1, I testified on behalf of our organization and the NAAMLPLP at a hearing held by the Public Lands and Forests Subcommittee of the Senate Energy and Natural Resources Committee concerning S. 2830, a bill to amend SMCRA to provide for the use of prior balance replacement funds (unappropriated state share moneys under Title IV of SMCRA) for noncoal AML reclamation projects. In addition to supporting the bill, IMCC and NAAMLPLP advocated for an amendment to allow the use of these funds for the acid mine drainage (AMD) set-aside program under SMCRA. In the end, the Senate Energy and Natural Resources Committee favorably reported the bill, along with our suggested amendment, on June 25. IMCC and NAAMLPLP also testified at a hearing held by the Energy and Mineral Resources Subcommittee of the House Natural Resources Committee on September 23 concerning H.R. 4817, a companion bill to S. 2830. Loretta Pineda of the Colorado Department of Natural Resources served as the IMCC/NAAMLPLP witness.

In a related matter, IMCC submitted a statement for the record of a legislative hearing held by the Energy and Mineral Resources Subcommittee of the House Natural Resources Committee on June 25 concerning H.R. 5479, a bill to amend SMCRA to allow certain moneys in the AML Trust Fund to pay for shortfalls in the United Mine Workers Combined Benefit Pension Fund. IMCC also attended a markup of the bill on July 22, at which the bill was favorably passed out of Committee.

The IMCC Mine Safety and Health Committee met via conference call on several occasions to review and develop recommendations concerning legislation that would amend the Mine Safety and Health Act of 1977, as amended by the MINER Act of 2006. H.R. 5563 was introduced by House Education and Labor Committee Chairman George Miller on July 1 and was preceded by several draft bills on

which IMCC submitted comments upon request by the Committee. Conference calls were held on May 26, June 11, July 8 and July 22. A letter was submitted to the Committee on July 12 that articulated IMCC's position on those provisions in the bill that were of most concern to the states (primarily requirements related to certification of miners). Prior to the development of the letter, IMCC conducted a survey of the states regarding their existing certification requirements. IMCC also conducted a survey of the states later in the year on behalf of the House Education and Labor Committee regarding subpoena powers possessed by the states pursuant to state laws and rules in the area of mine safety and health.

Pursuant to a request by Senator James Inhofe, Ranking Member of the Senate Environment and Public Works Committee, IMCC reviewed draft legislation that would curtail mountaintop mining operations and the associated use of valley fills. A conference call of interested and affected states was facilitated by IMCC on June 23 to discuss the draft legislation and following the call, a letter was submitted to Senator Inhofe on July 8 reflecting the states' reactions to the draft.

As has been our custom over the years, IMCC spent considerable time working with the Office of Surface Mining within the U.S. Department of the Interior in a continued attempt to collaboratively address issues of mutual concern, while preserving the state primacy approach embodied in SMCRA. Of utmost importance during the year was OSM's oversight improvement actions initiative, which grew out of a June 2009 Memorandum of Agreement between Interior, the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers. Although supposedly focused on mountaintop mining operations in Appalachia, several initiatives under the MOU had nationwide implications, especially for the states – including federal oversight of state regulatory programs and a proposed rulemaking on stream protection.

IMCC met with OSM Director Pizarchik on January 19 and submitted extensive comments

regarding the agency's proposed oversight improvement actions. IMCC facilitated a conference call with OSM on March 9 to receive an update on OSM's oversight initiative. An additional conference call of IMCC member states was held on March 22 to discuss state strategies with respect to the OSM oversight initiative. IMCC submitted additional comments on three specific draft documents under OSM's initiative on July 8 concerning off-site impacts, outreach and inspection methodology. Additional meetings were held with OSM Director Pizarchik to discuss the initiative and other pending issues affecting the states on May 19 and August 18. IMCC also helped to coordinate and facilitate a meeting of OSM and state officials to discuss the topic of federal oversight of permit defects in primacy states on September 28 in St. Louis. As the year drew to a close, IMCC was working with the states to develop comments on three, revised oversight directives that were released in early November: INE-35 on permit defects; REG-23 on corrective actions; and REG-8 on federal oversight procedures. Conference calls were held on December 1 and 15 to discuss and prepare these comments.

In a somewhat related development (with respect to data and information that may be used in the oversight process), IMCC helped to coordinate and facilitate a meeting of state and federal agency personnel to discuss the development of a geospatial database for surface coal mine permits, including a pilot project for testing the database. The meeting was held from August 2 – 5 in Charleston, WV. Conference calls were held on May 10, May 26, and July 27 to prepare for the meeting. A meeting of key parties involved with the initiative was also held on June 30 and July 1 in Pittsburgh. A follow up conference call was held on September 30.

Another key initiative growing out of the June 2009 MOU was the development of a proposed rule on stream protection and an accompanying environmental impact statement (EIS). A conference call of the IMCC Environmental Affairs Committee (Coal Section)

and the Abandoned Mine Lands Committee was held on February 25 to discuss recent developments with respect to OSM's proposed rule and EPA's water quality requirements for coal mines. IMCC coordinated and participated in outreach meetings held by OSM concerning its stream protection rule on May 3 and 4 in Washington, DC. During those same two days, IMCC held a conference call with interested and affected states to brief them and gather input for comments as part of OSM's scoping effort. IMCC submitted a letter to Assistant Secretary Wilma Lewis on May 14 requesting a meeting to discuss the rule, as well as other state concerns, including oversight, potential proposed rules on mine placement of coal combustion residues, AML legislation and budget impacts for the states. IMCC submitted written comments on May 26 concerning OSM's notice of intent to prepare an EIS on the rule. Several IMCC member states are participating as cooperating agencies in the development of the EIS and IMCC has assisted with facilitating conference calls among these states to discuss the EIS process and comments on draft chapters of the EIS. Calls were held on September 14 and November 9.

IMCC has also monitored development of a proposed rule by OSM regarding mine placement of coal combustion residues (CCRs). In addition to the letter to Assistant Secretary Lewis mentioned above, IMCC discussed the issue on various occasions throughout the year with OSM at either IMCC meetings or at OSM/State meetings. In a related matter, IMCC facilitated a conference call with the member states on May 6 to brief them on a proposed rule announced by EPA on May 4 concerning the regulation of CCRs from electric utilities. Given the interaction between this rule and OSM's anticipated rule, IMCC held a conference call of the member states on September 8 to decide whether and to what extent IMCC should comment on EPA's proposed rule. IMCC requested an extension of the comment period on EPA's rule via letter of August 10. Extensive written comments were submitted to EPA concerning the agency's proposed rule on November 19. IMCC also submitted comments to

EPA on August 3 regarding a proposed rule identifying certain non-hazardous secondary materials that are considered to be “solid waste” under the Resource Conservation and Recovery Act (RCRA), including coal refuse. In a related matter, I presented a paper and powerpoint presentation on “Recent Legislative and Regulatory Developments re the Use of Coal Combustion Products in Mine Reclamation” at an Electric Utility Consultants, Inc. (EUCI) Conference on March 29 in Houston that was focused on “The Future of Coal Combustion Products: Regulatory, Legal, Technical and New Markets.” In preparation for this presentation, I met with staff at the Pennsylvania Department of Environmental Protection in Harrisburg on February 22.

In other OSM-related matters, IMCC continued its active involvement as a member of OSM’s National Technology Transfer Team. Conference calls were held on January 21, March 9, April 7, May 25, June 22, July 15, August 19, September 29 and November 10. IMCC also continues to play a lead role with regard to the work of the Acid Drainage Technology Initiative (ADTI). Nick Schaer of West Virginia is now IMCC’s representative on the ADTI Operations Committee and Coal Sector. IMCC also served on a Steering Committee regarding the development of an interactive forum sponsored by OSM on “Protecting Bats at Coal Mines”. IMCC coordinated a panel presentation by several state representatives regarding their progress in utilizing guidelines for Indiana Bat protection and enhancement plans. Conference calls of the Steering Committee were held on January 11, April 1 and July 27. The forum was held in Charleston, WV from August 31 – September 3. In addition to facilitating the panel presentation, I also presented a paper that provided an overview of the results from a survey conducted by IMCC concerning the states’ utilization of the Indiana Bat guidelines. IMCC also participates as a member of the steering committee for the implementation of the Indiana Bat guideline document. Conference calls of the steering committee were held on November 16 and December 2.

IMCC also helped to coordinate and facilitate the Appalachian regional OSM/States meeting held from June 28 – 30 in Pittsburgh, at which several regulatory, technical and policy issues were discussed. IMCC also participated in the Western regional OSM/States meeting held from June 14 – 16 in Salt Lake City, UT. IMCC also attended and provided an update on legislative and regulatory developments at the annual meeting of the Appalachian Technology Transfer Team in Pipestem, WV on August 31.

IMCC was also active throughout the year on issues impacting the noncoal/hardrock sector of the states’ regulatory world. Of key importance was the development by EPA of a proposed rule under Section 108(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) regarding financial responsibility requirements for the hardrock mining sector. A conference call of interested and affected states was held with EPA on July 7 to discuss the status of the rulemaking. Following that meeting, IMCC sent a letter to EPA on July 15 articulating our concerns with the rule development process and the proposed rule. A follow up phone call between IMCC and EPA staff concerning the letter was held on July 20, at which time plans were made for a face-to-face meeting between EPA and the states. That meeting, which was facilitated by IMCC, was held on August 26 and 27 in Denver, at which approximately 30 state and federal agency personnel discussed the topic of existing state financial responsibility requirements. A follow up conference call of the states to debrief on the meeting with EPA was held on September 16.

While there was little in the way of congressional activity on legislation to provide relief from Clean Water Act liability for “Good Samaritans” who undertake hardrock AML cleanup efforts, IMCC did participate in a conference call on December 16 with several Pennsylvania watershed groups, Trout Unlimited and OSM to discuss the potential for legislation in the 112th Congress. IMCC staff also met with staff of the Senate Environment and Public Works Committee and the House Transportation and

Infrastructure Committee to discuss the potential for Good Sam legislation in the 112th Congress.

The IMCC Mine Safety and Health Committee was active throughout the year in meetings between the states and MSHA. The Committee met with Assistant Secretary for Mine Safety and Health Joe Main on March 15 in Pittsburgh to discuss common issues and concerns and to initiate more regular meetings between IMCC and the states. The Mine Safety and Health Committee met with the MSHA District Managers and members of MSHA's leadership team on May 13 at the Mine Safety and Health Academy in Beckley, WV to discuss a host of issues related to the implementation of state and federal programs under the Mine Safety and Health Act. Following that meeting, IMCC worked with MSHA staff on the development of a memorandum of understanding (MOU) between MSHA and IMCC regarding future state/federal interaction on issues of mutual interest and concern. A conference call of the Committee was held on November 15 to discuss the next meeting between IMCC and MSHA, to approve the final version of the MOU and to plan the agenda for the meeting.

IMCC continues its working relationship with other state governmental organizations and others who have an interest in the work of the states. IMCC coordinates with the Western Governors' Association and the Western Interstate Energy Board on the OSM budget, AML, Good Samaritan and CERCLA 108(b) issues mentioned above. IMCC also coordinates its work on financial responsibility issues for the hardrock mining sector with the Association of State and Territorial Solid Waste Management Officials (ASTSWMO). IMCC is also actively involved with the National Association of Abandoned Mine Land Programs (NAAML), often jointly developing testimony, statements, comments and input to OSM and others on AML-related issues. IMCC participated in the NAAML Mid-Winter meeting in Lajitas, Texas via conference call on February 23, providing several updates on OSM's FY 2011 budget; OSM's oversight initiative; EPA's proposed rule

on CCRs; and pending legislation regarding hardrock AML and Good Samaritan relief. IMCC also attended the annual conference of NAAML in Scranton, PA from September 19 – 22, providing updates on many of the issues mentioned above. IMCC also coordinated several conference calls with NAAML during the year and worked with the leadership of the organization regarding pending legislation and regulations.

IMCC attended the annual meeting of the National Academy of Science's Committee on Earth Resources in Washington, DC on October 19 at which the topic of "Meeting our Nation's Natural Resource Needs: Balancing Risks and Rewards" was discussed. IMCC also attended and spoke at a meeting of the National Mining Association's Environment Committee on October 20 in Washington, DC.

In addition to meetings of the IMCC standing committees in conjunction with IMCC's annual meeting and mid-year meeting, IMCC's Finance Committee met via conference call on April 1 to prepare recommendations concerning staff compensation and benefits, following review of staff performance ratings. The IMCC Awards Committee met twice during the year via conference call: once on March 17 to select winners of the 2010 national reclamation awards and again on August 24 to discuss and develop criteria and guidelines for a new IMCC award that would recognize the contributions of IMCC member states to the work of the organization. The Minerals Education Work Group met via conference call on March 16 to select the winners of the 2010 national minerals education awards.

IMCC continued to pursue additional funding for its benchmarking initiative. Those funds were hard to come by in 2010, but we are hoping for better days ahead. Potential topics for future workshops include: 1) state approaches to the interpretation of narrative water quality standards in the context of surface coal mine permits; 2) use of trust funds to address acid mine drainage and stream protection; 3) underground mine mapping innovations and updates; and 4)

follow up to special oversight studies. IMCC pursued the development of a potential workshop on the impacts to mining from gas development (drilling and fracking) in the Marcellus Shale with the Interstate Oil and Gas Compact Commission. A conference call of interested states was held on August 30 to discuss the level of interest in pursuing either a workshop or a roundtable discussion. The majority of states on the call stated that most of their work is being handled intra-state and hence did not feel there was enough interest in an interstate meeting at the time. Ohio expressed interest in pursuing a couple of pressing issues and IMCC agreed to facilitate such an effort if Ohio so desired.

IMCC received an additional \$20,000 toward its COALEX contract with OSM. Pursuant to the contract, IMCC completed work on an updated version of the Surface Mining Control and Reclamation Act reflecting all amendments and appropriations activity as of January, 2010. The update is available electronically; OSM may publish an updated version of SMCRA sometime in the future.

During the year, IMCC conducted several surveys of the states in an effort to serve as a clearinghouse for information and data requests. In addition to the surveys on miner certification, state subpoena powers and compliance with the new Indiana Bat guidelines mentioned above, IMCC also conducted a survey of the states concerning the extent to which independent oversight inspections under SMCRA were being conducted by OSM. IMCC also worked on developing a survey of the states on behalf of OSM regarding permit fees and cost recovery. IMCC met with OSM's budget staff to discuss the latter survey on December 16.

From an operational perspective, IMCC continued to make adjustments and improvements that would improve our bottom line. IMCC is now distributing our quarterly newsletter via e-mail. Plans call for distributing our membership directory electronically as well, or by referring interested parties to our website (where it is kept up to date). IMCC updated its computers and

telephone service in early 2010 and is exploring web services for conducting conference calls as an alternative to face-to-face meetings. IMCC made available to the member states a CD version of our minerals education calendar for 2010. IMCC's audit was conducted on August 4 and the auditor's report was provided to the member states via e-memo of September 8.

With regard to membership development efforts, IMCC staff spent the majority of its time during the year working with current member states to help justify their membership in IMCC and/or dues assessments in light of the current fiscal constraints facing many states. It is likely that these efforts will continue for the foreseeable future as states actively review their membership in organizations such as IMCC. IMCC has also been working with its associate member states to pursue legislation bringing them into the Compact as full members when the timing is right. Follow up correspondence and conversations were initiated with several potential member states including Nevada, Mississippi, Kansas, Montana and Arizona. Given the fiscal challenges facing each of these states, the potential for pursuing membership at this time is limited.

IMCC staff also spent considerable time near the end of the year briefing the offices of the new Governors who were elected on November 2 about IMCC. Letters were sent to the Governors of New York, Alabama, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Colorado, New Mexico and Wyoming and follow up phone calls and e-mails were sent to confirm the participation of these states through their new official representatives.

As the first decade of the 21st century came to a close, the states were just beginning to pull themselves out of a nationwide economic and financial crisis that has had significant consequences government-wide. Many state agencies have seen their programs and their staffs suffer drastic cuts in an effort to restore some semblance of balance to state budgets. The ramifications of these hard decisions remains to be seen but it is clear that we are learning to do more

with less and to persevere through difficult times. State mining and environmental programs are no exception. And yet mines need to be permitted and inspected; the environment needs to be protected and in some cases restored; and the safety and health of our Nation's miners needs to be assured.

Part of the mission at IMCC is to encourage the states to stand together to weather these storms and to persevere through these challenges. We do this by working together to share innovative solutions and ideas, to develop jointly held positions and recommendations, and to maximize resources and time. Seldom has there been a time when uniting together to speak with a single voice has been more important. Congress and executive agencies need to fully understand the consequences of their decisions for state governments, in terms of policy, mandates and funding. As we look to the immediate future, we can readily see the importance of these decisions in the areas of federal oversight of state regulatory programs; federal rulemakings on financial responsibility for hardrock mines, mine placement of coal combustion residues, and stream protection for coal mines; and federal funding for state active mining programs and abandoned mine land programs. All of these decisions can and will have direct impacts on state governments and we must remain vigilant to protect our interests and secure our roles as primary regulators under national mining and environmental laws.

It is a distinct privilege to work together with you as we to seek to preserve, protect and enhance the role of the states in the area of natural resource development and protection. On behalf of Beth and me, thank you for your continued support and for making us an organization whose quality and effectiveness are recognized both in Washington, DC and nationwide.

Standing Committees

Environmental Affairs Committee

Coal Section

Bruce Stevens, Indiana, Chairman

James Stephens, Arkansas, Vice Chairman

Noncoal Section

Mike Larsen, Missouri, Chairman

Kent Coleman, South Carolina, Vice Chairman

Abandoned Mine Lands Committee

Michael Skates, Alabama, Chairman

James Deutsch, North Dakota, Vice Chairman

Mine Safety and Health

Ron Wooten, West Virginia, Chairman

Johnny Greene, Kentucky, Vice Chairman

Finance and Administrative Committee

C. Edmon Larrimore, Maryland, Chairman

Bruce Stevens, Indiana, Vice Chairman

Resolutions Committee

Steven Potter, New York, Chairman

Paul Schmierbach, Tennessee, Vice Chairman

Awards Committee

Mary Ann Pritchard, Oklahoma, Chairman

Dale Bergquist, Louisiana, Vice Chairman

(Members of the 2010 Awards Committee: Oklahoma, Louisiana, New Mexico, Kentucky and Pennsylvania)

Legal Advisor

Richard Morrison, Pennsylvania

Minerals Education Work Group

Dean Spindler, Illinois, Chairman

Activities of the Standing Committees

Finance and Administrative Committee

The committee met on two occasions during 2010. On April 14 the committee met in Point Clear, Alabama in conjunction with the Compact's Annual Meeting. The committee reviewed the Compact's current financial condition; reviewed and approved the proposed Fiscal Year 2011 budget; discussed the 2010 Executive Director's evaluations and recommendations of the Compact's Compensation and Benefits Review Committee; and discussed potential impacts of state budget crises on IMCC operations.

On October 27, the committee met in Charleston, South Carolina. The committee reviewed the Compact's current financial condition, reviewed and approved the Compact's Fiscal Year 2010 Audit, and discussed membership issues.

Resolutions Committee

The committee met jointly with the Finance and Administrative Committee twice in 2010. On April 14 in Point Clear, Alabama, the committee recommended approval of five resolutions of appreciation. (See *Resolutions* section of this Annual Report.)

On October 27 in Charleston, South Carolina, the committee recommended adoption of four resolutions. They included three resolutions of appreciation, and one resolution addressing a U.S. Environmental Protection Agency proposal regarding the placement of coal combustion residues. (See *Resolutions* section of this Annual Report.)

Environmental Affairs Committee — Coal Section

The Coal Section of the Environmental Affairs Committee met on April 13, 2010 in Point Clear, Alabama in conjunction with the Compact's Annual Meeting. Among the topics discussed were: legislative activity regarding amendments to the Surface Mining Control and Reclamation Act (SMCRA); revisions and amendments to state abandoned mine land (AML) reclamation plans; transition rules regarding the AML Emergency Program; the Office of Surface Mining's (OSM) Fiscal Year (FY) 2010 appropriation and FY 2011 budget request; state Title V regulatory grants; an OSM user fee proposal; Title IV program funding; the OSM Oversight Improvement Actions Initiative; OSM rulemakings on mine placement of coal combustion wastes and stream protection; water quality requirements for coal mining permits and impacts on state-issued permits; pending legislation regarding water quality requirements; Indiana Bat Protection and Enhancement Guidelines; and upcoming regional OSM/States Meetings.

On October 26, 2010, the committee met in conjunction with the IMCC Mid-Year Meeting in Charleston, South Carolina. Among the topics discussed were: legislative activity regarding amendments to SMCRA; the status of the abandoned mine land (AML) emergency program; OSM's FY 2011 appropriations; pending OSM rulemaking initiatives and a draft Environmental Impact Statement (EIS) on stream protection; mine placement of coal combustion residues (CCRs) and the status of OSM's and EPA's proposed CCR rules; Clean Water Act issues relating to SMCRA; and OSM oversight improvement actions.

Environmental Affairs Committee — Noncoal Section

The Noncoal Section of the Environmental Affairs Committee met twice in 2010. On April 12 in Point Clear, Alabama, the committee met in conjunction with the Compact’s Annual Meeting. The committee met again on October 26 in Charleston, South Carolina in conjunction with the Mid-Year Meeting. Topics discussed at the April 12 meeting included: a presentation on Uniform/Model Laws; status of Mining Law reform bills (H.R. 699 and S. 796); potential for a hardrock abandoned mine lands (AML) program; status of Good Samaritan legislation (S. 1777 and H.R. 3202); future IMCC noncoal symposia or workshops; Alabama’s mine safety and health enhancements pursuant to the MINER Act; and mine safety and health issues.

Topics of discussion at the committee meeting held on October 26 included: status of mine safety and health legislation; an Interstate Mining Compact Commission (IMCC)/Mine Safety and Health Administration (MSHA) Memorandum of Understanding; the Environmental Protection Agency’s (EPA) rulemaking on financial assurance requirements under Section 108(b) of CERCLA; status of Mining Law reform legislation (H.R. 699 and S. 796); status of Good Samaritan legislation (H.R. 3203 and S. 1777); a presentation by Ed Fogels of Alaska on “Human Health Impact Assessments”; and a presentation by Wendy Hamilton of South Carolina on key mining issues in the state.

Abandoned Mine Lands Committee

The Abandoned Mine Lands (AML) Committee met jointly with the Coal Section of the Environmental Affairs Committee on two occasions — April 13 in Point Clear, Alabama and October 26 in Charleston, South Carolina. At the April 13 meeting, the committee discussed the following

topics: legislative activity regarding amendments to the Surface Mining Control and Reclamation Act (SMCRA); revisions and amendments to state abandoned mine lands (AML) reclamation plans; status of the AML emergency program (Transition Rules); and Title IV program funding in OSM’s Fiscal Year (FY) 2010 appropriation and FY 2011 budget.

At the October 26 meeting, topics discussed included: legislative activity regarding amendments to SMCRA; status of the AML emergency program; and state Title IV AML grants in OSM’s FY 2011 appropriation.

Mine Safety & Health Committee

The Mine Safety & Health Committee met jointly with the Noncoal Section of the Environmental Affairs Committee on two occasions in 2010 – on April 12 in Point Clear, Alabama in conjunction with the Compact’s Annual Meeting, and on October 26 in Charleston, South Carolina in conjunction with IMCC’s Mid-Year Meeting. Topics of discussion at the April 12 meeting included: a presentation by Larry McCarty of Alabama on “Recent Mine Safety and Health Enhancements Pursuant to the MINER Act”; report on an IMCC/MSHA meeting held on March 15; the development of an IMCC/MSHA Memorandum of Understanding (MOU) to enhance future communications between MSHA and the states; and a potential future meeting of IMCC states and MSHA District Managers.

Topics discussed at the October 26 meeting included: status of mine safety and health legislation (H.R. 5663, “the “Miner Safety and Health Act of 2010”); an IMCC/MSHA MOU; and a meeting to be scheduled with MSHA officials early in 2011 to discuss federal/state issues.

Awards Committee

The Awards Committee met via conference call on March 17, 2010 to select winners of the 2010 Kenes C. Bowling National Mine Reclamation Awards. The Education Work Group met via conference call on March 16, 2010 to select winners of the 2010 IMCC National Minerals Education Awards.

The reclamation award recipients, and photos of the winning sites, are listed elsewhere in this Annual Report. The awards were presented at the Annual Awards Banquet on April 13, which was held in conjunction with IMCC's Annual Meeting in Point Clear, Alabama.

The National Mineral Education Awards were also presented at the April 13 Awards Banquet. The education award recipients are also listed elsewhere in this Annual Report.

NOTE: For other committee meetings during the year, see the *Report of the Executive Director*.

Committees and Committee Chairmen and Vice Chairmen for 2011

Environmental Affairs Committee

Coal Section

James Stephens, Arkansas, Chairman

Tom Callaghan, Pennsylvania, Vice Chairman

Noncoal Section

Kent Coleman, South Carolina, Chairman

James Simons, North Carolina, Vice Chairman

Abandoned Mine Lands Committee

James Deutsch, North Dakota, Chairman

Mike Kastl, Oklahoma, Vice Chairman

Mine Safety and Health

Johnny Greene, Kentucky, Chairman

Butch Lambert, Virginia, Vice Chairman

Finance and Administrative Committee

John Caudle, Texas, Chairman

Joe Angleton, Illinois, Vice Chairman

Resolutions Committee

C. Edmon Larrimore, Maryland, Chairman

Bruce Stevens, Indiana, Vice Chairman

Awards Committee

Dale Bergquist, Louisiana, Chairman

Lanny Erdos, Ohio, Vice Chairman

(Members of the 2011 Awards Committee: Louisiana, Ohio, Virginia, Colorado, Illinois)

Legal Advisor

Richard Morrison, Pennsylvania

Minerals Education Work Group

Dean Spindler, Illinois, Chairman

Yearly Commission Meetings

2010 Annual Meeting — Point Clear, Alabama

The 2010 Annual Meeting was held at The Marriott Grand Hotel in Point Clear, Alabama from April 11 - 14, 2010. The following member states were in attendance: Alabama, Alaska, Arkansas, Illinois, Indiana, Kentucky, Maryland, Missouri, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, and West Virginia. Attendees included 49 persons consisting of IMCC members, other state representatives, federal officials, and industry representatives. The meeting was highlighted by a general session, committee meetings, the annual commission business meeting, social receptions, and the annual awards banquet.

The meeting began with welcome remarks by G. Thomas Surtees, Director of the Alabama Department of Industrial Relations who opened the General Session on April 12. Speakers and topics covered during the session included: Larry Barwick, Alabama Department of Industrial Relations: “Mulga Gob Fire Project”; Dr. Randall Johnson, Director, Alabama Surface Mining Commission: “Digital Documents and Applications”; Professor Bill Henning, University of Alabama School of Law: “Uniform State Laws – Purpose, Development and Use”; and Larry McCarty, Alabama Mine Safety Inspector: “Focus on Safety”.

IMCC’s Standing Committee meetings commenced in the late morning of April 12 (see *Activities of the Standing Committees*). In the evening attendees enjoyed an Old South BBQ Buffet on the Bay held on the pier at the Marriott.

The Standing Committee meetings resumed on the morning of April 13 and continued throughout the afternoon. At a banquet that evening, the IMCC presented its 2010 National Reclamation and Minerals

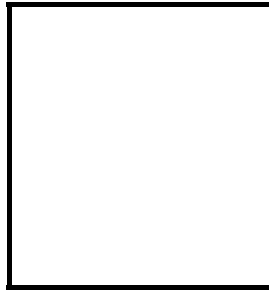
Education Awards. (see *Awards* section later in this report for details.)

The Commission’s annual business meeting was held on April 14. The meeting was chaired by Ed Larrimore on behalf of the Compact’s Treasurer, Governor Martin O’Malley of Maryland. Subjects of action and discussion included: the Executive Director’s Report (see *Report of the Executive Director*); standing committee reports (see *Activities of the Standing Committees*); IMCC’s State Program Benchmarking Initiative; a new IMCC Award for Excellence (service award); and future IMCC meetings. In addition, five resolutions were adopted at the meeting and are contained in the *Resolutions* section of this Annual Report.

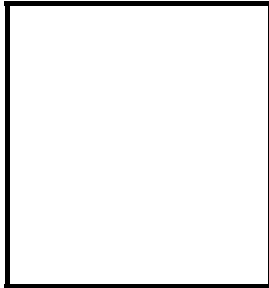
2010 Mid-Year Meeting – Charleston, South Carolina

The Mid-Year Executive Commission Meeting of the IMCC was held in Charleston, South Carolina at the Doubletree Suites Hotel, October 26 - 27, 2010. Committee meetings were held on October 26. A luncheon and a social reception were also held on October 26. Committee meetings resumed the morning of October 27. They were followed by the commission’s business meeting which concluded the meeting. The business meeting was chaired by Ed Larrimore on behalf of the Compact’s Treasurer, Governor Martin O’Malley of Maryland. Among the topics addressed at the meeting were: an Executive Director’s Report (see *Report of the Executive Director*); reports from standing committees of the Compact (see *Activities of Standing Committees*); election of officers for 2011; appointment of committee chairs for 2011; a proposed new IMCC Honorary Service Award; and future IMCC meetings. In addition, four resolutions were adopted at the meeting and are contained in the *Resolutions* section of this Annual Report.

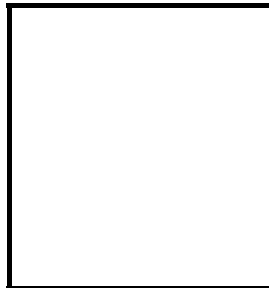
Officers Elected for 2011



Chairman:
Governor Martin O'Malley
Maryland



Vice Chairman:
Governor Mitchell E. Daniels
Indiana



Treasurer:
Governor Rick Perry
Texas

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, Michael Skates and his staff arranged an informative and interesting meeting for the Interstate Mining Compact Commission in Point Clear, Alabama on April 11 -14, 2010; and

WHEREAS, our hosts warmly welcomed and generously extended their southern hospitality to all attendees

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its deep appreciation to Michael Skates and all of the other state officials who assisted IMCC staff to assure a successful meeting.

Issued this 14th day of April, 2010

ATTEST:

Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, the Interstate Mining Compact Commission's (IMCC) Annual Meeting in Point Clear, Alabama from April 11 -14, 2010 was honored by the presence of Milton McCarthy, General Counsel to the Alabama Surface Mining Commission; and

WHEREAS, Mr. McCarthy served as the Master of Ceremonies at the Annual Awards Banquet on April 13, 2010;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its gratitude to Milton McCarthy for his participation in making this year's meeting an outstanding success and for his support of IMCC.

Issued this 14th day of April 2010

ATTEST:

Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, The Interstate Mining Compact Commission's (IMCC) Annual Meeting in Point Clear, Alabama from April 11 -14, 2010 was honored by the presence of The Honorable Thomas Surtees, Director of the Alabama Department of Industrial Relations and Governor Riley's official representative to the Compact; and

WHEREAS, Director Surtees presented the Welcoming Address during the Opening Session on April 12, 2010;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its gratitude to Director Thomas Surtees for his participation in making this year's meeting an outstanding success and for his support of IMCC.

Issued this 14th day of April, 2010

ATTEST:

Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, throughout the years the Interstate Mining Compact Commission has been privileged to hear many excellent speakers at its meetings; and

WHEREAS, it is through these speakers that the Commission is able to keep abreast of new developments, new policies, and new technology in the fields of mining and environmental protection; and

WHEREAS, the speakers who addressed the Commission's Annual Meeting on April 12, 2010 in Point Clear, Alabama are men of outstanding ability in their respective fields, and the benefit of their advice and experience are a valuable contribution to the Commission; and

WHEREAS, the Commission is most appreciative of the time and effort the speakers have expended in the preparation and presentation of their remarks;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission (IMCC) expresses its sincere gratitude to

Professor Bill Henning

Dr. Randall Johnson

Larry Barwick

Larry McCarty

Chuck Williams

Harold Smith

Issued this 14th day of April, 2010

ATTEST:

Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, The Interstate Mining Compact Commission was honored by the presence of The Honorable Joe Pizarchik, Director of the Office of Surface Mining, at its annual meeting in Point Clear, Alabama from April 11 - 14, 2010; and

WHEREAS, Director Pizarchik and members of his staff attended and actively participated in the IMCC Environmental Affairs Committee meeting on April 13, 2010; and

WHEREAS, IMCC greatly appreciates the productive working relationship and valuable partnership between the states and the Office of Surface Mining;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its gratitude to Director Pizarchik and his staff for their participation in making this year's meeting a success and for their continued involvement with IMCC on issues of mutual interest and concern.

Issued this 14th day of April, 2010

ATTEST:

Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, Craig Kennedy and the staff of the South Carolina Department of Health and Environmental Control arranged an informative and interesting Mid-Year meeting for the Interstate Mining Compact Commission in Charleston, South Carolina from October 26 - 27, 2010; and

WHEREAS, our hosts warmly welcomed and generously extended their southern hospitality to all attendees:

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its deep appreciation to Craig Kennedy and all of the other state officials who assisted IMCC staff to assure a successful meeting.

Issued this 27th day of October, 2010

ATTEST:

Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, throughout the years, the Interstate Mining Compact Commission has been privileged to hear many excellent speakers at its meetings; and

WHEREAS, it is through these speakers that the Commission is able to keep abreast of new developments, new policies, and new technology in the fields of mining and environmental protection; and

WHEREAS, the speakers who addressed the Commission's Mid-Year Meeting on October 26, 2010 in Charleston, South Carolina are men and women of outstanding ability in their respective fields, and the benefits of their advice and experience are a valuable contribution to the Commission; and

WHEREAS, the Commission is most appreciative of the time and effort the speakers have expended in the preparation and presentation of their remarks;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its sincere gratitude to

Wendy Hamilton

Ed Fogels

Issued this 27th day of October, 2010

ATTEST:

Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, in 1980 Congress passed the Beville Amendment to the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. Sec. 6982(n)), which required the U.S. Environmental Protection Agency (EPA) to conduct a detailed and comprehensive study and submit a report on the adverse effects on human health and the environment, if any, from the disposal and utilization of fly ash waste, bottom ash waste, slag waste, flue gas emission control waste, and other byproduct materials generated primarily from the combustion of coal or other fossil fuels; and

WHEREAS, on May 22, 2000, EPA published a regulatory determination on wastes from the combustion of fossil fuels (65 Fed. Reg. 32214), wherein it concluded that coal combustion wastes do not warrant regulation under subtitle C of RCRA when they are disposed in landfills or surface impoundments, and that regulations under subtitle D of RCRA and/or the Surface Mining Control and Reclamation Act (SMCRA) are warranted when these wastes are used to fill surface or underground mines; and

WHEREAS, the placement of CCRs in mines has remained a state regulatory responsibility for over 25 years and, during that time, states have developed and implemented programs to safely and effectively manage the placement of CCRs in mines; and

WHEREAS, during the course of their 25 years of regulating the placement of coal combustion residues (CCRs) in mines, state regulatory agencies have evaluated thousands of CCR chemical analyses which have verified that CCRs used in mine reclamation do not chemically test as, or have the characteristics of, hazardous wastes; and

WHEREAS, beginning in May of 2001, the Interstate Mining Compact Commission (IMCC) sponsored and facilitated a series of intergovernmental discussions with the Office of Surface Mining (OSM), EPA and other stakeholders concerning existing state and federal regulatory programs and controls for the placement of coal combustion residues in mines; and

WHEREAS, concerns about the potential public health and environmental risks associated with using coal combustion wastes for reclamation in active and abandoned mines led Congress in 2004 to direct EPA to commission an independent study to examine this topic, pursuant to which the National Research Council (NRC) established the Committee on Mine Placement of Coal Combustion Wastes; and

WHEREAS, on March 1, 2006, the NRC released its report on “Managing Coal Combustion Residues in Mines”; and

WHEREAS, IMCC endorses the finding in the NRC report that OSM and its SMCRA state partners should take the lead in developing any new national standards for the placement of coal combustion residues (CCRs) in mines because the framework is already in place to deal with mine-related issues; and

WHEREAS, on June 21, 2010, the U.S. Environmental Protection Agency published a proposed rule regarding the disposal of coal combustion residues from electric utilities; and

WHEREAS, EPA states in the preamble to the proposed rule that it is not proposing to address the placement of CCRs in mines, or the non-minefill uses of CCRs at coal mine sites

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission (IMCC) strongly supports the proposal of the U.S. Environmental Protection Agency, consistent with the approach recommended by the National Academy of Sciences, to exempt the placement of coal combustion residues in mines from the applicability of its proposed rules and to formally confirm the Office of Surface Mining's lead role in the development of rules regarding the placement of coal combustion residues in mines; and

That the Interstate Mining Compact Commission urges OSM, in coordination with EPA, to work closely with the states through IMCC in responding to the recommendations of the NRC report and developing rules for the placement of CCRs in mines.

Issued this 27th day of October, 2010

ATTEST:

Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, The Interstate Mining Compact Commission's Mid-Year Meeting in Charleston, South Carolina from October 26 - 27, 2010 was honored by the presence of The Honorable Joe Pizarchik, Director of the Office of Surface Mining; and

WHEREAS, Director Pizarchik and members of his staff attended and actively participated in the IMCC Environmental Affairs Committee meeting on October 26, 2010; and

WHEREAS, IMCC greatly appreciates the productive working relationship and valuable partnership between the states and the Office of Surface Mining;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission (IMCC) expresses its gratitude to Director Pizarchik and his staff for their participation in making this year's meeting a success and for their support of IMCC.

Issued this 27th day of October, 2010

ATTEST:

Executive Director

Financial Reports

*Interstate Mining Compact Commission
Statement of Financial Position for the Year Ended June 30, 2010*

ASSETS

Cash	\$ 154,803.00
Investments	300,000.00
Accounts receivable	40,687.00
Prepaid expenses and deposits	4,363.00
Property and equipment, net	2,280.00
Total assets	502,133.00

LIABILITIES AND NET ASSETS

Liabilities:	
Accrued vacation	33,053.00
Deferred rent	3,781.00
Total liabilities	36,834.00
Net assets:	
Unrestricted	465,299.00
Total net assets	465,299.00
Total liabilities and net assets	502,133.00

Financial Reports

*Interstate Mining Compact Commission
Statement of Activities
For the Year Ended June 30, 2010*

Unrestricted revenue and support	
Assessments	\$490,604
Government grants and contracts	8,400
Conferences and meetings	22,886
Interest income	16,224
Other income	98
Total revenue and support	538,212
Expenses	
Government programs	8,400
Administrative and general	534,476
Total expenses	542,876
Change in net assets	(4,664)
Net assets, beginning of year	469,963
Net assets, end of year	\$465,299

Financial Reports

**Interstate Mining Compact Commission
Schedule of Comparison of Expenses and Budget
For the Year Ended June 30, 2010**

Description	Government Grants	Admin. & General	Total Expenses	Budget	Variance
Salaries	\$3,300	\$291,574	\$294,874	\$287,000	\$ 7,874
Employee benefits	-	94,031	94,031	97,000	(2,969)
Rent	-	36,285	36,285	33,100	3,185
Conference and meetings	-	34,990	34,990	20,000	14,990
Travel	-	30,274	30,274	20,000	10,274
Publications	-	6,745	6,745	10,000	(3,255)
Telephone	-	9,340	9,340	10,500	(1,160)
Auditing	-	5,500	5,500	6,000	(500)
Postage	-	2,666	2,666	3,000	(334)
Equipment expenses	-	2,389	2,389	1,500	889
Contractual services	-	14,783	14,783	-	14,783
Office supplies	-	3,741	3,741	3,500	241
Other expenses	-	1,543	1,543	2,600	(1,057)
Insurance	-	1,756	1,756	4,500	(2,744)
Printing	-	747	747	1,500	(753)
Registration fees/ subscriptions	-	802	802	2,000	(1,198)
Utilities	-	1,170	1,170	1,500	(330)
Depreciation	-	1,240	1,240	-	1,240
Overhead allocation	5,100	(5,100)	-	-	-
Total expenses	\$ 8,400	\$ 534,476	\$ 542,876	\$ 503,700	\$ 39,176

Member State Permitting Data

PERMITS ISSUED AND ACRES OF LAND DISTURBED AND RECLAIMED
JANUARY 1 - DECEMBER 31, 2010 FOR COAL SURFACE MINING

State/Enforcement Agency	# Permits Issued	# Acres Permitted	#Acres Disturbed	# Acres Reclaimed
Alabama Surface Mining Commission	14	3,428	50,983	1,003
Alaska Dept. of Natural Resources ¹	12	9,650	21 ²	68
Arkansas Dept. of Environmental Quality	7	1,338.62	697.69	0
Colorado Division of Reclamation, Mining & Safety, Coal Program	1	168,837 ³	20,627	304 ⁴
Illinois Dept. of Natural Resources, Office of Mines & Minerals, Land Reclamation Division	2	964.47	1,598.89	538.64
Indiana Dept. of Natural Resources, Division of Reclamation	7	4,734.10	3,043.20 ⁵	5,244.90
Kentucky Dept. for Natural Resources	642	83,742.07	261,150.91	10,489.25
Louisiana Dept. of Natural Resources	2 ⁶	41,955 ⁷	673 (during 2010)	25 ⁸
Maryland Bureau of Mines ⁹	9	84	2,647	238
Missouri Land Reclamation Program ¹⁰	1	3,631	3,500	372
New Mexico Energy, Minerals & Natural Res. Dept., Coal Mine Reclamation Program ¹¹	0	0	831	1,665
North Dakota Public Service Commission	0	0	1,655	1,155 ¹²
Ohio Dept. of Natural Resources, Division of Mineral Resources Management	36	12,102.3	54,137.31 ¹³	4,173.2 ¹⁴
Oklahoma Dept. of Mines	2 - permits 57 - permits on IUL 20 - revisions	23,544.00	10,648.00	332.00
Pennsylvania Dept. of Environmental Protection	73	7,439	7,264	5,707
Texas Railroad Commission	5 - new, renewals and revisions	11,231.95 ¹⁵	6,023.2 ¹⁶	1,376.3 ¹⁷
Utah Division of Oil, Gas and Mining	1 - new 2010; 30 - total active permits	716.16 - new in 2010; 170,635.49 - total of all permitted acres	476.95 - new in 2010; 3,410.45 - total of all disturbed acres	15.48 (phase III bond release)
Virginia Dept. of Mines, Minerals & Energy, Division of Mined Land Reclamation	16 (4 - new; 12 - transfers)	78,374.08	53,793.04; 65,232.05 (acres bonded)	1,999.74; 30,126.80 (total reclaimed)
West Virginia Dept. of Environmental Protection, Division of Mining and Reclamation	67 (new and amended)	7,949 (2010); 331,619 (total)	125,703 (total) ¹⁸	4,872 (2010 released Phase III)
Wyoming Dept. of Environmental Quality, Land Quality Division ¹⁹	0	0	6,265	2,762

See footnotes on following page...

¹ Does not include sand and gravel.

² Estimate.

³ Based upon final issuance of permits or revisions to permits through 2010.

⁴ Total of all Phase III releases in 2010.

⁵ Acres mined 2,170.9 + acres disturbed 872.3 = 3,043.20

⁶ Permits issued to date.

⁷ Total acres under permit at year's end.

⁸ Acres released from permit in 2010.

⁹ Coal: # Acres Permitted = number of acres for which bond was posted during the reporting period. # Acres Disturbed = number of actual disturbed acres that have not been approved for Phase 3 release as of 12/31/2010. # Acres Reclaimed = number of acres for which Phase 3 release was approved during the reporting period.

¹⁰ There were 131 acres permitted which were not disturbed yet as of the end of 2010.

¹¹ The numbers shown are for permitting and mining/reclamation activity taking place during calendar year 2010. These numbers do not represent cumulative acreage. Reclaimed lands means that full bond release has been approved.

¹² "Acres Reclaimed" reflects the reclaimed acreage that was seeded in 2010 as reported on annual maps submitted by the mining companies.

¹³ Total bonded acres as of 12/31/2010.

¹⁴ Phase III releases between 1/1 - 12/31/2010.

¹⁵ Total permit acreage as of 12/31/2010 (296,494.49) minus total permit acreage as of 1/01/2010 (285,262.54) = 11,231.95.

¹⁶ 3,036.3 acres mined and 2,986.9 acres non-mined disturbed = 6,023.2.

¹⁷ Phase III bond-release approval (may not have been removed from permitted acreage).

¹⁸ Disturbed Acres (total) means the total number of disturbed acres, including acreage disturbed and reclaimed but not yet receiving final bond release, associated with permits that as of 12/31/2010 were not final released or revoked.

¹⁹ Acres disturbed and reclaimed are the acres reported in annual reports received during 2010 and represent acres disturbed/reclaimed during one year for all coal mines in Wyoming. Acres reclaimed are those reclaimed to final seeding, not bond released.

Member State Permitting Data

PERMITS ISSUED AND ACRES OF LAND DISTURBED AND RECLAIMED
JANUARY 1 - DECEMBER 31, 2010 FOR NONCOAL SURFACE MINING

State/Enforcement Agency	# Permits Issued	# Acres Permitted	#Acres Disturbed	# Acres Reclaimed
Alabama Department of Industrial Relations, Mining and Reclamation Division ¹	29 (new); 362 (renewals)	10,221	20,000	26 mines, 879 acres
Alaska Dept. of Natural Resources, Mining Section	N/A	9187 total ²	8109 total ³	380 ⁴
Arkansas Dept. of Environmental Quality	243	20,541.23	12,375.025	157.7
Colorado Division of Reclamation, Mining and Safety, Minerals Program	40	181,256 ⁵	108,053	1,036 ⁶
Illinois Dept. of Natural Resources, Office of Mines & Minerals, Mine Safety/Training Division	12.2	801.36	571.5	95.3
Indiana Dept. of Natural Resources, Division of Reclamation	5	498.95	8.0	0.0
Kentucky Dept. for Natural Resources, DMRE, Non-Coal Branch	111	50,125.00	32,340.00	315
Maryland Minerals, Oil & Gas Division ⁶	106 ⁶	3,816 ⁷	2,102 ⁸	753 ⁹
Missouri Department of Natural Resources, Land Reclamation Program	376	36,261	36,261 ¹⁰	638.5
New Mexico Energy, Minerals and Natural Resources Dept., Mining Act Reclamation Prog. ¹¹	25	41	208	146
New York State Dept. of Environmental Conservation, Div. of Mineral Resources	38 (new in 2010); 2090 (total active)	143,574 (total) ¹²	58,967 (total) ¹²	2,196 (2010); 32,398 (total) ¹²
North Carolina Dept. of Environment & Natural Resources, Div. of Land Resources	878	131,921	42,951	1,793
Ohio Dept. of Natural Resources, Division of Mineral Resources Management	16 (new); 10 (amendments)	973 (new)	1,264 (new)	716
Oklahoma Dept. of Mines	¹³	129,521.00	53,538.00	3,203.00
Pennsylvania Dept. of Environmental Protection	99	1,152	752	396
South Carolina Dept. of Health and Environmental Control	41	1,438.1	734.7	725.2
Tennessee Department of Environment and Conservation	25	5,057.59	3,940 (estimated acreage)	11.3 ¹⁴
Utah Division of Oil, Gas and Mining	8	49,172	31,526	113
Virginia Division of Mineral Mining	2 (new); 10 (transferred)	71,253 (total)	34,609 (total)	796.4 (in 2010)
West Virginia Dept. of Environmental Protection, Division of Mining and Reclamation	0	0 (new); 9,527 (total)	5,320 (total) ¹⁵	0
Wyoming Dept. of Environmental Quality, Land Quality Division ¹⁶	75	12,380	1,900	N/A

See footnotes on following page...

- ¹ The acreage disturbed does not include chert, limestone, marble or dolomite. Approximately 6,000 acres were disturbed at those mines.
- ² Acres permitted/bonded include: 841 underground + 15 underground exploration + 8331 surface mining = 9187 total.
- ³ Acres disturbed at the end of 2010 include: 15 underground exploration + 718 underground mining + 7376 surface mining = 8109 total.
- ⁴ The 380 acres reclaimed with bond release were all Illinois Creek surface mine.
- ⁵ Based upon final issuance of permits or revisions to permits through 2010.
- ⁶ Number of permits issued are the total active permits at the end of 2010.
- ⁷ Acres permitted are the acres associated with the number of issued permits.
- ⁸ Acres disturbed are the newly disturbed acres for the 2010 year (total = 14,090).
- ⁹ Acres reclaimed are the newly reclaimed acres for the 2010 year (total = 7,103).
- ¹⁰ For noncoal we have no way of knowing how many permitted acres are undisturbed. Therefore, all permitted acres are considered to be disturbed.
- ¹¹ Most permits issued represent exploration or general permits. Noncoal does not include sand and gravel operations. Acres reclaimed means regrading and seeding has occurred, not necessarily bond release. The numbers shown are for permitting and mining/reclamation activity taking place during calendar year 2010. These numbers do not represent cumulative acreage. Permits issued include regular and minimal impact mines, exploration permits and general permits.
- ¹² Total statewide acreage figures since New York State Mined Land Reclamation Law enacted in 1975.
- ¹³ For “# Permits Issued”: 51 permits issued, 61 revisions, 25 transfers, 42 limited use permits issued, 551 annual reviews of permits, and 737 permits on IUL.
- ¹⁴ This figure denotes only acreage that received total (final) bond release in 2010.
- ¹⁵ Disturbed Acres (total) means the total number of disturbed acres, including acreage disturbed and reclaimed but not yet receiving final bond release, associated with permits that as of 12/31/2010 were not final released or revoked.
- ¹⁶ We do not track acres disturbed and reclaimed each year in the database for our noncoal program, only total acres permitted and the number of acres approved to disturb at the time of permitting. So the number of acres disturbed is a very different number than coal, representing the total number of acres that were approved for disturbance in the permits that were approved in 2010. We don't track reclaimed acres.

Member State Reclaimed Land Use Data

USE OF LAND FOLLOWING RECLAMATION (PERCENT)
JANUARY 1 - DECEMBER 31, 2010 FOR COAL SURFACE MINING

State	Pasture	Wildlife	Forest	Commercial	Other
Alabama	1.5	2.0	26	.5	70 ¹
Alaska	0	100	0	0	0
Illinois	< 0.01	47	0	10	43
Indiana	10.8 (563.90 acres)	23.6 (1,237.20 acres)	11.4 (600.40 acres)	0.5 (28.60 acres)	53.7 ² (2,814.8 acres)
Kentucky	32.5	43.8	18.2	1.5	4.0
Louisiana	8	2	90	0	0
Maryland	50	4	45	1	0
Missouri	192 (acres)	39 (acres)	0	0	141 (acres) ³
New Mexico	53	0	0	16	31 (residential)
North Dakota	32	2	1	5	60 (cropland)
Oklahoma	97	2	0	0	1 (water)
Pennsylvania ⁴	30	5	50	2	13
Texas	18.4 (253.8 acres)	33.0 (453.5 acres)	7.1 (97.8 acres)	36.6 (503.5 acres) (commercial & industrial)	4.9 (67.7 acres) (water resources)
Utah	0	90	0	10	0
Virginia	6.21 (122.73 acres) (pasture, hayland & grazing)	1.43 (28.17 acres) (includes fish, wildlife & wetlands)	44.56 (880.71 acres)	15.62 (308.75 acres) (industrial/commercial)	32.19 (636.31 acres)
West Virginia	14	21	38	7	20 ⁵
Wyoming	0	0	0	1	99 (wildlife livestock grazing)

¹ "Other" consists of undeveloped, transportation, and cropland.

² "Other" includes 42.7% cropland (2,238.40 acres); 8% water (420.2 acres); 2.9% roads (149.60 acres); 0.1% residential (5.80 acres); 0.80 acres of other.

³ "Other" includes water (31%) and prime farmland (110%).

⁴ Use of land estimates are based on general observations of post-mining land use.

⁵ Of the 20% "other", 1% is residential with the other 99% being combined uses (i.e. two or more land uses on one permit – most of which are wildlife and forest).

Member State Reclaimed Land Use Data

USE OF LAND FOLLOWING RECLAMATION (PERCENT)
JANUARY 1 - DECEMBER 31, 2010 FOR NONCOAL SURFACE MINING

State	Pasture	Wildlife	Forest	Commercial	Other
Alabama	42	2	49	4	3
Arkansas	85.4	0	0	14.6	0
Illinois	67.4	0	0	0	32.6 (water)
Indiana	3.2 (15.9 acres)	53.4 (266.55 acres)	0.02 (0.1 acre)	0	43.4 (216.4 acres) ¹
Kentucky	75	0	7	18	0
Maryland	60	10	5	20	5
Missouri	248 (acres)	167.5 (acres)	0	161 (acres)	62 (acres) (prime farmland)
New Mexico ²	20	80	0	0	0
New York	8	40	0	9	43 ³
North Carolina ⁴	16	16	1	0	67 (lake areas)
Ohio ⁵	14	35	1	5	45 (private recreational)
Oklahoma	83	0	0	12	5
Pennsylvania ⁶	10	5	10	15	60
South Carolina	70.4 (510.7 acres)	0	0	0	29.6 (214.5 acres) ⁷
Tennessee	75	15	10	0	0
Utah	0	100	0	0	0
Virginia	141 (acres)	73 (acres)	150 (acres)	121 (acres)	312 (acres) ⁸
Wyoming	0	0	0	2	98 (livestock, grazing & wildlife)

¹ "Other" includes 38.5% water (191.9 acres), 4.9% cropland (24.4 acres), 0.02% road (0.1 acre).

² The percentages for Use of Land Following Reclamation are for mined lands reclaimed in 2010.

³ Includes 10% agricultural farmland, 33% wetland/lake.

⁴ North Carolina Department of Natural Resources, Division of Land Resources does not require post mining land use designation. Mined lands are reclaimed as lakes/ponds and/or are graded and revegetated.

⁵ Land use percentages based on historic averages.

⁶ Use of land estimates are based on general observations of post-mining land use.

⁷ "Other" = 214.5 acres reclaimed as lakes/ponds.

⁸ "Other" includes agricultural lands, ponds and recreational areas.

2010 Kenes C. Bowling Reclamation Award Winners

2010 Winners

The following companies were winners of the Compact's 2010 national reclamation awards and were presented with plaques at the 2010 awards banquet:

Coal Category Winner:

Enterprise Mining Company, LLC – Big Branch South Mine, KYDMRE Permit #860-0453 (Kentucky)

Noncoal Category Winner:

Thelen Sand and Gravel, Inc. – Fox Lake Pit (Illinois)

Small Operator Category Winner:

Warren C. Hartman, Contractor – Mine #28, Permit #14980101 (Pennsylvania)

2010 Honorable Mention Recipient

The following company received recognition as honorable mention in the Compact's reclamation awards program and was presented with a certificate at the 2010 awards banquet:

Coal Category:

Larry D. Baumgardner Coal Co., Inc. – Turner Operations, Surface Mining Permit #17990111 (Pennsylvania)

2010 Minerals Education Award Winners

2010 Winners

The following were winners of the Compact's annual minerals education awards, which were presented during the awards banquet held in conjunction with the 2010 Annual Meeting in Point Clear, Alabama. The mining educator awareness award is presented to a teacher or school from one of the Compact's member states. The winner receives an engraved plaque and a \$500 award to go toward teaching materials. The public outreach award is presented to an industry, environmental, citizen, or other group from one of the Compact's member states, or to a member state government body. The public outreach award winner is presented with an engraved plaque of recognition.

Mining Educator Awareness Category Winner:

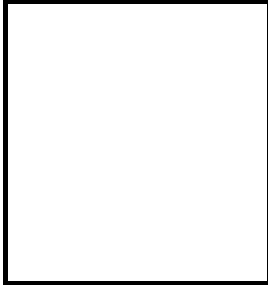
Gequetta Bright Laney, Coeburn High School (Virginia)

Public Outreach Category Winner:

Thunder Basin Coal Company (Wyoming)

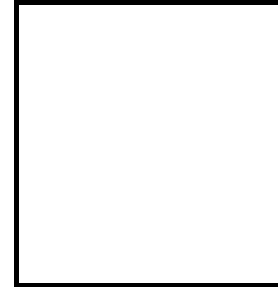
2010 IMCC Membership

Commissioner



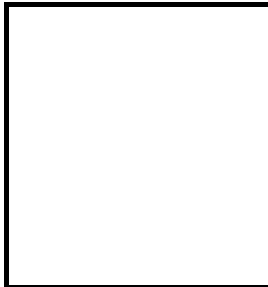
Governor
Bob Riley

Commissioner's Official Representative



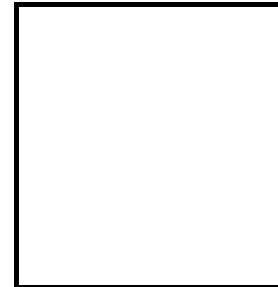
G. Thomas Surtees
Director
Department of
Industrial Relations

Alabama



Governor
Mike Beebe

Arkansas

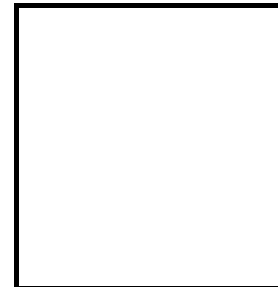


James F. Stephens
Chief
Surface Mining and
Reclamation Division

Illinois

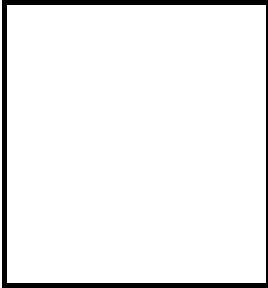


Governor
Pat Quinn



Marc Miller
Director
Department of
Natural Resources

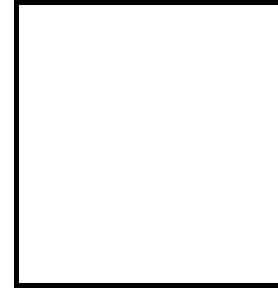
Commissioner



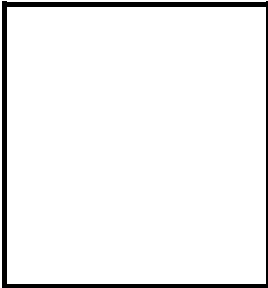
Governor
Mitchell E. Daniels, Jr.

Indiana

**Commissioner's Official
Representative**

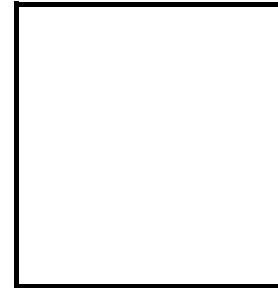


Ron McAhron
Deputy Director
Department of
Natural Resources

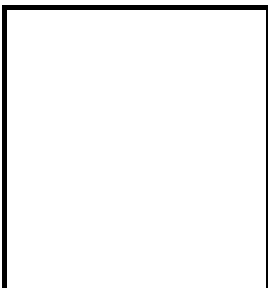


Governor
Steven L. Beshear

Kentucky

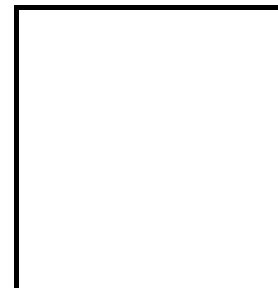


Dr. Leonard K. Peters
Secretary
Energy & Environment
Cabinet



Governor
Bobby Jindal

Louisiana

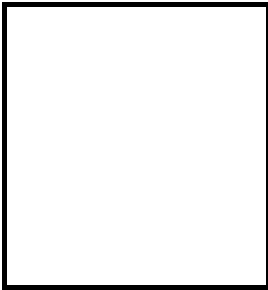


Dale Bergquist
Chief, Surface Mining
Section
Office of Conservation

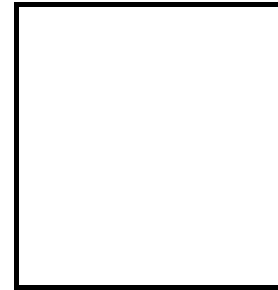
Commissioner

Commissioner's Official Representative

Maryland

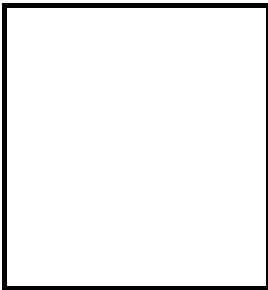


Governor
Martin O'Malley

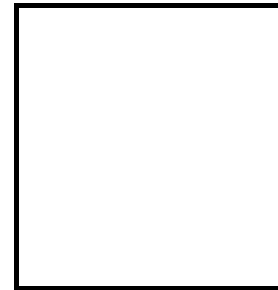


C. Edmon Larrimore
Administrator
Water Management
Administration

Missouri

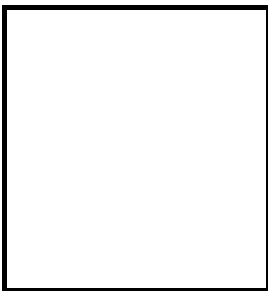


Governor
Jay Nixon

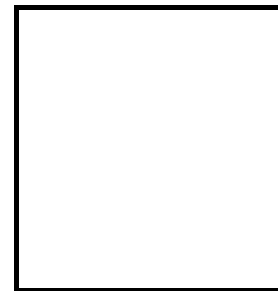


Sara Parker Pauley
Director
Department of
Natural Resources

New York

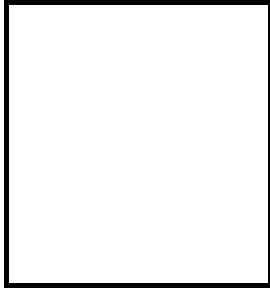


Governor
David A. Paterson



Steven M. Potter
Director, Bureau of
Resource Mgmt. and
Development

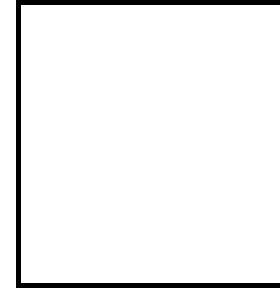
Commissioner



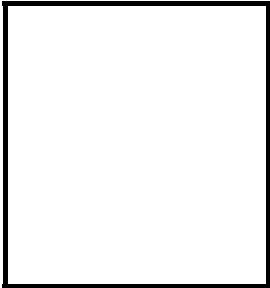
Governor
Beverly Eaves Perdue

North Carolina

Commissioner's Official Representative

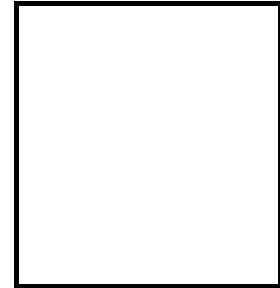


James D. Simons
State Geologist & Director
Department of
Environment and
Natural Resources

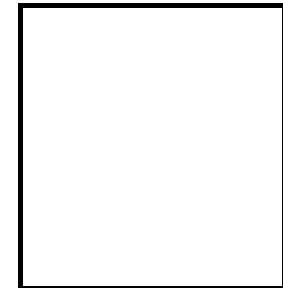


Governor
John Hoeven

North Dakota

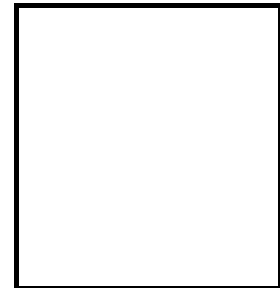


James R. Deutsch
Director
Reclamation Division
Public Service Commission



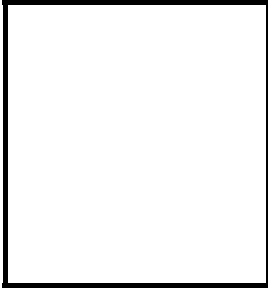
Governor
Ted Strickland

Ohio



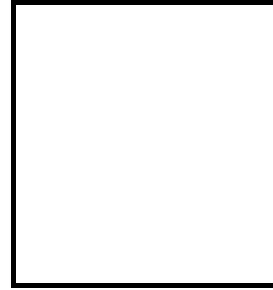
John Husted
Chief
Division of Mineral
Resources Management

Commissioner



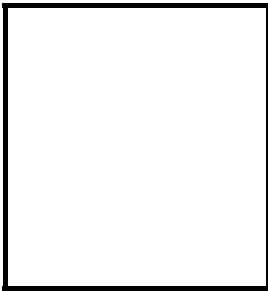
Governor
Brad Henry

**Commissioner's Official
Representative**



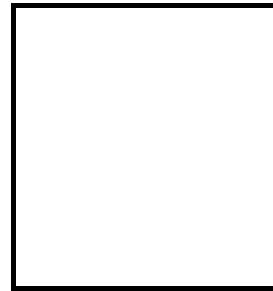
Robert A. Wegener
Secretary of Energy

Oklahoma

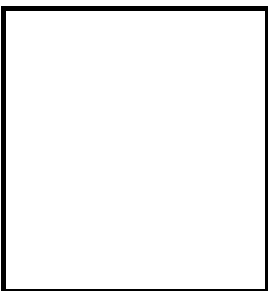


Governor
Edward G. Rendell

Pennsylvania

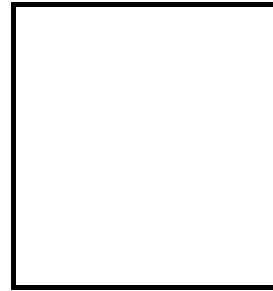


J. Scott Roberts
Deputy Secretary
Department of
Environmental Protection



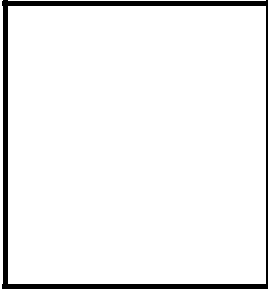
Governor
Mark Sanford

South Carolina



R. Craig Kennedy
South Carolina
Mining Council

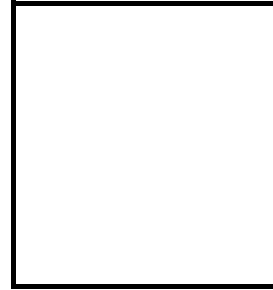
Commissioner



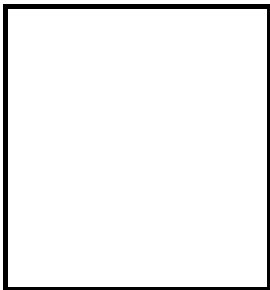
Governor
Phil Bredesen

Tennessee

Commissioner's Official Representative

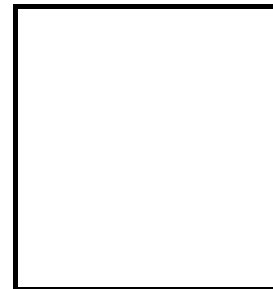


James H. Fyke
Commissioner
Department of
Environment and
Conservation

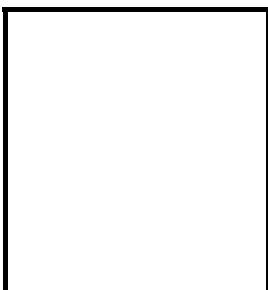


Governor
Rick Perry

Texas

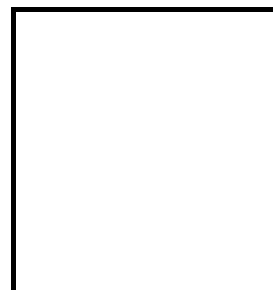


Michael L. Williams
Commissioner
Railroad Commission
of Texas



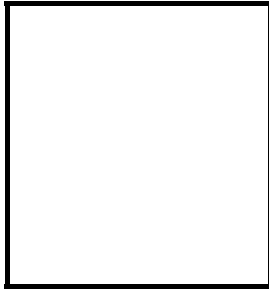
Governor
Bob McDonnell

Virginia



Bradley C. (Butch)
Lambert
Deputy Director
Department of Mines,
Minerals and Energy

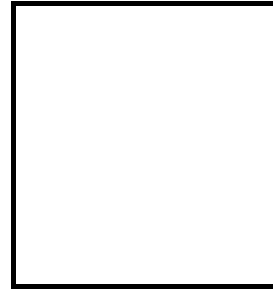
Commissioner



Governor
Joe Manchin III

West Virginia

**Commissioner's Official
Representative**

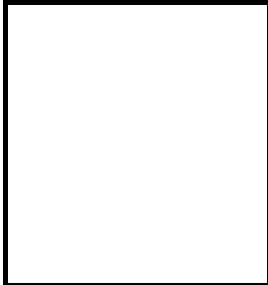


Randy Huffman
Cabinet Secretary
Department of
Environmental Protection

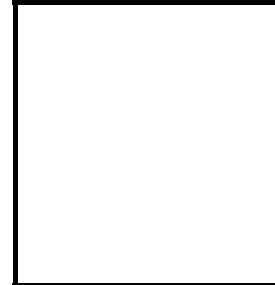
2010 Associate Member States

Commissioner

Commissioner's Official Representative

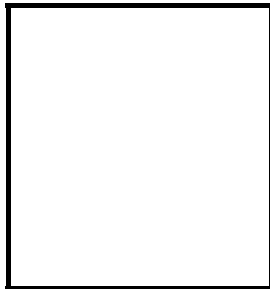


Alaska

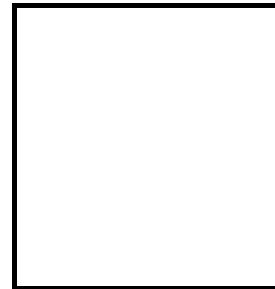


Governor
Sean Parnell

Dick Mylius
Acting Director
Division of Mining, Land
and Water

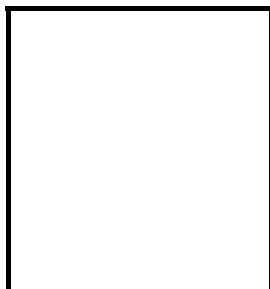


Colorado

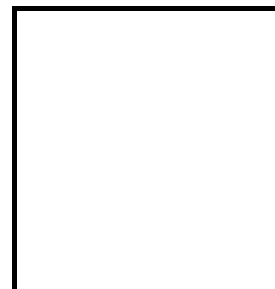


Governor
Bill Ritter, Jr.

Loretta Pineda
Director, Div. of
Reclamation, Mining &
Safety, Dept. of Natural
Resources



New Mexico

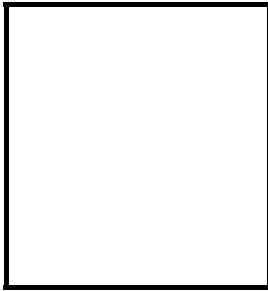


Governor
Bill Richardson

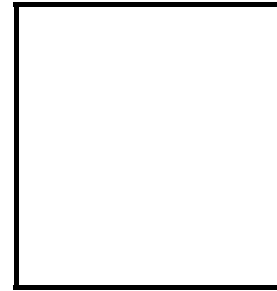
Bill Brancard
Director, Div. of Minerals
& Mining
Dept. of Energy, Minerals
& Natural Resources

Commissioner

Commissioner's Official Representative

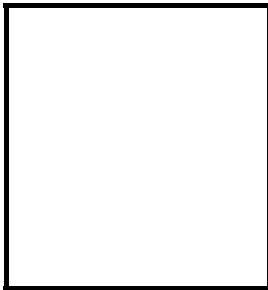


Utah

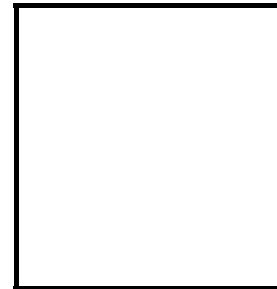


Governor
Gary R. Herbert

John Baza
Director
Division of Oil, Gas &
Mining



Wyoming



Governor
Dave Freudenthal

John Corra
Director
Department of
Environmental Quality

2011 Commissioners and Their Representatives

2011 Commissioners

Maryland

Governor Martin O'Malley – Chairman

Indiana

Governor Mitchell E. Daniels Jr. – Vice Chairman

Texas

Governor Rick Perry – Treasurer

Alabama

Governor Robert J. Bentley

Arkansas

Governor Mike Beebe

Illinois

Governor Pat Quinn

Kentucky

Governor Steven L. Beshear

Louisiana

Governor Bobby Jindal

Missouri

Governor Jay Nixon

New York

Governor Andrew Cuomo

North Carolina

Governor Beverly Eaves Perdue

North Dakota

Governor Jack Dalrymple

Ohio

Governor John R. Kasich

Oklahoma

Governor Mary Fallin

Pennsylvania

Governor Tom Corbett

South Carolina

Governor Nikki Haley

Tennessee

Governor Bill Haslam

Virginia

Governor Robert F. McDonnell

West Virginia

Governor Earl Ray Tomblin

Associate Member States

Alaska

Governor Sean Parnell

Colorado

Governor John Hickenlooper

New Mexico

Governor Susana Martinez

Utah

Governor Gary R. Herbert

Wyoming

Governor Matt Mead

Commissioner's Official Representatives — 2011

Alabama

G. Thomas Surtees
Director
Department of Industrial
Relations

Arkansas

James Stephens
Chief
Surface Mining and
Reclamation Division
Department of
Environmental Quality

Illinois

Marc Miller
Director
Department of Natural
Resources

Indiana

Ron McAhron
Deputy Director
Department of Natural
Resources

Kentucky

Leonard K. Peters
Secretary
Energy and Environment
Cabinet

Louisiana

Dale Bergquist
Chief, Surface Mining
Section
Office of Conservation

Maryland

C. Edmon Larrimore
Program Manager
Department of the
Environment
Mining Program

Missouri

Sara Parker Pauley
Director
Department of Natural
Resources

New York

Matthew Podniesinski
Bureau of Research
Management & Development
New York State Department
of Environmental
Conservation

North Carolina

James D. Simons
State Geologist and Director
Division of Land Resources
Department of Environment
and Natural Resources

North Dakota

James R. Deutsch
Director, Reclamation
Division
Public Service Commission

Ohio

David Mustine
Director
Department of Natural
Resources

Oklahoma

Robert A. Wegener
Secretary of Energy

Pennsylvania

Vacant

South Carolina

R. Craig Kennedy
South Carolina Mining
Council

Tennessee

Robert J. Martineau, Jr.
Commissioner
Department of Environment
and Conservation

Texas

Vacant

Virginia

Butch Lambert
Deputy Director
Department of Mines, Minerals
and Energy

West Virginia

Randy Huffman
Cabinet Secretary
Department of Environmental
Protection

Associate Member States

Alaska

Vacant

Colorado

Loretta Pineda
Director
Division of Reclamation, Mining
& Safety
Department of Natural Resources

New Mexico

Vacant

Utah

John Baza
Associate Director, Mining
Utah Division of Oil, Gas &
Mining

Wyoming

John Corra
Director
Department of Environmental
Quality

