

# WPCAMR Regional Coordinator's Report

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## *LEGISLATIVE ROUNDUP*

### *STATE*

- **State Environmental Good Sam Amendment not yet introduced .** An amendment to the PA Environmental Good Samaritan law to allow already-constructed projects to apply for protection and be covered. The language has no official sponsor yet but we suspect it will gain sponsors and co-sponsors over the winter and will get introduced by spring 2018.
- **State Budget.** As of October 26th, the bills are now on the Governor's desk. There doesn't appear to be any negative environmental consequences so far. However, with the Governor to develop a list of special fund transfers from which to take \$300 million (Fiscal Code), we'll have to keep an eye on our community's funds. It's likely the formation of any severance tax will take place later. So, with the budget issue appearing decided, we sure hope that the Growing Greener grants will be announced.

### *FEDERAL*

- **RECLAIM Act (H.R. 1731)**  
A re-released version of the original RECLAIM Act from the House of Representatives however, this new version has some differences that would likely mean less funding for PA. This bill was introduced 3/27/17, was referred to House Natural Resources (HNR) Committee and Transportation and Infrastructure Committee. HNR referred it to Subcommittee on Energy and Mineral Resources which had a hearing on the bill on 4/5/17. Committee Consideration and Mark-up Session was held on June 27<sup>th</sup> where it was reported out of committee.

This bill was then scored by the Congressional Budget Office (CBO) to determine how much of an impact it would have on the public. The \$1 Billion proposed by the bill will have to be offset from somewhere else in the federal government but that will be up to Congressional leadership.

As of the writing of this report, no one in DC seems to have much to offer in terms of current prospects for the bill in light of the CBO score but this bill appears to have an uphill battle ahead of it.

There are two other bills associated with the House version of RECLAIM, both are Senate versions of the RECLAIM Act, one is sponsored by Manchin (D-WV), S738, the other by McConnell (R-KY) S728. Both Senate bills were read twice in the Senate in March 2017 and referred to the Committee on Energy and Natural Resources. There has been no movement on either of the Senate versions of RECLAIM.

With regard to RECLAIM, it bears repeating that the funds to be distributed will be from the “Unappropriated balance”...funds that were supposed to be distributed to the states at the end of the current AML reauthorization if the AML fee collection isn’t reauthorized in 2021. Distribution of these funds will negatively impact the “Unappropriated Balance” whose current balance is approximately \$2Billion. Without a reauthorized fee collection in 2021, this balance will lose that \$1Billion and could potentially lose more of the remaining balance. The balance was originally intended to be distributed to the states if/when the Title IV fee collection stopped. Without this source of funding, state Bureau’s of Abandoned Mine Reclamation may have no other source of funding for their work.

- **S.1911 - Miners Pension Protection Act**

The issue of miners’ health insurance was addressed by Congress this past spring. However, the issue of the miners’ pensions is still up in the air. This bill was introduced by Manchin (D-WV) on October 4, 2017 and is currently in Committee on Health, Education, Labor, and Pensions.

According to the Interstate Mining Compact Commission, “ *S. 1911 essentially seeks to provide long-term funding support for the 1974 UMWA pension plan (whereas the Miner’s Protection legislation of the past couple years has focused on health benefits under the Combined Benefit Fund, 1992, and 1993 plans). SMCRA currently provides annual funding from the general treasury in an amount of up to \$490 million per year for payments to certified states and tribes and for transfers to UMWA health funds. Under this bill, once the necessary treasury transfers to certified states and tribes and to the UMWA health funds are made, any left over treasury funding up to the cap of \$490 million will be transferred to the 1974 UMWA pension fund. (basically it provides the maximum amount possible under the \$490 million cap to the pension funds every year). To the extent that the pension funds are still insolvent after the new treasury transfer, this bill authorizes an annual low interest loan to be made from the treasury to the UMWA fund of up to \$600 million per year. The bill also includes various requirements for reporting on the status of the 1974 pension fund.*”

As it currently stands, this bill will not impact state grants under Title IV.

- **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. The most recent development with reauthorization has been a hearing with the House Natural Resources Committee in June. The purpose of that hearing was to discuss the effectiveness of the AML Fee. It's a good sign that the committee has now begun to talk about the AML Fee. However, the National Mining Association has expressed doubts about the effectiveness of reauthorizing the fee and appears to be against it. While the committee addressed the AML fee, no specific activity has occurred with regard to reauthorizing the AML fee. Since then, NMA has expressed negative comments regarding how the AML fund money has been used over the years. Although this negative commentary was generated through the oversight hearing on OSM, we remained concerned that their stance will extend to any efforts to reauthorize SMCRA title IV.

- **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.

- **Community Reclamation Partnerships Act (CRPA) HR 2937**

We have a "Federal Good Samaritan" bill introduced in the House and reported out of committee. Most of the work on this has been done through the Interstate Mining Compact Commission, TU and the States. This is very promising. This bill proposes a way to protect watershed groups working on AMD by amending SMCRA. According to sponsor, Rep. Darin LaHood (R-IL), HR 2937 addresses impediments potential "Community Reclaimers" face in the reclamation process by allowing states to assume liability on their behalf, shielding them from any undue legal liability under the law. The bill has undergone markup in Committee and has been reported out and was scored positively by the Congressional Budget Office. Now, CRPA is looking for a Senate champion to take up the fight in that chamber.

## ***OTHER ITEMS***

### **New OSMRE Director nominated**

The administration has nominated J. Steven Gardner, an engineer from Kentucky, to head up the US Office of Surface Mining Reclamation and Enforcement. We don't know yet when the confirmation hearing will be held.

## **Quick Response**

We continue to expend funds from QR7 and have requested and received an extension to expend those funds through December of 2017. We pretty much have all the remaining QR7 funds committed through the end of that grant. That means, there are no more available funds for Quick Response. We applied for a Quick Response 8 through Growing Greener. We hope that now the budget process is completed in Harrisburg, Growing Greener grants will be announced. A new grant would continue the Quick Response program after the QR7 grant is finished.

## **2018 Statewide AMR Conference**

We've been working on planning the 2018 annual conference and, at the same time, planning the 2019 joint conference with the National Association for Abandoned Mine Land Programs (NAAMLPL) Anne will provide a more in-depth update of the conference planning in her report.

## **Administrative**

Our line of credit is up for renewal. The rate on the line of credit is wall street journal prime with a floor rate of 4.00%. Right now the rate is 4.25%, which is the current prime rate. It could change in the future if the prime rate changes. But 4.00% is the minimum at all times.

We've been working with the Finance Committee to refine our "ask" for foundation funding and are making progress. We will be further refining our strategy in the coming weeks.

Our accountant sent us an engagement letter for either a "review" like what we had performed for 2016, or for an "audit". Once the board decides, I will be getting with the accountant during Jan/Feb to begin the transfer of information for that review/audit process.

We finished our 319 contract as of the end of July and are now in a new contract period, without a contract. I have just received the contract documents and Dennis and Chelsea signed them. We should have a contract by December and then the backed up reimbursements (August through October) will be processed by DEP. We should be receiving our last reimbursement from the previous contract soon. We should be able to meet expenses until the new reimbursements come in however, there is a possibility that we will have to dip into the line of credit until the new reimbursements are received.

## **Other Meetings**

- Legislative Breakfast, Cambria CD at Kosta's in Ebensburg, October 6, 2017
- WPCAMR finance committee, at office, October 11, 2017
- Federal Good Samaritan conference call, October 26, 2017.
- Southwest Regional Roundtable, Westmoreland CD, November 3, 2017
- PA annual AMR conference planning committee, Conference calls August, Sept, and Oct