

# WPCAMR Regional Coordinator's Report

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## Planning for Pennsylvania's future in AMR

The passage of amendments in late 2006 of SMCRA Title IV promised to bring substantial increases in funding for AMR and with it a great deal of hope and expectation for those on the front lines of these efforts. While it's quite true these funding increases represent very significant new opportunities for increasing the pace of AMR, they need to be tempered with the fact that funding still pales in comparison to AMR problems we face. As a generalization, it appears the hopes and expectations of many are overly optimistic in what future funding may represent. Planning for PA's AMR future is no easy task because every dollar spent on one project may be at the expense of an equally deserving project elsewhere. At the same time, there is a singular opportunity to make the very most of these substantial, yet limited, resources in advancing AMR in PA.

Over the course of 2007 PA DEP has solicited comments and opinions from the general public through a series of 10 town hall meetings on the use of Title IV funding increases. More recently, the Department held focus group meetings with more knowledgeable individuals to gather opinions on the specific AMR topics of 1) Permitting, 2) Abandoned Mine Drainage (AMD), 3) Construction and Contracting, and 4) Property Access. WPCAMR participated in the AMD focus group, as noted below.

## Recommendations for PA Title IV Program

WPCAMR has focused on PA's implementation of its AMR program since the passage of the 2006 Title IV amendments. We have developed a set of informal recommendations for PA's future program. (See [http://wpcamr.org/projects/smcra\\_reauth/](http://wpcamr.org/projects/smcra_reauth/))

## Title IV Set-Aside Calculator

More recently we've developed a new Excel-based calculator to better understand funding for the Title IV Set-Aside program (that optional part of the annual Title IV funding that can dedicate up to 30% of eligible funds to AMD issues). The calculator does a variety of calculations for the life of the program including using a portion of the annual set-aside for OM&R and having a watershed grants program. As with any tool of this sort, the values calculated will precisely reflect the influence of the input values. In other words, *garbage in, garbage out*. In spite of this caveat, the calculator does have value in analyzing various scenarios for utilization of Set-aside funds. The calculator is available at [http://wpcamr.org/projects/smcra\\_reauth/](http://wpcamr.org/projects/smcra_reauth/).

## Mining Reclamation Advisory Board

After careful consideration, we are in agreement with DEP Secretary McGinty and Deputy Secretary Roberts on the advantages of using the MRAB as an advisory board for Title IV issues. We are in agreement that a subcommittee of the MRAB, similar to the previously formed Orphan Mine Task Force,

could offer a fair means of representing a general AMR perspective. It has the added advantage of being legislatively mandated with an infrastructure already in place.

At the Jan 10<sup>th</sup> MRAB meeting, I made a brief presentation of the Title IV Set-Aside Calculator (mentioned above) to the entire MRAB board. Although the subject came up about taking on the Title IV advisory function, no action formal was taken. A future action will be required if MRAB is to take on the advisory function.

## **AML Campaign Meeting**

On Jan 17, a meeting of AML Campaign members occurred at John Dawes' farm in Alexandria. The main issues discussed centered on:

- Possible follow-on legislation to 2006 SMCRA amendments. We understand Wyoming may be seeking legislative solution to get a quick payout of all Title IV funds due. This may be an opportunity to bargain for favorable actions for the Eastern U.S. Specifics mentioned were an increase in the per ton fees on every ton of coal mined and an earmark for the West Branch.
- Objections to OSM's proposed valley fill rule-making.
- An update on Growing Greener II expenditures: It appears that with the soon-to-be-announced awards of ~ \$2 million, all funds of the allocated \$60+ million for AMR will have been expended. Of those, only ~\$5 million have been awarded to watershed groups.
- An update of a project identifying the characteristics of successful watershed groups with the idea of fostering sets of those characteristics to fledgling watershed groups.
- I reported on the MRAB issue above.
- An upcoming meeting of Sec. McGinty with members of the AML Campaign to discuss the future of funding for projects sponsored by watershed groups.
- The drafting of a letter to the Governor and/or state legislative members regarding future environmental funding.

## **AMD Focus Group**

Here's a broad-stroke overview of the 4+ hour AMD focus held Thursday, Jan 31, 2008 and attended by nearly 30 individuals (knowledgeable in AMD issues) representing industry, government, and non-profits:

- Most present were on the same page of using the most appropriate technologies that are very much situation based. Expertise is still needed to determine solutions and cannot be reduced to a "cookbook approach".
- O&M is vital. If it's built, it should be maintained.
- Watershed groups are very important in O&M at the local level.
- Prioritization/project selection will be very difficult because of the imbalance of need versus resources.
- There was a fair amount of grumbling over the GG2 situation... only ~\$5M to watershed groups for AMD out of the ~\$60M AMR allocation.

- Regarding Title IV funding, few new AMD projects other than those already in the can are likely to be implemented over the next few years because of existing commitments.
- Taking much set-aside over the next few years isn't likely, at least until Title IV funding ramps up significantly. BAMR's budget can be viewed as Construction and Non-Construction. If I understand this properly, the Set-Aside essentially comes from the Construction category . Taking a significant Set-Aside would mean AMD construction would overshadow P1 /P2 construction for several years.

DEP is preparing an extensive document in response to the 10 town hall meetings in which the last 2 items will be commented on in detail. Also the focus group meeting minutes will be posted on the DEP website.

### **The President's 2009 Budget**

It's my understanding in the recently announced Administration 2009 budget, OSM would not request any Emergency funding (for things such as mine fires, flooding, etc.) They would instead use carry-over funding for this purpose. Both PA and TN have not taken over their emergency programs as most states have, and depend on OSM for this service. The other states get separate emergency funding since they have their own emergency programs.

In the proposed 2010 budget, OSM would not ask for any emergency funding. Supposedly the responsibility will then be on all the states to take care of emergencies out of their normal Title IV grant, with the rationale the states are getting plenty of funding.

### **Getting the WPCAMR administrative house in order**

In the past several months, we made major strides in getting on top of our administrative workload. We are presently caught up with all routine administrative chores. In part, this is thanks to part-time administrative help previously authorized by the Board. We have re-organized our filing system to be more efficient and are moving to having most financial records stored electronically. A voluntary financial audit now underway has led to several suggestions for improvement. One suggestion already implemented is a formal backup plan for computer data including strategies for off-site storage of information.

With respect to grant administration, WPCAMR currently administers the following grants:

- \$123,500 DEP 319 funding for WPCAMR operations for 2007-08 fiscal year. (We anticipate \$122,000 for fiscal year 2008-09 commencing in July.)
- \$350,000 Growing Greener II award to fiscally manage the "Quick Response Program". This program provides funding for emergency repair of Growing Greener eligible BMP's. \$100,000 Growing Greener I award for the same purpose. (We have applied in the 2007 grant round for additional Growing Greener II follow-on funding to extend this program.)

- \$166,000 Growing Greener I award for “Monitoring Support for Passive Treatment Systems II”, a continuation of an existing Growing Greener grant which provides funding for laboratory analyses and the development of an Internet-based data management system. An add on Growing Greener I award for the same purpose.
- \$5,000 Growing Greener award as the fiscal sponsor for “South Sandy Watershed Association Startup Organization and Support”.
- \$912,094 for 4 DEP Innovative AMD Treatment awards where WPCAMR acts as the fiscal sponsor.
- **\$38,743.84 OSM Watershed Cooperative Agreement Program (WCAP) grant for well-plugging in Farmington Township in Clarion County. (A township is not directly eligible for a WCAP grant being a government entity.)**
- Related:
  - **WPCAMR has been requested to take over administration of a \$110,825 Growing Greener AMD passive treatment project on Rattlesnake Run formally sponsored by the Lucinda Watershed Association. We are currently evaluating that request.**
  - WPCAMR is the fiscal sponsor for the upcoming 2008 PA Statewide Annual AMR Conference.
    - \$2,000 Foundation for PA Watersheds convening grant for the
    - \$900 OSM facilities grant from for the 2008 PA Statewide Annual AMR Conference.
    - Additional funding is anticipated in the form of grants and conference fees.
  - WPCAMR is a member of the Consortium of Scientific Assistance to Watersheds (C-SAW) funded through a Growing Greener I grant. We anticipate income of ~\$20k for our services through this program this year.
  - WPCAMR was the recipient of \$8,000 donation in 2007 from Robindale Energy from the proceeds of an annual golf outing.
  - WPCAMR anticipates ~\$2,000 in dues from our member conservation districts in 2008.