

# WPCAMR Regional Coordinator's Report

Andy McAllister

February 11, 2016

## *LEGISLATIVE ROUNDUP*

### *STATE*

- SB 368. Introduced January 30, 2015 by Sen. White, providing for a waste coal energy and reclamation tax credit. Currently in appropriations committee as of June 25, 2015. No current movement.
- 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. No current movement.
- Still no state budget at this time.
- We understand that a Growing Greener bill will be proposed shortly. While the proposal description is available to the public, the draft legislative language is being developed and sponsors sought.

### *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. The House spending bill requires that the funds be used for AMR in areas that would benefit most from job creation. We hope to hear from DEP more specifically as to how these funds are to be used and when the funding will appear.
- **RECLAIM Act of 2016**  
A House Resolution that just came out on February 3<sup>rd</sup>. As yet unnumbered, this resolution is a mirror of the AMLER portion of the President's "Power +" plan from last year. This proposed bill has bi-partisan support but we're not sure where the states stand with it. We hope to have some comment from DEP staff here at this meeting.

- **SMCRA Fee Re-authorization**

We continue to work with the PA AML Campaign/TU/State on re-authorization of the Title IV fees for SMCRA, participating in conference calls, etc. There isn't much going on in DC that would accelerate our proposal except for the newly released RECLAIM Act. Now, with the RECLAIM Act out, this may be a vehicle to try to get reauthorization passed. There needs to be discussion among the states and our AML Campaign group to see how feasible reauthorization would be if attached to RECLAIM. Our efforts to gain support for reauthorization are somewhat slow at the moment.

### ***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. The idea seems sound but there may be challenges with the particulars on this and how it is implemented. The bill proposes start-up funds to be directed to the foundation. It is unclear as to how this bill will “score” in DC and where the offsets would occur to account for the federal funds that are to be directed to this program. We do not want this program, if passed, to be a substitute for any other funding for OM&R for our region. WPCAMR and TU will 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. A hearing at the House Natural Resources Committee’s subcommittee on Energy and Mineral Resources was held on November 4<sup>th</sup>. No movement on this bill.
- **RECLAIM Act.** The newly released proposal, the “RECLAIM Act” allows for operation and maintenance funding but only for new treatment systems created under the funding from RECLAIM.

### ***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 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) but 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 continue to work closely with our partners, principally Trout Unlimited, the state, and the Interstate Mining Compact Commission, in communicating the needs of our eastern coalfield watershed groups and conservation districts to Congress. There was a hearing on this bill on November 4th with the Energy and Mineral Resources subcommittee. No movement on this bill at this time but a markup of the bill is tentatively scheduled for March. Our eastern coalfields partners are in discussion with the House Natural Resources Committee regarding eastern coal's Good Samaritan needs and a proposal is in the works. We hope to have more information in the coming months as to whether eastern needs will be included in this bill or if our community's good sam needs will have to go in a separate bill.

### ***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". WPCAMR has supported this initiative. There was a hearing in the House subcommittee for Energy and Commerce. Our President, Dennis Beck was able to travel to DC to testify with regard to this proposed legislation and the value of the waste-to-coal power industry as it pertains to reclamation. Dennis may have some comments on how the bill is being received.

## ***OTHER ITEMS***

### **Quick Response**

We are currently finishing up expending funds from QR6 and continuing expending funds from QR7. We will likely have to apply for Growing Greener funding to continue the Quick Response program.

### **2016 Statewide AMR Conference**

Planning for the 2016 annual conference continues. We have a contract for the IUP Kovalchik Center. Anne will provide a more in-depth update of the conference in her report.

### ***Administrative***

Chelsea and I have been working on the various duties of the Treasurer. I'm getting items ready for our 2015 audit.

Without a state budget we were not able to receive 319 reimbursements from DEP for our new grant year which began October 1. Our submitted invoices were not being paid and we needed funds to keep the office open. We tapped into our line of credit at the bank and received the funds in January. In December, the Governor allowed some programs to resume getting funding, ours was one of those programs. We received most of our backlogged 319 funding before we needed to use the line of credit funds. We wound up paying just less than \$20 in interest for the time we had the line of credit. I paid the line of credit down and we have the full line available to us once again if we need it.

### *Meetings*

- I've attended by phone, several meetings to fashion a new Growing Greener program. I've included the proposal created by the group in your packets. Legislative language is being written and sponsors are being sought. We suspect the Governor's office will announce the potential program on or shortly after this WPCAMR meeting. Several funding mechanisms were discussed but the group settled on proposing a bond. The Governor's office will be looking for support for this initiative from all stakeholders once he announces it.
- I also made a presentation about SMCRA Title IV reauthorization at the PACD winter meeting in State College this week.