

WPCAMR Regional Coordinator's Report

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Quick Response Continues to be Successful

Quick Response continues to get used and is continuing to be a successful avenue for emergency funding for emergency repair for Growing Greener eligible projects. As requested by the board, I submitted a Quick Response V grant application for the last round of Growing Greener in September. We got the Quick Response V grant! The Quick Response V grant contract is presented at this meeting for board approval and signature. Quick Response V funding will be ending in 2013.

We are currently working on expending our Quick Response III funding. Given the number of applications being received, I would imagine that Quick Response III funds will be expended by sometime in the summer/fall of 2011, at which time we will begin expending Quick Response IV funds.

Office Operations and Administrative Functions

Henninger Associates were able to help me start to get Quick Books in a better format and has helped us get local tax overpayment back. The overpayment was made due to an error made by our former payroll company. I believe that this will address all of the problems wrought by the former payroll company in 2010.

WPCAMR's 2010 audit is now underway with the same auditor we had last year. I'm working on getting everything organized and will work with the auditor to give them all the required information they need.

NPDES Issue Update

After the Keeley decision regarding NPDES permits for West Virginia bond forfeiture sites in January 2009, the state of West Virginia decided to appeal that decision. The opinion from the 4th Circuit Court of Appeals in northern WV agreed with Judge Keeley's decision. Based on what the appeal decision says, this could move our community even closer to the NPDES route. Key word is "could".

One of the things to remember with this whole issue is that the original Keeley decision was centered on "Bond Forfeiture" sites in WV not what we term, "Abandoned". However, Judge Keeley and the appellate court seem to use the term "abandoned" interchangeably with bond forfeiture sites—an unnerving situation. However, it wouldn't take too much of a leap to transfer the whole NPDES requirement over to truly "abandoned" sites operated by watershed groups. We're dealing with "possibilities" here and nothing set in stone.

WPCAMR is working with Trout Unlimited, the DEP, Foundation for PA Watersheds, other states, and others in a small working group to address this potential problem at this time.

There are several possible solutions that are being formulated, one of which is a potential Federal Environmental Good Samaritan Act (an amendment to the clean water act). Currently, our group is making appointments to educate our federal legislators, both Republican and Democrat, on this issue.

So far, EPA's line of thought on the issue of NPDES for watershed groups operating treatment systems is that it's a very, very low priority for EPA. That would explain why EPA is not pushing this issue at this time. However, that gives me little comfort when I know that at any time, this issue could possibly develop into something that wouldn't be conducive to our community's efforts.

There are a lot of scenarios/possibilities to work through with lawyers, legislators, and others to determine the best route to pursue. Not to mention, in the case of a potential Federal Environmental Good Sam, there continue to be national environmental groups that are opposed to the idea. It's a somewhat complicated issue and the group is working to unravel the threads and make some headway.

I think it's somewhat premature to call specifically for a Federal Environmental Good Samaritan Act until we can get particular legislators to fully understand the complexity of the issue and address those national environmental groups' concerns and their influence with legislators.

Ultimately, Federal Environmental Good Samaritan is a possible solution, but we're exploring ALL avenues...we don't want to limit ourselves in finding a solution.

New Administration Takes Office in Harrisburg

With the new administration taking office in Harrisburg, we may see a bit of a shift in how the state is dealing with some of the federal and state issues and processes that concern our community. I recently sent a letter to newly appointed DEP Secretary Krancer inviting him, while on an upcoming regional office visit, to tour treatment systems that are in proximity to the SW Regional office and to discuss ways in which the state can help our community in dealing with some stumbling blocks and possible future issues such as the NPDES issue.

We also look forward to possibly having the Secretary attend a future WPCAMR meeting if his schedule permits. With the new administration and changes in the general assembly's makeup, we may be able to resume forward momentum on issues that haven't moved much in the past few years (ie. prevailing wage)—or at the very least, get those issues back into discussion once again.

District Board Outreach

Anne and I have begun to attend each of our constituent Conservation District board meetings to keep them abreast of WPCAMR's activities, discuss emerging issues, and to have them more connected with the organization. We will continue these visits throughout 2011.

SMCRA Title IV Spending Plan

For some time now, we've been waiting to see the department's Title IV Spending plan to understand how they intend to spend the Title IV funds on AMD/AML projects. We had some assurance from Scott Roberts before he retired that we would see the plan but to date we haven't seen it yet. It appears that the department has already applied for the 2011 grant which includes an amount of set-aside for AMD so it is our assumption that the plan is ready. We intend to resume our requests with the new deputy secretary when he/she is in office or through Secretary Krancer and Deputy Secretary Hines. Once we have a copy of that plan we will be able to see the direction which the department is going to take and will be better able to advise our constituent conservation districts on the topic.