

# WPCAMR Regional Coordinator's Report

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## *LEGISLATIVE ROUNDUP*

### *STATE*

- **2019-2020 State Budget**

With regard to Growing Greener, budget outcomes include: untouched Keystone Fund, \$16M from Environmental Stewardship Fund (ESF) were redirected to pay for government operations in 2019-2020, General Assembly can also take money in future budget years without amending the ESF's enabling act like it did this year.

- **Extending and Updating PA's Coal Refuse Energy and Reclamation Tax Credit (Senate Bill 618 and House Bill 1481)**

Amends the tax reform Code of 1971 as amended by the Act of July 13, 2016. Provides a 10 year extension of the PA Coal Refuse Energy and Reclamation Tax Credit to 2036. Increases the amount of tax credit pool to \$45M beginning in fiscal year 2019-2020.

The waste coal to energy industry has been a valuable partner in reclamation in PA. WPCAMR sent a letter of support for these two bills.

### *FEDERAL*

- **RECLAIM Act (H.R. 2156)**

RECLAIM has been re-introduced in the US House of Representatives in April. The RECLAIM Act would, once again, expedite the distribution of \$1B from the AML fund beginning in fiscal year 2020. The primary sponsor is Rep. Matt Cartwright (D-PA). Original co-sponsors are: Rep. Hal Rogers (R-K), Rep. Don Beyer (D-VA), and GT Thompson (R-PA).

There is some level of support but certainly not overwhelming at this time. The bill was marked up and was reported out on May 1<sup>st</sup>. Supporters are waiting for it to be introduced in the Senate.

Both houses are on recess until September.

*(With regard to RECLAIM, once again it bears repeating that, in its current form, 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 to the RECLAIM Act would negatively impact the "Unappropriated Balance" whose current balance is approximately \$2Billion. Without a reauthorized fee collection in 2021, this balance will lose \$1Billion and could*

*potentially lose more of the remaining balance as it is funneled to RECLAIM. The unappropriated balance was originally intended to be distributed to the states if/when the Title IV fee collection stopped. Without this source of funding, state Bureaus of Abandoned Mine Reclamation may have no other source of funding for their work. Another point to note is that in this current version of the RECLAIM Act, Pennsylvania would be negatively affected. Pennsylvania would actually lose funding. That funding would be distributed to other states, according to the new distribution formula, presumably to get the other states more interested in supporting the bill).*

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

The issue of miners' health insurance was addressed by Congress. 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 was received by the Senate Committee on Health, Education, Labor, and Pensions, where it currently resides. We expect no further movement at this time.

- **S.1193 AML Fund Fee Re-authorization**

In April, Sen. Joe Manchin (D-WV) introduced legislation to extend the SMCRA fee on active coal mining. It's a simple bill with only the fee extension but we understand that Manchin is very willing to work with our community to incorporate other important items into the bill. This bill is still in the Senate Committee for Energy and Natural Resources.

Overall, there seems to be increasing broad support in addressing SMCRA reauthorization in the House and Senate. Originally, there was talk that a reauthorization bill would be introduced in the House once the RECLAIM Act has moved on to the Senate for consideration. RECLAIM, as of now, hasn't moved into the Senate but Rep Cartwright from Pennsylvania has worked closely with our PA AML Campaign, IMCC, NAAMLPL and others to come up with a bill that is undergoing legislative review. We suspect an official bill will be released after recess.

We continue to head up the PA AML Campaign with Trout Unlimited and work with NAAMLPL/IMCC on re-authorization of the Title IV fees for SMCRA, participating in conference calls, etc. The National Association of Abandoned Mine Lands Programs (NAAMLPL), of which, the State of Pennsylvania is a member, has begun definite efforts to increase awareness about re-authorization. Principally, they have worked with the State of Wyoming to come up with video spots for publicity. We continue to work closely with the NAAMLPL through our association with the PA AML Campaign.

WPCAMR and TU staff and several members of the PA AML Campaign made visits to key members of the PA Congressional Delegation over the past week or two. We will be amping up communications with DC with regard to reauthorization because of competition from RECLAIM and other interests.

WPCAMR had received funding from FPW to fund our SMCRA Title IV travel and advocacy for a one year period starting June, 2018 and running through June 2019. Securing this funding was one of the points from our Funding Plan last year.

- **AML Fee Reauthorization in the House of Representatives**

WPCAMR, TU and the rest of the PA AML Campaign have been busy advocating for the reauthorization of SMCRA fee collection. Current fee collection is set to expire in 2021. After a flurry of activity over the past few months, it appears that a bill will be introduced from the House of Representatives after summer recess. This is a very good sign and, if it happens, will result in an actual bill that we all can rally around.

- **Sequestration**

At this time, it 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. Recently, a bill was introduced in the House to end sequestration. This is a good sign however, we don't know at this time how successful this effort will be. We will keep abreast of any potential movement.

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

This bill is a type of Federal Environmental 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. The crafters of CRPA were looking for a Senate champion to take up the fight in that chamber. They did not succeed. This House bill however, passed the House, was received in the Senate in October 2017 and is currently in the Senate Committee for Energy and Natural Resources. No movement since that time.

## **OTHER ITEMS**

### **Quick Response**

We continue to expend funds from QR8. We may want to apply during the next round of Growing Greener for a Quick Response 9 grant as soon as the round opens. I will be requesting additional funds from DEP to amend our current QR contract and will see if we can get those funds. That should help keep the program going until the next round of Growing Greener applications.

## **2019 Statewide AMR Conference**

We've been working on planning the 2019 joint conference with the National Association for Abandoned Mine Land Programs (NAAML). We at the PA AMR conference have secured over \$30,000 in scholarship funding. At this time, the scholarships have been awarded. Early registration has ended and the cost for the conference went up as of August 1<sup>st</sup>. Anne will have more information on details surrounding that conference. We are also planning the 2020 conference in State College next June.

## **Administrative**

I delivered the accounts information to Henninger Associates for our financial review this year and met with them and Chelsea to go over the financials. The report is a good one for 2018. Chelsea will have an update on our financials with her Treasurer's report. I also completed the final report for our FPW AML Campaign grant which ended in June 2019. I will be meeting with FPW and our partner, TU on August 7<sup>th</sup> to discuss a new grant from 2019 to 2020. I've also been working on our 319 application for the years 2021 to 2023. I received word that our current grant, originally set to expire in June 2020, will be extended one year to June 2021. At which time the new grant will begin. The one year extension will only be for \$124,000 rather than our current \$130K per year so we will be on the lookout for ways to increase funding. Additionally, I am looking for approval to apply for funding to the Campbell Foundation for operating funds and funds to cover an updating process of our strategic plan if the Board wishes to do that in 2020.

Additionally, I'm working with Chelsea to facilitate a fundraising effort to be held at the Joint Conference in Pittsburgh in September. Chelsea has been doing much of the work related to this endeavor and we hope to get official permission to conduct a 50/50 at the conference.

## **Other Meetings**

- PA annual AMR conference planning committee, Conference calls May, June, July.; In-person meeting at DEP Ebensburg in July.