

WPCAMR Regional Coordinator's Report

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LEGISLATIVE ROUNDUP

STATE

- **Good Sam Amendment not yet introduced** . An amendment to the PA Environmental Good Samaritan law to allow already-constructed projects to apply for protection and be covered. We will let everyone know when this bill is introduced.

FEDERAL

- **2018 federal budget for the Department of the Interior**

This budget affects the Office of Surface Mining Reclamation and Enforcement. This proposed budget includes another round of “pilot program” funding for 3 Appalachian states, PA, WV, KY. The “pilot program” is very similar to the RECLAIM Act (below) but is limited to only a few Appalachian states.

Funding for this program originates from the federal governments general fund and does not impact the AML fund. We will follow the activity on this budget to see if it passes and will report to the WPCAMR Board with an update.

- **RECLAIM Act version 2 (H.R. 1731)**

A re-released version of the original RECLAIM Act from the House of Representatives however, this new version has some differences that could mean less funding for PA. This bill was introduced 3/27/17, was referred to House Natural Resources (HNR) Committee and Transportation and Infrastructure Committee. HNR referred it to Subcommittee on Energy and Mineral Resources which had a hearing on the bill on 4/5/17. Committee Consideration and Mark-up Session was held on June 27th where it was reported out of committee. Now that this bill has gotten more support from Pennsylvania legislators, it may be time for WPCAMR to decide if it wishes to support this bill.

It is important to remember that the funds to be distributed will be from the “Unappropriated balance”...funds that were supposed to be distributed to the states at the end of the current AML reauthorization if the AML fee collection isn't reauthorized in 2021. Distribution of these funds will negatively impact the “Unappropriated

Balance”. Without a reauthorized fee collection in 2021, this balance will continue to be drawn down until empty. Without this source of funding, state Bureau’s of Abandoned Mine Reclamation may have no other source of funding for their work.

There are two other bills associated with the House version of RECLAIM, both are Senate versions of the RECLAIM Act, one is sponsored by Manchin (D-WV), S738, the other by McConnell (R-KY) S728. Both Senate bills were read twice in the Senate in March 2017 and referred to the Committee on Energy and Natural Resources. There has been no movement on either of the Senate versions of RECLAIM.

- ***Miners Protection Act***

The Health coverage aspect of the Miners Protection Act has been addressed for a 10 year period (until 2027) through the Omnibus spending bill passed this spring. However, the issue of the miners’ pensions is still up in the air. It’s possible that that issue will be addressed in September but, then again, it may experience temporary fixes and could be addressed on a permanent level if attached to a potential reauthorization bill.

- ***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. The most recent development with reauthorization has been a hearing with the House Natural Resources Committee in June. The purpose of that hearing was to discuss the effectiveness of the AML Fee. It’s a good sign that the committee has now begun to talk about the AML Fee. However, the National Mining Association has expressed doubts about the effectiveness of reauthorizing the fee and appears to be against it. While the committee addressed the AML fee, no specific activity has occurred with regard to reauthorizing the AML fee. We hope that the conversation will continue through the fall. Of course, 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. However, that said, one representative told us last year that he was interested in revisiting the reauthorization issue for 2017. We will be continuing our work on this.

- ***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.

- ***Community Reclamation Partnerships Act HR 2937***

We have a “Federal Good Samaritan” bill introduced in the House and reported out of committee. Most of the work on this has been done through the Interstate Mining Compact Commission, TU and the States. This is very promising. This bill proposes a way to protect watershed groups working on AMD by amending SMCRA. According to sponsor, Rep. Darin LaHood (R-IL), HR 2937 addresses impediments potential “Community

Reclaimers” face in the reclamation process by allowing states to assume liability on their behalf, shielding them from any undue legal liability under the law. The bill has undergone markup in Committee and has been reported out.

OTHER ITEMS

Quick Response

We continue to expend funds from QR7 and have requested and received an extension to expend those funds through December of 2017. We applied for a Quick Response 8 through Growing Greener. The new grant, once approved next year, would continue the Quick Response program after the QR7 grant is finished. We aren't sure when the Growing Greener grants will be announced, presumably by this fall. We've gotten more interest in Quick Response over the past few months with more requests for funding and are looking forward to beginning Quick Response 8 to assist those projects.

2017 Statewide AMR Conference

This year's conference was in Wilkes Barre. From all accounts, it was well received by the attendees. Anne will provide a more in-depth update of the conference in her report. The planning committee will begin planning the 2018 conference shortly. In addition, we are trying to have the 2019 conference in conjunction with the annual National Association of Abandoned Mine Lands Programs conference. We are negotiating the details of that joint conference. That conference will be held in Pittsburgh.

PA Good Samaritan Protection

There is some draft language that would update the PA Environmental Good Samaritan Act and would allow for liability coverage for projects that applied after they were constructed. There is no official sponsor yet. Once this language is finalized, we suspect it will be introduced in the General Assembly by fall.

Administrative

According to the Board's wishes, we signed up for the D&O insurance. Chelsea and I have met with our auditor and went over the 2016 accounts review. The review is completed and there were no problems. We have a copy in case anyone wants to review the document themselves. The financial plan was sent out to our delegates/alternates after the May WPCAMR meeting for their blessing. We have received a few comments and the plan will be finalized.

Other Meetings

- Federal Good Samaritan conference call, July 11th.
- Met with OSHO coal and regional economic development and dep representatives to look at the possibility of OSHO using waste coal piles. Indiana, PA, July 12th
- PA annual AMR conference, Wilkes Barre. June 20-21st.