

# 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. Concern has been expressed by environmental groups as this bill is considered. I encourage a discussion of this bill at this WPCAMR meeting.

#### **Governor's 2014-2015 proposed budget**

The Governor's proposed 2014-2015 budget shows some good things, among them no change in funding to Conservation Districts, and a 3.1 million increase to Growing Greener funding for watershed protection and restoration. However, a major disappointment in the Governor's proposal is a \$1 Million reduction in Growing Greener funding for Abandoned Mine Reclamation. Given the enormity of the problem in Pennsylvania, I'm not sure why that reduction is listed in his budget. We hope that the Administration will re-consider cutting funding to AMR and encourage you to contact your legislators to voice your opinion in this matter.

### **FEDERAL**

#### **SMCRA-Related that are still out there**

**OSM's FY2014 proposed budget:** The budget proposes to terminate the payments to certified States and Tribes. According to the budget, "These States and Tribes have already certified that they have completed their abandoned coal mine reclamation projects and are now permitted to use their AML payments for any purpose. Terminating these payments will save the taxpayer \$327.0 million". Second, the budget proposes to return coal reclamation fee rates to their historic (pre-FY 2008) levels. Mine operators currently pay 28¢ per ton for each ton of coal produced by surface mining; 12¢ per ton for each ton of coal produced by underground mining; 8¢ per ton of lignite produced; or ten percent of the value of the coal (two percent of the value of the lignite), whichever is less. The FY 2014 budget proposes to return coal reclamation fees to the 35¢ per ton for coal produced by surface mining; 15¢ per ton for underground mining; 10¢ per ton for lignite produced; or ten percent of the value of the coal (two percent of the value of the lignite)

## Other Federal Items

- S.222 and H.R. 488. Allowing for non-coal use of states' smcra grant funds. **Latest Major Action on S.222:** 4/22/2013 Placed on Senate Legislative Calendar under General Orders...no action since. **Latest Major Action on H.R. 488:** 2/8/2013 Referred to House subcommittee. Status: Referred to the Subcommittee on Energy and Mineral Resources...no action since. It appears that these two bills won't be moving.
- S. 468 introduced by Sen. Rockefeller (D-WV) and H.R. 980 introduced by Rep. Rahall (D-WV)—revival of CARE Act regarding use of accrued interest and excess treasury funds under Title IV to pay for UMW retirees.to expand coverage for miners who were impacted by recent bankruptcies, such as with Patriot Mining. **Latest Major Action:** 3/6/2013 Referred to Senate committee. Status: Read twice and referred to the Committee on Finance. As of 2/10/14, no action .
- 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.

- Talk of a potential Good Samaritan Bill to help coalfield AML work. Still nothing tangible yet.

## 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**

I've had several conversations with EPA staff over the past year regarding the need for Federal Environmental Good Samaritan protection for watershed groups, Conservation Districts, and others who run AMD treatment systems. It appears that they are beginning to understand our situation and talks have been very constructive. WPCAMR is working with Amy Wolfe from Trout Unlimited to determine interest in the issue from our PA community. We had an Ad Hoc meeting of interested parties in December regarding this issue and we are working toward identifying and communicating with other organizations. The goal will be to have a meeting to craft a needs statement.

## **OTHER ITEMS**

### **Quick Response**

The DEP has looked at a way to provide more funding in Quick Response 6 to help address a problem at the Kalp Discharge treatment system while still having enough funding in QR6 to handle normal requests. Since this may be an amendment to the existing QR6 contract, we will have to get signatures on the amendment. I do not have that yet, but if the board supports the amendment, I will be able to get officers signatures when the amendment is ready. I expect to expend most, if not all the additional funding within about 10 months for the Kalp project.

### **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. I need board approval to sign the contract with Ramada as WPCAMR is the main organizing entity for the Conference this year.

The 2014 conference will be in conjunction with ARIPPA's annual meeting. Anne will also provide more information on the activities surrounding the conference planning in her report.

### **Meetings**

- Good Samaritan Ad Hoc group, December, 2013.
- ORWC planning meeting, January 2014

- Big Run AMD treatment meeting, November, 2013
- Allegheny CD open house
- OM\$R workgroup meeting,