

# WPCAMR Regional Coordinator's Report

Andy McAllister

August 11, 2016

## *LEGISLATIVE ROUNDUP*

### **STATE**

- SB 368. Introduced January 30, 2015 by Sen. White, providing for a waste coal energy and reclamation tax credit. Still in appropriations committee as of June 25, 2015. No movement expected.
- HB1370. Introduced June 29, 2015 by Rep. Gibbons. Both for establishing a coal refuse energy and reclamation tax credit. HB was referred to Committee on Environmental Resources and Energy on June 29, 2015 and is still there. No movement expected.

### ***FEDERAL***

- **House Spending Bill** During the fall, the House of Representatives passed a spending bill they had fashioned earlier in the year. This bill had a provision to distribute funding to several coal mining states in the east that have extensive AML problems. This one shot distribution appears to be the House's answer to the Administration's stalled Power +/AMLER proposal. Like the AMLER proposal, the House spending bill requires that the funds be used for AMR in areas that would benefit most from job creation. DEP had received guidance from OSMRE on spending the funds in late spring of this year and has made a selection of several projects which have been approved by OSMRE. Work on those projects is proceeding.

There is another spending Bill put forth by the House of Representatives for the 2016-2017 year which calls for another infusion of funds to selected states very similar to the one from last year. If this spending bill passes this fall, it will result in another infusion of funding to Pennsylvania.

- **H.R. 4456 (RECLAIM Act of 2016)**  
A House Resolution that came out on February 3<sup>rd</sup>. This resolution is a mirror of the AMLER portion of the President's "Power +" plan from last year. This proposed bill has some measure of bi-partisan support but we're not sure where the states stand with it. After working with the PA AML Campaign and NAAMLP providing comments to this proposed legislation, we're waiting to hear back as to which suggested changes are

going to be included. There has been limited support from the PA Delegation and noticeably, Rep. Thompson, Rothfus, and Murphy are absent from co-sponsoring. Rep. Thompson is concerned that the funds be used for AMR. There is a possibility the bill could move during the lame duck session this fall. We will keep abreast of the situation and provide you with the modified language from the markup during the fall.

- **SMCRA Fee Re-authorization**

We continue to work with the PA AML Campaign/TU/State/IMCC on re-authorization of the Title IV fees for SMCRA, participating in conference calls, etc. There isn't much going on in DC that could accelerate reauthorization except for the newly released RECLAIM Act. There is a possibility that the RECLAIM Act may be a vehicle to try to get reauthorization passed, but I believe it to be a remote possibility since we haven't heard of any Representative interested in attaching re-authorization to RECLAIM. Anne and I are in the process of putting together an outreach package including summary sheets/video, etc. to help with re-authorization outreach. We will be presenting the draft version of our outreach materials at the 2016 NAAML meeting at the end of September.

## **Operations and Maintenance Funding**

- **H.R. 3844 (Rep. Jody Hice, Ga), "Energy and Minerals Reclamation Foundation Establishment Act"** This is a bill that proposes to set up a foundation (somewhat akin to the National Fish and Wildlife Foundation) that is able to accept donations from the private sector then grant out funds to assist with orphan well or abandoned hardrock and coal reclamation. Specifically, the legislation establishes a Foundation to assist the Bureau of Land Management, other federal land management agencies, state agencies, and non-profit organizations to raise funds for the purpose of AML and orphaned oil and gas site cleanup **on federal lands, lands that were federally-managed during extraction activity, or sites that could adversely impact other federal lands.**

We do not want this program, if passed, to be a substitute for any other funding for OM&R for our region. However, given that it only affects activities that have some relationship to federal lands, it seems unlikely it would impact us. In the meantime, WPCAMR and TU continue working on a potential OM&R funding plan that may be much more effective in providing federal funds to our watershed groups and districts. HR3844 passed the House in early July and is now in the Senate Committee on Energy and Natural Resources. It remains uncertain if this bill will move once Congress reconvenes on September 5.

- **H.R. 4456**, the "RECLAIM Act" (discussed previously) allows for operation and maintenance funding but only for **new** treatment systems created under the funding from RECLAIM. The PA AML Campaign suggested changes to RECLAIM that would also fund

existing treatment systems funded through SMCRA Title IV. However, we have yet to see if those changes will be accepted by Rep. Rogers office.

## **Federal Good Samaritan Protection**

- **H.R. 3843 (Rep. Doug Lamborn-Co), “Locatable Minerals Claim Location and Maintenance Fees Act of 2015”** . This bill was also introduced in October 2015 to authorize for a 7-year period the collection of claim location and maintenance fees (hardrock mining), and for other purposes. H.R. 3843 is part of the Committee’s three-pronged response to the Gold King Mine and the Standard Mine spills that occurred in Colorado in August and September of this year, which the Committee is continuing to investigate. This bill centers largely on hardrock sites and uses fees to set up a database for hardrock sites but Title III of this bill proposes Good Samaritan protection for those working on abandoned mine sites (coal and hardrock). While not exactly what watershed groups across the country want (for either hardrock or coal) this is nevertheless, a very good beginning. Many stakeholders, including WPCAMR, are providing input into Congress’s understanding of the issue and we hope that the momentum will continue to build.

We have been assisting Trout Unlimited, the state, and the Interstate Mining Compact Commission, to understand our community’s needs so they may come up with language for a federal Good Sam draft bill that is modeled on the State’s Good Sam Law and addresses our community’s needs. The IMCC has been instrumental (along with TU) in working with legislators in DC and Representatives Lamborn and Thompson. So far, we have received promising news that Rep. Lamborn may include the coal Good Sam proposal as an amendment to his HR3843 Bill. This is a long process but these are very encouraging signs. The IMCC tells us that the eastern Good Sam coal proposal is still being received well by the mining states. HR 3843 was marked up in June and the amendments to the bill were accepted. It still needs to be passed by the House before heading to the Senate.

## **Sequestration**

- Still goes on with PA losing funding from its annual Title IV grant. Part of what the AML Campaign is looking for is an end to the sequestering of Title IV grant funds.

## ***Waste Coal to Energy***

- Representative Rothfus (Pennsylvania) has developed the “Sense Act”, to ensure that the coal refuse-to-energy industry can continue its vital mission of providing affordable energy, supporting jobs, and remediating formerly-polluted sites across historic coal producing regions. WPCAMR has supported this initiative. This bill had passed the House and is now in the Senate Committee on Environment and Public Works.

## **OTHER ITEMS**

### **Quick Response**

We have completed QR6 and sent the final report. We completed 13 projects for a total of \$140,750. We continue to expend funds from QR7, which ends December 31<sup>st</sup> unless we need to extend and get an extension granted. We will apply for Growing Greener funding as soon as the round opens, to continue the Quick Response program after the QR7 grant is finished.

### **2016 Statewide AMR Conference**

The conference was a success with over 100 attendees. The planning committee will be going over the comments from the attendees soon. WPCAMR is in charge of paying the venue for the 2016 conference. We have received the invoice from IUP and are waiting on the funding from EPCAMR so we may satisfy the invoice. Planning for the 2017 annual conference has begun. Anne will provide a more in-depth update of the conference in her report.

### **Administrative**

Chelsea and I met with our auditor to go over the results of our 2015 audit. The audit is complete and our books are in order.

I met with our Finance Committee two weeks ago to go over where we stand, financially and initiated discussions on cutting spending and raising funds since we haven't had the Robindale Golf outing for several years. In the past, the Golf outing raised between \$10,000 and \$12,000 per year for us.

### **Other Meetings**

- I have been part of conference calls with the PA AML Campaign during this quarter.
- I attended the Ehrenfeld project press event on August 4, 2016.
- PA AMR Conference June 22-23, 2016