

WPCAMR Regional Coordinator's Report

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LEGISLATIVE ROUNDUP

STATE

- Governor Wolf seems to have a good handle on the AMD issue based on an interview he gave during the primaries this spring. Acting Secretary Quigley will likely need some degree of in-depth education about our community's work and concerns. We are sending the Acting Secretary an invitation to tour AML/AMD sites at his convenience. With regard to legislative initiatives coming out of the General Assembly, we aren't aware of anything at the moment. As stated at the November WPCAMR meeting, with the retirement of Senator Kasunic (D), I feel it is highly unlikely that his replacement, Pat Stefano (R) will take up his cause for SB 1346 (providing liability protection regarding the use of AMD by the shale gas industry).
- Also, until we have further clarification, with regard to the Wolf Administration's rules on no gifts, we'd like to remind our constituents to notify their DEP partners when you intend to provide a meal to participants when inviting them to field tours or other events.
- State Senator Wayne Fontana is proposing a bill (co-sponsored by Senator Leach) to amend the Institutions of Purely Public Charity Act to require non-profits to pay real estate taxes based on the value of their land only, exempting the first \$500,000 of total land value. The exemption would apply to all properties owned by the entity.

His recent E-newsletter states, *"Nonprofits and public charity status has been a contentious issue for some time now, especially in the Pittsburgh region where these entities play a significant role. Understanding the complexity of this issue and the need to find a balance between enabling these organizations to continue to provide a charitable service while at the same time contributing to our communities, I plan to re-introduce legislation that would require nonprofit organizations that own real property to pay some taxes.*

Specifically, my bill would require these nonprofits to pay taxes on the assessed value of the land only (not building), with the first \$500,000 of land value being exempt from taxation to protect smaller nonprofits. The exemption would apply to all property owned by the organization, not per parcel.

While no one is disputing the good that nonprofits do in terms of the jobs they provide and the economic investment they have garnered, the release of this special report gives the commonwealth just a glimpse of the economic reality many counties are facing and how many millions of dollars local governments are missing out on in terms of possible revenue."

While most of the non-profits in our community may not be affected by this, it's possible that others may have property valued at more than \$500,000. There is no known movement on this bill.

FEDERAL

- **Toomey/Hatch/Casey Amendment #41 to SA2 to amend S.1 (The Keystone XL Pipeline Bill)** *Introduced by Sen. Toomey (R-PA.)*, To Amend S.1 to exempt waste coal generating power plants from EPA's final entitled "Federal Implementation Plans: Interstate transport of fine particulate matter and ozone and correction of SIP approvals" rule. The amendment was not agreed to by a vote of 54 to 45 (the amendment needed 60 votes). While WPCAMR didn't support the amendment, we did contact Senator Casey's office about the importance that the waste coal industry has with regard to reclamation. Senator Casey eventually became a co-sponsor of the amendment. Even though this amendment didn't make it, it shows bi-partisan support for our industry partners and an understanding of how they work in cooperation with the reclamation community.
- EPA and USACE's proposed rule on **Waters of the US**. 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. Administrator McCarthy testified in Congress last week to answer questions regarding the Waters of the US. While there's been quite a bit of pushback from the farming and business communities, we've been assured by the state that this clarification of waters of the US will not have an effect on our community's work.
- We're not entirely sure of the status of Representative Lamborn's (R- CO) proposed Good Sam bill to be introduced. It remains to be seen as to when/if this bill will surface in the new Congress.
- Through the efforts of Branden Diehl from the Foundation for PA Watersheds, we were able to share concerns about Good Samaritan protection with representatives of EPA, TU, and FPW on a conference call. Even though some of our concerns haven't been thought through by EPA, they believe that there is no major threat to watershed groups regarding liability...at least not from their office. In spite of this, Good Samaritan protection and liability issues remain firmly on our radar.

Sequestration

- Still goes on with PA losing funding from its annual grant. We hope that, with the new Congress, both sides of the political aisle will want to remove sequestration as soon as possible. It's interesting to note that with the OSM proposed budget for FY2016, the additional funds proposed by the legislative proposal would likely be subject to sequestration if the legislative proposal passes.

SMCRA

- As a co-chair of the PA AML Campaign along with TU, we convened the group in mid-December to begin our strategizing for reauthorization past 2021. With only 7 years until the expiration of the current SMCRA, this activity will continue to gain momentum as time goes on. If some details within the legislative proposals presented in OSM's FY 2016 budget remain intact, it may be in our best interest to push for earlier reauthorization. We remain in close contact with states (IMCC, NAAML) and our partners (TU, FPW, etc) as to the best course of action.
- We understand that groups are positioning themselves with regard to providing more economic development funding in Appalachia. Rep. Matt Cartwright (D-PA), according to a recent interview, may be planning a roundtable in Pennsylvania to look at various plans to have the Interior Department re-visit that Department's program to lease coal rights to mining companies. As expected, response from the industry has not been positive.

OSM's FY 2016 proposed budget and proposed legislation

- We were able to participate in a conference call held by OSM to explain the administration's FY 2016 budget for OSMRE.
- Legislative changes to SMCRA are proposed as part of the release of the budget. We are working with the PA AML Campaign and our partners to determine how the proposed legislation will affect us and what actions we should take.
- This could speed up our efforts for SMCRA reauthorization.
- More presented under New Business

OTHER ITEMS

Quick Response

We are currently expending funds from QR6 and QR7. The following Quick Response projects were paid out since the last quarterly meeting in November:

Mountain Watershed Assn (QR7): \$2,575

Site and Stream LLC (Huntingdon Cons. Dist) (QR6): \$6,700

Clearfield Cr. W.A. (QR6): \$19,032

We have approximately \$44,000 left to expend in QR6, which is set to expire on June 30, 2015.

2015 Statewide AMR Conference

We continue to be involved in the planning of the 2015 AMR Conference. The 2015 conference will be held in late June 2015. I'm attempting to get various federal and state agency leaders to present. Anne will provide a more in-depth update of the conference in her report.

OM&R Workgroup

We've been working with Amy Wolfe from TU as part of the OM&R Workgroup to fashion a proposal that addresses the OM&R need for treatment systems not in Qualified Hydrologic Units. We currently have a draft of the proposal but it won't be ready to release until we have further consultation with DEP and then have an opportunity to revise the draft. Amy will be at this meeting to further explain the group's efforts.

Administrative

We're Moving our Office

The WPCAMR office will be officially moving our office to a temporary location in the upper floor of the Greenforge Building (suite 201). The lower floor has been rented out to the PA Dept of Agriculture. Our furniture will be moved tomorrow, February 13th. We're working cooperatively with Greenforge and the County and hope to have a more permanent office space in the future. We will be changing our address soon.

2014 Financial Audit

I'm providing information to our auditor for our 2014 audit.

Meetings

- *OM&R Workgroup meeting, November 2014, Ebensburg*
- *PA AML Campaign, Huntingdon*
- *Governor Wolf's Inauguration, Harrisburg*