

Interstate Mining Compact Commission

An IMCC Primer

What is the Interstate Mining Compact Commission (IMCC)?

- Established in 1971 by a group of mining states under the auspices of the Council of State Governments
- Multi-state government organization
- Recommendatory in nature; does not have regulatory powers
- Represents natural resource/environmental protection interests of the 24 full member states and 2 associate member states on both coal and noncoal/hardrock mining issues in Washington D.C.

Purposes of the Compact

“...are to advance the protection and restoration of land, water, and other resources affected by mining through the encouragement of programs in each of the party states that will achieve comparable results in protecting, conserving and improving the usefulness of natural resources and in achieving and maintaining an efficient, productive, and economically viable mining industry.”

What is an Interstate Compact?

- It is both a statute and a contract among its member states.
- Compacts are actually barred by Section 10, Article I of the U.S. Constitution unless they receive congressional consent. However, that consent is required only for those compacts that affect the political balance within the federal system or affect a power delegated to the national government, such as interstate commerce.
- Compacts that are recommendatory in nature do not require congressional consent. IMCC is such a compact and hence has never required congressional consent. IMCC is considered advisory and consultative in nature.

IMCC Membership

Full Membership: Requires enactment of state legislation authorizing entry

Associate Membership: Requires letter from governor requesting associate membership

Associate membership is for the purpose of ascertaining whether a state desires to join as a full member. Associate members receive all membership benefits but are non-voting members.

Privileges of membership: Voice, vote, and opportunity to serve in leadership positions for the organization, including officers and committee chairs

Dues: Full member states pay annual dues that are based on the value of mineral production in the state – both coal and noncoal. Associate member states are assessed dues contributions on a different schedule.

Member States:

Alabama
Alaska
Arkansas
Illinois
Indiana
Kentucky
Louisiana
Maryland
Mississippi
Missouri
New Mexico
New York
North Carolina
North Dakota

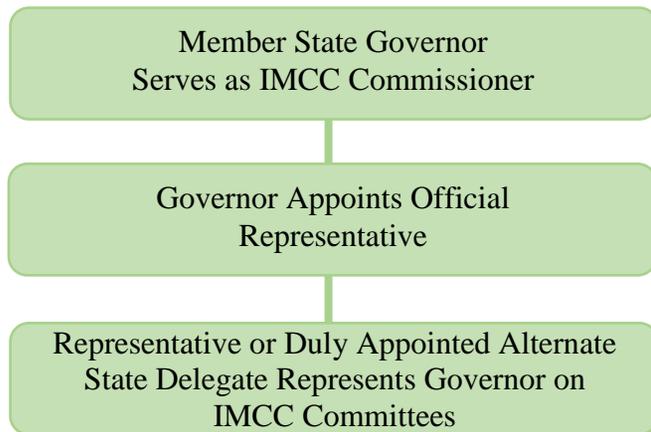


Ohio
Oklahoma
Pennsylvania
South Carolina
Tennessee
Texas
Utah
Virginia
West Virginia
Wyoming

Associate Member States:

Colorado
Montana

Structure



IMCC Standing Committees:

- Abandoned Mine Lands
- Coal Section – Environmental Affairs
- Noncoal Section – Environmental Affairs
- Mine Safety and Health Group
- Awards
- Resolutions
- Finance and Administrative

The Work of the Compact

Powers of the Compact:

- Study of mining operations, processes and techniques
- Study of conservation, adaptation, improvement, and restoration of land and related resources affected by mining
- Gathering / dissemination of information
- Making recommendations (states / federal agencies / Capitol Hill)
- Cooperating with the federal government and any public or private entities having an interest in subjects within the purview of the compact

Objective: Strike an appropriate balance between the need for minerals and the protection of the environment.

Member Communications:

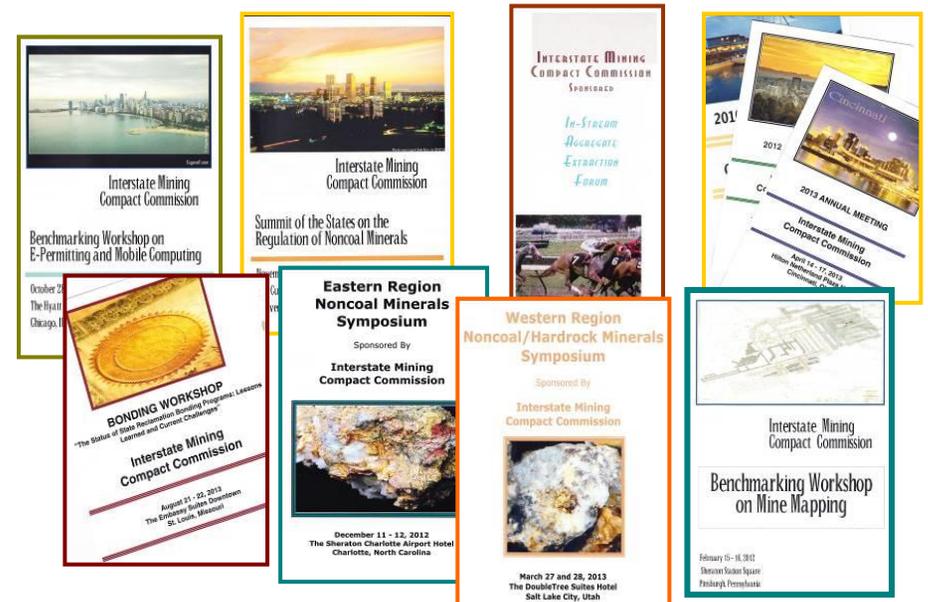
- Memorandums/E-Memos
- Annual Reports
- “The Compact” quarterly newsletter
- Special reports and surveys



Examples of past/recent Reports:

- “IMCC Noncoal Mineral Resources Report – Revised 2013”
- “Overview of Financial Assurance Programs for Mine Reclamation”
- “State Regulation of Blasting: Policy Procedure and Practice – Survey Responses”
- “State Regulation of Subsidence – Survey Responses”
- “Enhancements to State Mine Safety and Health Programs”

Benchmarking Initiatives / Annual Meetings / Symposiums / Workshops



IMCC: A United Voice for the States

The Interstate Mining Compact Commission is unique in its role as the only state membership organization representing the states' interests in Washington, D.C. on issues related to mining



“We recognize that individual states have the power to establish and maintain programs of land and other resource development, restoration, and regulation appropriate to cope with the surface effects of mining.” (IMCC Strategic Plan)

“IMCC member states believe a united position in dealing with the federal government affords us a decided advantage. Our commission feels strongly that the collective voice of many is important in our efforts to preserve and advocate states' rights.” (IMCC Strategic Plan)



Experience and Expertise in DC

IMCC is recognized in Washington, D.C. for our experience and expertise on mining issues.

- At request IMCC has testified on behalf of the states at congressional hearings. Some recent topics include:
 - Good Samaritan protects for hardrock abandoned mine cleanups
 - Stream protection requirements for surface coal mining operations
 - Legislation to enhance funding for states to reclaim abandoned coal and hardrock mines
- IMCC is consulted by the General Accountability Office
- IMCC is consulted by the National Academy of Sciences
- IMCC's participation is sought for advisory bodies, steering committees, and state/federal teams

IMCC and Congressional Efforts

- Good Samaritan Legislation
- Department of Interior, Mine Safety and Health Administration, Environmental Protection Agency, Bureau of Land Management Budget Matters
- National Strategic and Critical Minerals Production Act
- State Primacy Issues
- Federal Agency Oversight Issues (OSM, EPA, MSHA, BLM)
- Mining Law Reform
- Funding for State Regulatory Programs and the Abandoned Mine Land Programs
- Hardrock financial assurance requirements under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

The Role of the Member States

- To assist the staff in developing positions on bills, rules and regulations focused on mining with an eye on state primacy
- To chair and participate on the various standing committees of the Compact
- To help identify and scope out issues of concern for the Compact to pursue on behalf of the states
- To participate in the development and execution of benchmarking and information sharing opportunities
- To support the IMCC staff in all areas of Compact work – from strategic planning and issue identification to compensation and financial oversight



Current Issues and Future Challenges

- Reauthorization of fee collection authority under Title IV of SMCRA
- Financial assurance requirements under CERCLA
- OSM rulemakings
- Hardrock AML and Good Samaritan legislation
- NEPA requirements for active mining and AML
- Biological opinions and other ESA requirements related to SMCRA permitting
- Funding for state programs (active and AML)
- Federal oversight of state regulatory programs
- Summit of OSM and the States on Title IV and V issues and follow on work groups (10)
- Member state retention and recruitment

How You Can Contribute to our Work

- Identify issues or concerns within your state that would benefit from IMCC involvement
- Active participation in our work by attending meetings and conference calls and serving on IMCC committees and state/federal task forces
- Helping to recruit new member states
- Identifying topics for benchmarking and/or roundtable forums

How To Get Involved with our Work

- Schedule a call with our staff to discuss opportunities for involvement
- Understand your state's prior involvement with IMCC
- Speak with a current member state – establish a mentor relationship
- Review our publications to understand the types of issues we undertake
- Feel completely free to ask questions (during or after meetings/calls)

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