

WPCAMR Regional Coordinator's Report

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LEGISLATIVE ROUNDUP

STATE

- SB1374. An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, in environmental stewardship and watershed protection, further providing for legislative findings and for agencies and establishing duties for the Department of Community and Economic Development, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission and the Pennsylvania Historical and Museum Commission.

This legislation has bi-partisan support with seventeen co-sponsors at this time. It was referred to The Senate Committee on ENVIRONMENTAL RESOURCES AND ENERGY, Sept. 28, 2016. See Memorandum from Sen Killion below.

MEMORANDUM

In the near future, I plan to introduce legislation that represents a Growing Greener III proposal that will provide \$315 million in annual investments for environmental conservation, recreation, and preservation projects across the Commonwealth. The proposed legislation represents the needs identified through an analysis compiled by the Growing Greener Coalition and its member organizations.

It is my hope that you will join myself, Senator Alloway and Senator McIlhinney in co-sponsoring this important piece of legislation.

Since its inception in 1999, Pennsylvania's nationally recognized Growing Greener program has funded hundreds of local parks and trail projects; conserved more than 50,000 acres of threatened open space; protected more than 33,500 acres of family farmland; repaired more than 1,600 acres of abandoned mine land; and restored hundreds of miles of streams and waterways.

Even with this comprehensive history of success, there is still much more work that needs to be done.

Funding for the program, has decreased from an estimated average of \$200 million in the mid-2000s to \$57 million this year, a 75 percent reduction. Our goal is to establish a Growing Greener III framework that the Governor and Legislature can embrace to renew this critical program and ensure its continued vitality long into the future.

This legislation represents the first step in the process – identifying the need and establishing the commitment to support these critical environmental and quality of life projects. Identifying sustainable funding sources will be the next step of the process that will be achieved through other future legislative proposals.

This legislation will go a long way to help us protect Pennsylvania's water, land and other natural resources while maintaining our commitment to future generations. Please join us in supporting this important legislation.

- SB 368. Introduced January 30, 2015 by Sen. White, providing for a waste coal energy and reclamation tax credit. Still in appropriations committee as of October 19, 2016. No further movement expected.
- 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 and is still there. No further movement expected.

FEDERAL

- **House Spending Bill**

There is another spending Bill put forth by the House of Representatives for the 2016-2017 year which calls for another infusion of funds to selected states very similar to the one from last year. If this spending bill passes this fall, it will result in another infusion of funding to Pennsylvania for working on AMR projects that have an economic development component to them.

- **H.R. 4456 (RECLAIM Act of 2016)**

A House Resolution that came out on February 3rd. This resolution is a mirror of the AMLER portion of the President's "Power +" plan from last year. This proposed bill has some measure of bi-partisan support but we're not sure where the states stand with it. After working with the PA AML Campaign and NAAMLNP providing comments to this proposed legislation, we're waiting to hear back as to which suggested changes are going to be included. There has been limited support from the PA Delegation and noticeably, Rep. Thompson, Rothfus, and Murphy are absent from co-sponsoring. Rep. Thompson is concerned that the funds only be used for AMR. We've made comments along with IMCC and NAAMLNP earlier this year but to date, we haven't seen any revisions yet although I understand that there is some movement and/or dealmaking going on "behind the scenes".

- **S.1714 - Miners Protection Act of 2015**

Introduced by Sen. Manchin (D-WV), this bill has been sitting in the Senate Finance Committee. This bill amends the Surface Mining Control and Reclamation Act of 1977 to address potential shortages in the Multiemployer Health Benefit Plan for payment of health care benefits to retired coal miners by expanding the eligible uses of interest transferable to such plan from the Abandoned Mine Reclamation Fund, and supplemental payments from the General Fund of the Treasury. Although, quite a few

media reports stated that the money was coming from the AML Trust Fund, it is a bit more complicated than that (involving General Treasury Funds/Certified in-lieu of funds) and likely won't have any effect on the funding going to the states unless the cap of >\$490M coming from the Treasury payments is reached. If that happens, there could be a slight effect on a portion of "In Lieu-of" Funds going to states. Although there is a need to address the shortages in the benefit plan, there has been little movement on this bill.

- **H.R.5303 - Water Resources Development Act of 2016**

Introduced in May, 2016, this bill deals with, among other things, the use of dredged material and flood damage reduction projects. I recommend a full read by those whose work, particularly with the ACOE, may be impacted if this bill advances. It passed the House on September 28th and is now in the Senate.

- **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. There isn't much going on in DC that could accelerate reauthorization except for the newly released RECLAIM Act. 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. Anne and I presented the draft version of our outreach materials at the 2016 NAAML P meeting at the end of September and had cooperation and encouragement from AML across the country.

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. Specifically, the legislation establishes a Foundation to assist the Bureau of Land Management, other federal land management agencies, state agencies, and non-profit organizations to raise funds for the purpose of AML and orphaned oil and gas site cleanup **on federal lands, lands that were federally-managed during extraction activity, or sites that could adversely impact other federal lands.** Passed the House of Representatives in July 2016. It was received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.

Given that it only affects activities that have some relationship to federal lands, it seems unlikely it would impact us. This bill hasn't moved since it was referred to the Senate ENR Committee.

- **H.R. 4456**, the “RECLAIM Act” (discussed previously) allows for operation and maintenance funding but only for **new** treatment systems created under the funding from RECLAIM. The PA AML Campaign suggested changes to RECLAIM that would also fund existing treatment systems funded through SMCRA Title IV. However, we have yet to see if those changes will be accepted by Rep. Rodgers’ office.

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 2015 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) this is nevertheless, a very good beginning. HR 3843 was marked up in June and the amendments to the bill were accepted. It still needs to be passed by the House before heading to the Senate.

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”, to ensure that the coal refuse-to-energy industry can continue its vital mission of providing affordable energy, supporting jobs, and remediating formerly-polluted sites across historic coal producing regions. WPCAMR has supported this initiative. This bill had passed the House in March and is still in the Senate Committee on Environment and Public Works.

OTHER ITEMS

Quick Response

We have completed QR6 and closed that grant out. We completed 13 projects for a total of \$140,750. We continue to expend funds from QR7 and have requested and received an extension to expend those funds. The Board already approved for us to apply for a new Quick Response grant once the Grant round opens. The new grant, once approved next year, would continue the Quick Response program after the QR7 grant is finished.

2017 Statewide AMR Conference

Planning for the 2017 annual conference is continuing. The planning committee has decided to have the conference in Wilkes Barre. Anne will provide a more in-depth update of the conference in her report.

Administrative

I met with our Finance Committee for our second meeting two weeks ago to go over where we stand, financially and continued discussions on cutting spending and raising funds since we haven't had the Robindale Golf outing for several years. The Committee has come up with recommendations for spending and fundraising and will be discussed at this meeting.

Other Meetings

- Cambria CD Legislative Breakfast, Ebensburg, PA October 7
- NAAMLPA conference, Bozeman, MT, September 25-30
- DEP and Pittsburgh Botanic Garden phase II project media event, Pittsburgh, October 24.