

# WPCAMR Regional Coordinator's Report

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## *LEGISLATIVE ROUNDUP*

### *STATE*

#### **Senate Bill #411 in the PA General Assembly**

Senate Bill #411 was introduced in the Senate in 2013. In a nutshell, that bill addresses liability issues for landowners and gas companies who wish to use AMD for gas well development. The bill was amended November 19<sup>th</sup>, referred to Appropriations on December 4<sup>th</sup>, and reported as committed on January 13, 2014. It hasn't moved yet. I sent a communication to Senator Kasunic's office regarding WPCAMR's neutrality on the bill.

#### **SB 1346 in the PA General Assembly**

The bill's prime sponsor is Senator White. It's an Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a waste coal energy and reclamation tax credit. It's sister bill will be or may have already been introduced in the PA House of Representatives. The waste coal industry has provided hundreds of thousands of dollars of reclamation at no expense to the taxpayers, however that industry is finding it difficult to increase their reclamation and generation work in today's economic climate without some help.

### **FEDERAL**

- Introduced by Rep. David McKinley (R-W.Va.), [The Coal Residuals Reuse and Management Act of 2013](#) (H.R. 2218) retains some of the same principles the lawmaker proposed in similar legislation that passed the House by a bipartisan vote of 267 to 144 in 2011. As of 2/10/14, the bill is on the Senate calendar. It also contains requirements for groundwater monitoring at all structures that receive coal ash after the legislation's enactment and corrective action for unlined, leaking impoundments within a specified time period, as outlined in a previous Senate bill.

According to McKinley, the new bill adds clarifications and key improvements, such as setting deadlines for issuing permits, creating an interim compliance period for many of

the requirements, and identifying criteria to assess whether a state permit program is meeting the minimum requirements. The legislation also includes new provisions to ensure structural stability, including a consultation with state dam safety officials, a periodic evaluation to identify structural weakness and potentially hazardous conditions, and the creation of an emergency action plan for high-hazard structures. I'm not aware of any movement on this bill at this time.

- EPA and USACE's proposed rule on Navigable Waters. The U.S. Environmental Protection Agency and U.S. Army Corps of Engineers jointly released a proposed rule to clarify protection under the Clean Water Act for streams and wetlands that form the foundation of the nation's water resources. Determining Clean Water Act protection for streams and wetlands became confusing and complex following Supreme Court decisions in 2001 and 2006. The proposed rule was published in the *Federal Register* on Monday, April 21, 2014. The public comment period will be open for 91 days and will close on Monday, July 21, 2014.

My interpretation of this proposed rule is that it gives Clean Water Act jurisdiction over almost all physical areas with a connection to downstream navigable waters. While I understand the value in what the proposal wishes to accomplish, this is very concerning because it could put features such as ditches, discharges from treatment systems, and abandoned mine discharges under federal control. You can find the 88 page proposal at: <http://www.gpo.gov/fdsys/pkg/FR-2014-04-21/pdf/2014-07142.pdf>

- Rep. McKinley (R-W.Va.) came up with a draft Good Samaritan Bill last fall. It hasn't been introduced. W.Va watershed groups I talked to are not supportive of the draft language, claiming it doesn't protect them.

## **Sequestration**

- To my knowledge, PA's annual AML grant is still down due to sequestration. Uncertain as to whether that will be restored. Appears that sequestration will be part of FY2014.

## **Federal Environmental Good Samaritan Protection**

Rep. McKinley's draft bill has, to my knowledge, not been introduced. There doesn't appear to be grassroots support for that bill. Watershed groups in WV don't think it does anything to help watershed groups. It doesn't appear as though it will be introduced but we will be watching for it. Other federal bills (HR3203, S.1443, and H.R.2970 from 2013 are still out there. These bills

are largely concerning hard rock area out west. These bills center on creating a kind of permitting system to permit treatment systems to protect watershed groups and state agencies out west. Since these bills haven't made a lot of forward movement, I'm not sure they will go anywhere. However, it is interesting that some agencies are still analyzing these bills. That may indicate that there may be some future movement.

## **OTHER ITEMS**

### **Quick Response**

We have gotten the amendment to Quick Response 7 for \$103,000 to help offset the cost of one project that is ongoing that will consume about \$85,000. Denny and Greg signed the amendment paperwork and I forwarded it to the grants center.

### **2014 Statewide AMR Conference**

The 2014 Conference will be during the end of June, 2014. The venue for the Conference will be the Ramada Inn and Conference Center in State College. The 2014 conference will be in conjunction with ARIPPA's annual meeting. We are fortunate to have several important figures in AMD/AMR speaking at the conference. PA DEP Secretary Chris Abruzzo, Greg Conrad from the Interstate Mining Compact Commission, and Joe Pizarchik, head of the US Office of Surface Mining will all be speaking on Friday, June 27<sup>th</sup>. Anne will also provide more information on the activities surrounding the conference planning in her report.

### **Resh Retirement**

Jim Resh, a long-time supporter of WPCAMR and District Manager of Indiana Conservation District is retiring. We have enjoyed working with Jim over the years and wish him well with his new endeavors!!!

### **Annual Audit**

I have been working with our auditor to get our annual audit completed. We suspect, it will be completed around the end of May. I will present the final results at the August WPCAMR meeting.

### ***Meetings***

- *Field tour of proposed Dunkard Creek AMD projects with Randy Maggard of Mepco, llc., Greene County.*
- *Kettle Creek 15<sup>th</sup> Anniversary and Awards, Cross Fork, Potter County*