

# WPCAMR Regional Coordinator's Report

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November 10, 2011

## **Grants:**

### **Quick Response Continues to be Successful**

We're very proud to say that the Quick Response program continues to be a successful avenue for emergency funding for repair of Growing Greener eligible projects. Currently, we are expending funds from Quick Response IV which has a deadline of June 30, 2012. At the rate we've been going in all of our Quick Response projects, I suspect we will be closing Quick Response IV by or just after the deadline.

With the Board's approval, we applied for a Quick Response VI grant for \$130,000 for the most recent grant round which closed on August 26<sup>th</sup>. We understand that the Growing Greener grant announcements may be made before the end of the year.

Unless Growing Greener is funded adequately for the future, we are unsure of the future of the Quick Response program after all available funds are expended. WPCAMR recently received \$15,000 the funding from the Foundation for Pennsylvania Watersheds to act as a cash match to assist us with Quick Response III and IV grants. We are grateful for this cash match from the FPW. This match funding and the in-kind match from the program's recipients is vital to the continuation of the program.

### **DEP Reorganization**

Over the summer, DEP Secretary Krancer announced a reorganization of the PA DEP. Notable among the shifts in various offices is the movement of previous BAMR personnel who had worked with water-related projects (ie. AMD) over to a new Bureau in the office of Water Management, that of Conservation and Restoration. Of course, with such a change, there comes some apprehension. We have invited John Stefanko, Deputy Secretary for the Office of Active and Abandoned Mine Operations to address the reorganization and answer any questions attendees may have.

### **Proposed OSMRE merger with BLM**

Toward the end of October, Interior Secretary Salazar, announced a proposed merger between the US Office of Surface Mining Reclamation and Enforcement with the Interior's Bureau of Land Management. According the Secretary Salazar's memo, this merger is to make the most out of limited resources. There has been quite a bit of reaction to this proposed merger ranging from questions on its legality from members of the US House and Senate to concerns about OSMRE's abilities to be an efficient regulator from members of national environmental groups. The National Mining Association has taken a bit of a wait-and-see attitude but they have questions regarding the

merger's effect on certainty of mining regulations. The Senate Committee providing comment to this merger will need to have its comments in by tomorrow, November 11<sup>th</sup>. However, I recently became aware of a hearing scheduled by the Senate Energy Committee to consider the proposed merger. That hearing will take place on November 17<sup>th</sup>.

## **Federal Environmental Good Samaritan Issue Update**

WPCAMR continues to work with partners such as Trout Unlimited in exploring ways to protect our citizens' investment in AMD treatment systems. While there hasn't been much to report on locally, a potentially disturbing situation has arisen in the state of Colorado. An environmental group has sued participants in a reclamation project in that state. That project has continued to see improvements in the environment however, the environmental group wants the reclamation to proceed quicker to meet NPDES standards. That project in question has many partners ranging from industry to the state. It is unclear at this time as to what will come of that lawsuit, but it is very concerning to those working in Abandoned Mine Reclamation in the state of Colorado. How could this affect us? This suit could make the climate better for a concerted push nationwide for a Federal Environmental Good Samaritan Act or it could be yet another instance where multiple partnerships are held responsible for attempting to remediate Abandoned Mine Drainage. We will continue to meet with our colleagues in PA on the matter of Federal Good Sam and will follow these developments.

## **GenOn Settlement**

I attended a meeting of selected groups to discuss projects that could be funded by the GenOn settlement. If you remember, GenOn was fined several million dollars for multiple violations of the Clean Water Act. Those funds are to be distributed by the Foundation for PA Watersheds. I mentioned a possible project that could emulate the Quick Response project but be solely for projects within the Kiski-Conemaugh Watershed. WPCAMR could distribute the Operation and Maintenance funds similar to how we administer the Quick Response funds. There could also be administrative funds available to WPCAMR for administering these maintenance funds. The FPW is considering the idea and will be in touch with WPCAMR after our November Board meeting. We may have a proposal for the Board's review at the February WPCAMR meeting once we have confirmation of interest by the FPW.

## **Federal Budget and SMCRA**

In February 2011, President Obama introduced his budget for the upcoming fiscal year. Within that budget reforms to the Abandoned Mine Lands payments were listed. Among the reforms proposed by the Administration:

1. were the termination of unrestricted payments to certified states (those having completed their coal reclamation work)
2. the creation of an AML Council that would prioritize sites for funding throughout the country.
3. the creation of a competitive distribution of funds to the highest priority coal AML sites

- throughout the nation.
4. The creation of a parallel AML program for abandoned hardrock sites with similar fees to active hardrock mining.

The Interstate Mining Compact Commission and the national Assoc. of Abandoned Mine Land Programs have stated opposition to this coal AML proposal in the budget.

As a side note to this issue, the Senate recently passed S.B. 897 which, in a nutshell, says that certified states may continue to receive their AML fund allotment and use it for certain non-coal uses. From all indications, that proposed legislation has a good chance of being seen favorably in the House.

## **Federal Coal Ash Bill**

House Resolution 2273, the “Coal Residuals Reuse and Management Act”, first introduced in the House by Rep. David McKinley, R-W.Va. and passed the House on October 14<sup>th</sup>, was introduced into the Senate on October 17<sup>th</sup>. The Act would allow the states to continue to operate their existing programs while adopting and implementing a coal combustion residuals permit program. Any coal ash residue not beneficially reused would be disposed of properly. A electronic copy of the Act for your perusal is on the meeting web page for November.

PA DEP Secretary Krancer wrote a letter to the Pennsylvania Delegation urging Congress to adopt HR 2273. That letter is also on the meeting’s web page.

H.R. 2273 would stop fly ash from being regulated as hazardous waste by the EPA. If ash were to be labeled as “hazardous waste”, it could have a detrimental impact on the waste coal industry and our community’s land reclamation efforts. As stated in a letter I wrote to EPA Administrator Lisa Jackson in 2010, “Pennsylvania’s waste coal power industry has played a vital role in cleaning up the state’s abandoned mine problems. The beneficial use of the ash from those plants has resulted in successful reclamation projects throughout the bituminous region of western Pennsylvania”. The re-classification of CCBs as a hazardous waste has the potentially disastrous effect of stopping this environmental success story dead in its tracks.

H.R. 2273 is now on the calendar for the US Senate.

## **PA Prevailing Wage**

At the beginning of October, the House Labor and Industry Committee passed a package of prevailing wage legislation to the full House for its consideration. The package of bills is made up of the following pieces of legislation:

- House Bill 709 (Rep. Warren Kampf, R-Chester/Montgomery) – Makes the Prevailing Wage Act a local option for school districts by school board referendum.
- House Bill 1191 (Rep. Ron Marsico, R-Dauphin) – Makes the Prevailing Wage Act a local option for municipalities or school districts by ordinance or referendum.
- House Bill 1271 (Marsico) – Exempts several basic road maintenance actions from the Prevailing Wage Act. This legislation will be considered on the House floor Wednesday, Oct. 5.
- House Bill 1329 (Rep. Fred Keller, R-Snyder/Union) – Increases the total cost that a public project must exceed in order to fall under the jurisdiction of the Prevailing Wage Act from \$25,000 to \$185,000, to then be adjusted annually based on changes in the Consumer Price Index.
- House Bill 1541 (Rep. Scott Perry, R-Cumberland/York) – Requires a public project to be at least 51 percent publicly funded in order to fall under the Prevailing Wage Act.
- House Bill 1685 (Rep. John Bear, R-Lancaster) -- Requires the Pennsylvania Department of Labor and Industry to develop one set of job classification definitions for use by contractors statewide, making compliance with the Prevailing Wage Act's payment requirements easier for contractors.

These bills were tabled in the House. Given other, more pressing issues for the General Assembly and that no one in leadership has made it a priority, it is unlikely that these bills will be moving in the near future. We will keep you abreast if any movement occurs.

## **ARIPPA Award**

Two organizations won the 2011 ARIPPA Award for the western region. WPCAMR is happy to be part of the ARIPPA's process to recognize reclamation activities that have been going on in our region and is grateful for the contribution made by our industry partners to further Abandoned Mine Reclamation work. See also Anne's report.

## **WPCAMR Strategic Planning**

Our current Strategic Plan had not been updated since 2004. So, the Strategic Plan Review Committee reviewed the current plan and met by phone a few weeks ago with Anne and myself to go over recommendations to the full board. The committee members present will discuss their findings in New Business. Anne and I will work with the committee and board on any updates that need to be made to the Strategic Plan.

## **WPCAMR 2012 Proposed Budget**

I've put together the proposed 2012 WPCAMR budget for the board's consideration. As you can see, I've put the 2011 budget numbers alongside it as well as the estimated total expenditures for 2011. Given that our 319 operating grant remains flat lined and our expenses continue to rise, we wind up drawing more and more every year from other sources, principally our General Fund. The budget will be presented in New Business.

## **Bids For Audit Services**

The CPA who had performed our annual audit has downsized his practice and informed us several months ago that we will need to seek a new accountant to do the audit. After consulting with Greg, I called two accounting firms in the area to get bids for an annual audit for WPCAMR. A one-year and three-year price quote is included in each bid. Both firms are well-respected business in the community. The bid prices will be discussed in New Business.

## **Robindale Golf Outing**

The 2011 Annual Robindale Golf Outing was held on Wednesday, September 21<sup>st</sup>. Two charities are the beneficiaries of the Outing, WPCAMR being one of those charities. I don't have confirmation of the final amount that will be provided to WPCAMR but I'm confident that we will meet the forecasted amount that was listed in the 2011 budget. As always, we are very grateful to Robindale Energy Services for their continued support of the Coalition and are proud to say that they are active members of the Abandoned Mine Reclamation community in our region. I will be meeting Robindale officials tomorrow, Friday, November 11, 2011 to receive the donation and have a photo opportunity.