

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 laid on the table on April 9th. It appears that this bill will not move.

SB 1346 in the PA General Assembly

The bill's prime sponsor is Senator White. It's an Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a waste coal energy and reclamation tax credit. That bill had been referred to the Senate finance committee. That bill may come up once the legislators are back in session.

FEDERAL

- 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 11/5/14, the bill is still 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. The bill has 54 co-sponsors.

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. I'm not aware of any movement on this bill at this time.

- EPA and USACE's proposed rule on Navigable Waters. 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. I have been working with the Foundation for PA Watersheds to arrange for discussions with EPA about terms, definitions, and to share concerns. We are still waiting to get a conference call with them about this matter.
- As reported at the last quarterly meeting, we are also aware of Representative Lamborn (R) from Colorado putting together a Good Sam bill to be introduced although we still haven't seen it. We could see this bill before the new year but, with a lame duck congress, I don't think it's likely until the new session in January.

Sequestration

- Still goes on with PA losing about 7.5% from its annual grant.

2014 Election Results and Our Initiatives

Federal

Given the shift in the composition of the US Senate in last week's mid-term elections, we may a bit more movement with some of our initiatives. Greg Conrad of the IMCC believes that the Republican majority could provide significant checks and balances on actions by the Administration on both policy and regulatory standpoint. He also believes that we could see a more favorable consideration of state primacy and accompanying funding for state programs. I've broken down our various initiatives/issues and how they may be affected by the new political landscape in DC.

Federal Environmental Good Samaritan Protection: With the GOP in control of both house (and all of the committees), we could see more assistance in getting Good Sam protection over the next 2 years. Particularly, with Congressman Thompson being re-elected and his interest in the issue, we could have a larger voice with regard to this issue in DC. Senator Mark Udall (D) of Colorado was defeated by Cory Gardner (R). Udall had been a voice for Good Sam protection for hard rock watersheds groups in the Senate and Trout Unlimited had been working with his staff with regard to getting support for Good Sam for our region's watershed groups. It remains to be seen as to what assistance Gardner's staff will be regarding this issue or if another champion needs to be found. Conrad believes that we could see Committee leadership embracing Good Sam legislation, especially if Senator Inhofe (R) from Oklahoma chairs the Senate

Environment and Public Works Committee, as appears likely.

AML Fund Sequestration: It is entirely likely that the GOP controlled houses will want to get rid of sequestration as soon as it's feasible. It's not popular on either side of the political aisle. There will be little excuse for stalemates between the two houses when it comes to the economy and the majority will want to be seen as getting a stronger economy in place.

SMCRA Reauthorization: While our efforts to secure re-authorization past 2021 have just begun, we may be able to make inroads with educating representatives in both houses. Of course, this will depend on the success of removing sequestration. While we have more elections ahead of us before 2021, we can have short-term success building support for this issue that is still seven years down the road. Senator Rahall (D) of WV was ousted by Evan Jenkins (R). A 19 term politician, Senator Rahall was involved in the earlier efforts to re-authorize SMCRA in the early 2000s and hopefully Jenkins will do likewise.

319 and other programs: I have no indication to believe that any reductions will occur in federal programs important to our community. However, that said, it remains important for all members of our community to showcase value for the buck and tout success stories. We will watch what happens in DC during the next session of Congress starting in January.

State

Governor-elect Wolf seems to have a good handle on the AMD issue based on an interview he gave during the primaries this spring. As far as appointments go, it remains to be seen as to whether the acting DEP Secretary maintains that position or if we'll have a new DEP Secretary (or Deputies) after the inauguration. We don't expect to see any major changes from the new administration with regards to environmental initiatives that affect our community right away. We will continue to watch for indications coming out of Harrisburg as to where the Governor wants to place his priorities. The General Assembly hasn't seen many changes that could affect our work, but here is one notable change.

On using AMD by the shale gas industry: With the retirement of Senator Kasunic (D), I feel it is highly unlikely that his replacement, Pat Stefano (R) will take up the cause for SB 1346 (providing liability protection regarding the use of AMD by the shale gas industry).

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 on August 14th:

Mountain Watershed Assn (QR7): \$10,115.00

Northumberland Cons. District (QR6): \$3,875

Schuylkill Conservation District(QR6): \$14,353.39

We have approximately \$69,000 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 2015AMR Conference. The 2015 conference will be held in late June 2015.

2015 WPCAMR Budget

We will present the proposed budget in new business.

Environmental Justice Funding

We worked with the FPW and the Environmental Justice Advocate to locate projects in our region that could be considered for Environmental Justice funding from FPW. Currently, three projects have been short-listed by FPW.

OM&R Workgroup

We met with the OM&R workgroup and took on the responsibility of drafting the first cut of a whitepaper explaining the need for OM&R funds and potential scenarios for handling the funds and handed that off to TU to complete. We hope that, by having this paper, we can approach foundations for funding and set up an OM&R account to provide funding for the 300+ passive treatment systems throughout the state.

Meetings

- OM&R Workgroup meeting, October 2014, Ebensburg
- Centre County Watershed Summit, November 2014, State College