

the compact

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Reserve Now for the IMCC 2018 Annual Meeting in NC

The Interstate Mining Compact Commission (IMCC) will hold its 2018 Annual Meeting April 8-11 at the Omni Charlotte Hotel in uptown Charlotte, North Carolina. Reserve your room now to obtain the IMCC group rate (prevailing government per diem). The group rate is available through March 5, 2018 or sellout of the room block. Complete room reservation information is included on the registration form accompanying this newsletter.

A dinner recognizing Greg Conrad for his 30 years of service as IMCC's Executive Director will take place on Monday evening, April 9. The 2018 Annual Meeting will mark Greg's final official meeting in his role as Executive Director prior to his retirement.

The tentative meeting itinerary also includes a welcoming reception the evening of Sunday, April 8; IMCC Standing Committee meetings during the day on Monday and Tuesday, April 9-10; and IMCC's annual awards banquet on Tuesday evening, April 10. The IMCC Executive Commission Annual Business Meeting will conclude the meeting on Wednesday, April 11. The order of the IMCC committee meetings will be announced at a later date. Agendas will become available closer to the meeting. Those planning to attend are encouraged to register early.

**A Newsletter
Published by the
Interstate Mining
Compact Commission**

Upcoming Meetings:

IMCC 2018 Annual Meeting

April 8 - 11, 2018
The Omni Charlotte Hotel
Charlotte, NC

For more information on IMCC Meetings as it becomes available, visit our website: www.imcc.isa.us and click on the "Conferences" tab. Some Presentations from IMCC Meetings and Workshops can also be viewed on the website at the "Conferences" tab. Copies of IMCC's Compact Newsletter are available on the website by clicking on the "Publications" tab. **[NOTE: As of this printing, the server is inaccessible for updating the IMCC website. Please be patient until this ongoing problem can be remedied.]**

Contact Information:

Interstate Mining Compact Commission
445 Carlisle Drive, Suite A
Herndon, VA 20170

IMCC Appoints Thomas L. Clarke as New Executive Director

The Interstate Mining Compact Commission (IMCC) is pleased to announce the appointment of Thomas L. Clarke as the next Executive Director of the organization effective January 1, 2018. He succeeds Greg Conrad who has served in the position since 1988 and who will retire effective April 30, 2018. Mr. Clarke currently works for the West Virginia Department of Environmental Protection (DEP). He joined the agency in 1996 and has most recently served as Senior Policy Advisor and Associate General Counsel for the Department. Previously he served as Director and Senior Counsel of the Division of Mining and Reclamation within DEP. Other experience includes serving as counsel for Zeigler Coal Holding Company and Attorney for Peabody Coal Company. Mr. Clarke earned his law degree and B.S.E.M. in Mining Engineering from West Virginia University. He grew up in Beckley, West Virginia.

IMCC Mid-Year Meeting Held in Washington DC with Guest Speaker EPA Administrator Pruitt

The Interstate Mining Compact Commission (IMCC) hosted its 2017 Mid-Year Meeting in Washington, DC from October 30 – November 1 at the Fairmont Hotel in Georgetown. Separate Federal/State Sessions were held during the meeting with guests participating from the U.S. Department of Interior (DOI), the U.S. Environmental Protection Agency (EPA), congressional staffers from the Committee on Natural Resources (HNR) in the U.S. House of Representatives, and the Mine Safety and Health Administration (MSHA).

On Monday, October 30, Vincent DeVito, Counselor for Energy Policy to the U.S. Secretary of Interior Ryan Zinke kicked off the meeting by presenting remarks on behalf of the Secretary. A roundtable session followed with discussions on several topics related to Title IV and Title V of the Surface Mining Control and Reclamation Act (SMCRA) between the IMCC member states and U.S. Department of the Interior (DOI), including the Acting Director and Regional Directors from DOI's Office of Surface Mining Reclamation and Enforcement (OSMRE).

Following the morning session, IMCC was honored to have Administrator Scott Pruitt of the U.S. Environmental Protection Agency (EPA) address the group as the keynote speaker. Administrator Pruitt spoke on the importance of federalism and the federal/state relationship. He also discussed recent activities by the administration, emphasizing the goal is not to deregulate, but to reform regulations for purposes of providing clarity and certainty, and to be consistent with principles of federalism and rule of law.

The states met in the afternoon to further discuss issues of concern that are under the purview of EPA, and later were joined by HNR Committee staff members Andrew Vecera and Joshua Hoffman, who provided an update on recent and upcoming mining related activities within the Committee. A reception on Monday evening afforded attendees and federal guests an opportunity to engage informally.

Several MSHA guests met with the states on the morning of Tuesday, October 31 for roundtable discussions on mine safety and health issues. After a break for lunch, IMCC's Noncoal Section of the Environmental Affairs and Mine Safety and Health Committees met jointly. The day was ended with a joint meeting of the IMCC Resolutions and Finance and Administrative Committees.

On Wednesday, November 1, the Executive Commission Business Meeting concluded the Mid-Year Meeting. A majority of the business meeting was used to provide an opportunity for the member states to meet with, and later discuss, the final candidates being considered for the position of IMCC Executive Director upon the upcoming retirement of Greg Conrad.

Reminder to Submit Nominations for the IMCC 2018 Awards Programs

Nomination information and criteria for the Interstate Mining Compact Commission (IMCC) awards programs for 2018 was mailed to the member states in August. Nominations for the annual National Reclamation Awards, Mineral Education Awards, and Mine Safety and Health Training Awards are due in IMCC's office no later than February 1, 2018. Nominations from all IMCC associate and full member states are welcomed and encouraged.

IMCC Meets with OIRA Re. EPA CERCLA 108(b) FA for Hardrock Mining

On November 16, 2017, the Interstate Mining Compact Commission (IMCC) met with the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) in a final effort to present the states' concerns about EPA's proposed rule for financial assurance (FA) requirements for hardrock mining under CERCLA 108(b). The meeting was in anticipation of EPA issuing a final action decision on the rule by a December 1 court-ordered deadline. Seven western states, including Alaska, Arizona, Colorado, Nevada, New Mexico, South Dakota, and Utah participated in the meeting by phone. IMCC Deputy Executive Director Beth Botsis opened with a brief statement expressing the states' belief

that the information provided in the substantive comments submitted during the public comment period justified a change of direction by EPA. She contended IMCC and the states presented solid technical, legal, and policy arguments in their comments and demonstrated how existing state and federal programs already cover the concerns addressed by the proposed rule.

Representatives from each of the seven states expertly spoke to how the various components of their respective programs currently reduce risk at hardrock mining sites, including: the adequacy of state financial assurance requirements and examples of total bond amounts currently held; engineering controls and other preventive technical requirements of state programs that eliminate or greatly reduce the risk of hazardous releases occurring; the site-specific approach utilized by state programs and its importance due to the many regional and circumstantial differences from one mine site to another, versus the one-size-fits-all formulaic approach proposed by EPA; and the existing effective coordination between the states and federal land management agencies in regulating hardrock mines on public lands. The states also expressed their heightened concerns about the potential for preemption of their regulatory programs and associated financial assurance requirements should EPA follow the path of the proposed rule.

IMCC and the states later submitted supplemental data to OMB to further address questions asked during the meeting regarding taxpayer money spent at mining sites. Several states also pointed out inaccuracies found in state summaries that EPA relied on in conducting their analysis of the state hardrock regulatory programs during the rulemaking process.

EPA Final Action Decision Released Re. EPA CERCLA 108(b) FA for Hardrock Mining

Late in the day on December 1, 2017, the Environmental Protection Agency (EPA) distributed a news release announcing the agency will not issue final regulations for financial assurance (FA) requirements for hardrock mining facilities under CERCLA 108(b). The announcement came in time to meet the December 1 deadline for EPA to issue a final action decision under a court settlement agreement. The news release states that through careful analysis of the public comments received on the proposed rule, EPA determined that modern mining practices coupled with existing state and federal requirements already adequately address risks from operating mining facilities. EPA thereby concluded the "degree and duration of risk" associated with modern mining operations did not warrant issuance of a final rule.

A prepublication version of EPA's final action pending publication in the Federal Register is available here: <https://www.epa.gov/superfund/pre-publication-version-final-rule-financial-responsibility-requirements-under-cercla>.

Contact: Beth Botsis at 703.709.8654 or E-mail: bbotsis@imcc.isa.us

Joe Balash Confirmed as Assistant Secretary for Land and Minerals Management at DOI

On December 7, 2017, the U.S. Senate confirmed Joe Balash as the Assistant Secretary for Land and Minerals Management (LMM) in the Department of the Interior (DOI). Assistant Secretary Balash is a native of North Pole, Alaska and brings more than 19 years of experience in land and natural resource management to the Department. He most recently served as the Chief of Staff to Senator Dan Sullivan (R-Alaska), and formerly served as Commissioner of the Alaska Department of Natural Resources (DNR). Alaska DNR has management responsibility for one of the largest single portfolios of land and water resources in the world, containing more than 100 million acres of uplands, 40-60 million acres of submerged lands and tidelands, and more than 500,000 barrels of oil produced daily. The Assistant Secretary heads DOI's management of all federal lands and water, and their associated mineral and non-mineral resources, as well as overseeing the appropriate regulation of surface coal mining.

Interior Secretary Zinke expressed his enthusiasm to finally have an Assistant Secretary for LMM in place following a prolonged Senate confirmation process. He welcomed the wealth of experience Assistant Secretary Balash brings to the Department. The Secretary also thanked Acting Assistant Secretary Kate

MacGregor for leading LMM in the interim and "making President Trump's first year a banner year for energy dominance and public access."

EPA/Corps Propose to Amend Effective Date of 2015 WOTUS Rule

On November 16, 2017, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) proposed to amend the effective date of the Obama Administration's 2015 rule defining "Waters of the United States" (WOTUS). Delaying the effective date would give the agencies the time needed to reconsider the WOTUS definition and minimize potential confusion that could result based on the outcomes of two court decisions. The agencies are in the process of collecting input from stakeholders across the country as to how the definition should be revised, including through ongoing listening sessions. The proposal would delay the 2015 rule from going into effect until two years after the date the proposed amendment is finalized and published in the Federal Register. The 2015 final rule was to become effective on August 28, 2015, though implementation has been on hold as a result of the Sixth Circuit Court's nationwide stay of the rule. A pending Supreme Court case could potentially result in lifting the stay. Another ruling by the North Dakota district court also stayed the rule in 13 states. By delaying the effective date, EPA and the Court intend to provide certainty and consistency in the regulated community.

Action to overhaul the rule is the result of a February 28, 2017 Executive Order issued by President Trump, titled "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The proposed amendment is a separate action from the two-step process the agencies are engaged in to reconsider the 2015 rule. EPA and the Corps are accepting public comments on this proposal for 21 days after publication in the Federal Register, and plan to move quickly to take final action in early 2018. Information on the proposal and how to comment will be made available on EPA's website at: www.epa.gov/wotus-rule. The proposal is currently under review by the Office of Management and Budget.

OSMRE Director Nominee Awaits Senate Confirmation

On October 26, 2017, President Trump announced the nomination of Stephen Gardner to be the Director of the Office of Surface Mining, Reclamation and Enforcement (OSMRE) in the U.S. Department of the Interior (DOI). Mr. Gardner is now awaiting a Senate confirmation hearing.

A Licensed Professional Engineer, Gardner currently serves as the President and CEO of ECSI, LLC, a consulting practice located in Kentucky that is focused on natural resources, mining, reclamation, energy, environmental, health and safety issues. In his engineering capacity, he has worked on projects throughout the U.S. and internationally, and also served as the 2015 President of the Society for Mining, Metallurgy and Exploration (SME), by which he has been recognized as a Distinguished Member. Gardner has an MS in Mining Engineering with a Graduate Certification in Environmental Systems, and a BS in Agricultural Engineering from the University of Kentucky, where he was inducted into the College of Engineering Hall of Distinction in 2011. Gardner previously served on the University of Kentucky Mining Engineering Foundation, Kentucky Geological Survey, Biosystems & Agricultural Engineering Advisory Boards, and was a member of the Kentucky Board of Licensure for Professional Engineers and Surveyors.

Greg Conrad, Executive Director of the Interstate Mining Compact Commission (IMCC) expressed his personal support for Steve Gardner noting his outstanding credentials and his knowledge of the intricacies of the Surface Mining Control and Reclamation Act (SMCRA). In particular, he noted, Steve understands the importance of state primacy and the state/federal relationship envisioned in the Act.

OSMRE Effectuates Nullification of the SPR and Reversion to Prior Regulations

On November 17, 2017, the Office of Surface Mining Reclamation and Enforcement (OSMRE) published a final rule in the *Federal Register* (82 FR 54924) removing any and all changes made by the Stream Protection Rule (SPR), and reversing the regulations to those in effect immediately prior to the January 19, 2017 effective date of the SPR. This action effectuates changes to the Code of Federal Regulations (CFR) that reflect the nullification of the SPR previously accomplished by Congress through the Congressional Review Act (CRA). No public comment period is required and the action is not subject to the Administrative Procedures Act.

Registration Form

Interstate Mining Compact Commission 2018 Annual Meeting

The Omni Charlotte Hotel, April 8-11, 2018 - 132 East Trade Street, Charlotte, NC 28202

<i>Last Name:</i>	<i>First Name:</i>
<i>Title:</i>	<i>State/Org. & Dept.:</i>
<i>Street Address:</i>	
<i>City:</i>	<i>State:</i>
<i>Telephone:</i>	<i>Postal Code:</i>
<i>Email Address:</i>	<i>Attending Spouse/Companion's Name (if applicable):</i>

Registration Fees:	\$400.00 <i>Delegate</i>	\$200.00 <i>Spouse/Companion</i>
IMPORTANT:		
<i>Indicate your intention to attend the banquet events by CIRCLING ALL EVENTS you WILL attend.</i>		
INDICATE ATTENDANCE BY CIRCLING: Delegate:		INDICATE ATTENDANCE BY CIRCLING: Spouse/Companion (if applicable):
Welcome Reception (Sunday p.m.)	Monday Evening Executive Director Retirement Dinner	Welcome Reception (Sunday p.m.) Monday Evening Executive Director Retirement Dinner
All Breaks	Tuesday Evening Awards Banquet	Tuesday Evening Awards Banquet

Important Note: Register with IMCC by March 5, 2017. Payment does NOT have to be received with your registration form, but we must know of your attendance by this date. **IMCC REGISTRATION CANCELLATIONS RECEIVED AFTER MARCH 5 ARE NON-REFUNDABLE.**

HOTEL RESERVATION INFORMATION: Hotel reservations can be made online at:

<https://www.omnihotels.com/hotels/charlotte/meetings/interstate-mining-compact> or by calling the Reservations Department at 1.800.THE.OMNI. Identify yourself with "Interstate Mining Compact Commission" to receive the group rate, which is the **prevailing government per diem room rate** at the time of the meeting as published by the Federal General Services Administration (GSA) (currently \$127+ taxes/single or double). Departure date changes can be made up to and including the time of registration at no charge, however an early departure fee of \$143.83 will be charged if your plans change after you check-in at the hotel. The rate will be offered for 3 days prior and 3 days after the meeting, based on availability at the hotel's discretion. For complimentary in-guestroom Wi-Fi, you must register for Omni Select Guest membership (no cost). You can do so here: <https://www.omnihotels.com/loyalty/member-benefits>. **RESERVE EARLY as we cannot guarantee that you will receive the agreed upon rate should the block fill up or you miss the reservation deadline.**

Hotel reservations must be made by 5:00 p.m. (Eastern time) on Monday, March 5, 2018 in order to guarantee the per diem rate.

Hotel cancellations can be made up to 48 hours in advance of arrival without penalty.

Registration fees should be made payable to the Interstate Mining Compact Commission (IMCC) and mailed to: IMCC, 445 Carlisle Drive, Suite A, Herndon, VA 20170

We cannot accept credit card payments.

Send registrations to IMCC by e-mail to: admin@imcc.isa.us; or Fax to: 703.709.8655

Call IMCC with questions at: 703.709.8654.



Sending our best wishes for a Merry Christmas!

May the coming year bring you good health and happiness.

The Staff of the Interstate Mining Compact Commission



