

# WPCAMR Regional Coordinator's Report

Andy McAllister

May 12, 2011

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

Quick Response continues to get used and is continuing to be a successful avenue for emergency funding for repair of Growing Greener eligible projects. Currently, we are expending funds from Quick Response III which I suspect will end by June or July. After that, we will begin expending funds from our Quick Response IV grant (\$130,000) which will end in 2012. Quick Response V funding will end in 2013. Unless Growing Greener is funded adequately, we are unsure of the future of the Quick Response program after Quick Response V grant funds are expended. WPCAMR will shortly receive the in-kind match funding from the Foundation for Pennsylvania Watersheds that will assist Quick Response III and IV.

## **Administrative and WPCAMR's 2010 Audit**

WPCAMR's 2010 audit from Patterson and Associates is completed and is available for your review. I sat down with the auditor in February and worked into March to give him the information he needed. I've also spent some time modifying our chart of accounts in quickbooks to match our budget categories. I went through all the expenses incurred from January through April and fit those expenses into our budget categories. I also took some time to work on a new format for the treasurer's report and work on other administrative issues. There's still more cleaning up to do in our chart of accounts but things are shaping up.

## **NPDES Issue Update**

As we continue to work on addressing the threat of NPDES permits for abandoned mine drainage treatment systems, several options become apparent. One option is that of some sort of statewide general permit for those discharges. Although a possibility, there are several unknowns: one unknown being, would the use of a statewide general permit for abandoned mine drainage treatment systems disqualify that system from ever receiving non-point source funding in the future? A second option is what is termed, an "Agreement on Consent" (AOC). The AOC could be similar to those used for western hardrock states that are dealing with AML issues that are CERCLA sites. The third option is for some sort of Federal Environmental Good Samaritan Act. Any attempt at pushing for a Federal Good Sam Act would have its own particular challenges.

The Ad Hoc committee working on this issue (WPCAMR, TU, FPW, and the lobbyist from the AML Campaign) recently had a conference call with EPA to discuss the matter and clarify our concerns to EPA. While nothing definitive came out of that conversation, it was however, encouraging. EPA appeared to understand our concerns and understood more about the treatment systems and the people who operate/maintain them.

As I mentioned in previous reports, the issue is a "non-issue" with the national environmental groups who continue to oppose the opening up of the Clean Water Act to create a Federal Good Sam. Our committee will continue communicating with those groups and their lawyers in DC to see if we can bring them to the table in the future.

As I stated in the February report, I still think it's somewhat premature to call specifically for a Federal Environmental Good Samaritan Act until we can get particular legislators to fully understand the complexity of the issue, address those national environmental groups' concerns and their influence with legislators, as well as examine other ways to ensure protection for our community. I have had some communication with the staffer of Congressman Holden's office but we really need to find the time to sit down so I can explain what actions are being explored.

This remains an important issue that could potentially have significant ramifications on our reclamation community. WPCAMR, along with our partners, remains active in finding a solution to this threat.

## **Some Interest In The Prevailing Wage Issue**

In early March, Senator Mike Brubaker (R-Lancaster) introduced Senate Bill 792 that would place a moratorium on prevailing wage requirements for publicly funded projects as a way to reduce costs to taxpayers. This bill proposes a three-year moratorium on prevailing wage requirements. According to Brubaker's office, the moratorium would reduce labor costs by up to 25%. This bill was referred to the Labor and Industry Committee on March 9th. Given the current political climate in the state, it is possible that this bill could move further however, at this time it is still in committee.

I spoke with Senator Brubaker's staffer about this bill and it appears that Senator Gordner (R-27), the chair of the committee, is opposed to this legislation. Brubaker's staffer suggested that we might consider having folks write Senator Gordner to educate him of the importance of addressing the Prevailing Wage issue as it relates to the environmental community. Obviously, this is a good topic for an Abandoned Mine Post article. In the meantime, we will continue to watch this bill and will update everyone if there's any movement.

In other related news, Americans for Prosperity (AFP), will meet on Wednesday May 11<sup>th</sup> in Harrisburg to discuss legislative initiatives that are on their radar. One of these initiatives is dealing with the Prevailing wage issue. Americans for Prosperity is a nationwide group with a chapter in Pennsylvania. Former House member Sam Rohrer became the Pennsylvania chapter's director in February of this year. The group recently invited Prevailing Wage Coalition members to discuss the AFP's legislative agenda that they will be making official on Wednesday May 11. I'm not able to attend that meeting but will find out what was discussed from other members of the Prevailing Wage Coalition after the WPCAMR May meeting.

## **DEP Secretary Krancer Confirmed**

Secretary Krancer was confirmed by the Senate several weeks ago. We have invited the

Secretary to tour treatment systems that are in proximity to the DEP SW Regional office to illustrate the value of our watershed groups and conservation districts in remediating AML/AMD issues. The tour is tentatively scheduled for late May. While on the tour, we plan to discuss ways in which the state can help our community in dealing with some stumbling blocks and possible threats such as the NPDES issue.

As of the beginning of May, we do not have a DEP Deputy Secretary for Minerals Resource Management. It is our hope that, as soon as a new Deputy is appointed, we will arrange for a meeting with him/her to discuss our community's needs as they relate to funding for operations and maintenance of existing passive treatment systems and how to best protect our community's investment (and the Commonwealth's investment) in clean water through a Federal Good Sam Act or other avenue.

### **Iron Oxide Recovery Grant**

WPCAMR was awarded a Growing Greener Grant in 2007 to encourage iron oxide recovery at passive treatment systems, working with Hedin Environmental. The gist of the grant is to provide trucking subsidy for transporting the iron to a processing plant and to make it easier to retrieve the iron at certain selected sites. Unfortunately, due to the economic slowdown in 2009, the demand for iron oxide waned and the grant remained unused. DEP granted us a one year extension in 2010 given that the economy was on the road to recovery and presumably, so was the demand for iron oxide. Bob Hedin was able to work with us to meet the needs of the grant but in order to do so, we would need to work past the current deadline of June 2011. Although the grant is set to expire in June 2011, we've requested another extension for a year. We hope that, if we're granted an extension, we will be able to complete the grant.

### **Watershed Cooperative Agreement Program**

OSM's Watershed Cooperative Agreement Program remains funded through the rest of Federal FY11 and it appears that it will retain its funding in FY12. While the program has about a million dollars of funding (nationwide) for each fiscal year, it is possible that, with the slowing Growing Greener grants for AMD projects, the WCAP may see less participants from Pennsylvania. As you know, the WCAP requires a cash match from applicants, which in Pennsylvania, has historically come from the Growing Greener Program. Without Growing Greener, it is possible that fewer groups would take advantage of the WCAP funding. I've made some inquiries to OSM regarding the match requirement to see if it's plausible to lessen the match or even remove that requirement to allow PA groups to take better advantage of the program. It is my understanding that if there isn't enough "need" for WCAP funds, the funds would be used for other programs within OSM. I am working with Amy Wolfe from TU to communicate our community's interest in WCAP to OSM.