

WPCAMR Regional Coordinator's Report

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LEGISLATIVE ROUNDUP

STATE

- **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. Both of these bills were referred to the finance committee in May 2019.

- **Potential for freezing environmental spending**

Current legislative efforts to freeze spending for a wide range of proven successes such as the Keystone Recreation, Park and Conservation Fund and Growing Greener Plus grants are similar to those attempted in the General Assembly in 2017. Although passed through the House, it seems that the Senate may not be interested in freezing spending on those funds. As of this date, the Senate has not taken action. WPCAMR sent a letter to every member of the PA Senate espousing the importance of Conservation Districts and environmental projects funded through Growing Greener and other means. We will continue to watch this activity.

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 on May 1, 2019. Supporters are waiting for it to be officially reported out of Committee but the lack of a “pay for” is holding it up.

There is the possibility that it will be presented as part of a “coal package” that may include other bills (such as reauthorization bill HR4248 and Black Lung) which could be put into the next Coronavirus stimulus bill that includes infrastructure but as of now, it’s a wait and see situation.

(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.1193 AML Fund Fee Re-authorization**

In April 2019, 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. WPCAMR has no position on this bill yet.

The PA AML Campaign would like to see the following items put into the bill:

- Restoring fees to 1977 levels to account for inflation.
- Exempting funds from sequestration limits.
- Establishing a direct line item in the OSMRE budget for emergency projects.
- Increasing minimum program state/tribe funding to \$5M annually.

We continue to head up the PA AML Campaign with Trout Unlimited and work with NAAML/IMCC on re-authorization of the Title IV fees for SMCRA, participating in conference calls, etc. The National Association of Abandoned Mine Lands Programs (NAAML), 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 NAAML through our association with the PA AML Campaign.

Due to the Coronavirus, WPCAMR and TU staff and members of the PA AML Campaign have not been able to make visits to legislators however, we continue to communicate via email and telephone.

WPCAMR had received a second round of funding from FPW to fund our SMCRA Title IV travel and advocacy for a one year period starting June, 2019 and running through June 2020. Due to the Coronavirus, we have not be able to make visits to legislators this spring so we may ask for an extension on this grant to until December 2020 in order to secure our deliverables. Obtaining this funding was one of the points from our Funding Plan from 2018.

- **HR 4248 Surface Mining Control and Reclamation Act Amendments of 2019**

Introduced by Rep. Matt Cartwright (D-PA) and Rep. Glenn Thompson (R-PA) in September of 2019, this bill extends the SMCRA fee and also addresses the points required by the PA AML Campaign. We have gotten quite a bit of local support for reauthorization in general and for this bill specifically. The current SMCRA fee collection sunsets in 2021, so time is of the essence. So far, the Campaign has been able to get most of the PA Delegation to support this bill however, we are still lacking support from the following representatives from PA:

- Evans (D-3)
- Perry (R-10)
- Smucker (R-11)
- Joyce (R-13)

This bill was reviewed by Committee but still has yet to be officially reported out.

- **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. 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 although Trout Unlimited and other groups continue to push for its passage.

OTHER ITEMS

Quick Response

We continue to expend funds from QR8. We applied to Growing Greener for a Quick Response 9 grant but we're not sure if/when we will know if it was successful. In the meantime, we are getting low on available Quick Response funding. I requested additional funds from DEP to amend our current QR contract and we will see if we can get those funds. That should help keep the program going until the next round of Growing Greener applications. If we don't receive additional funds and do not receive our Quick Response 9 grant from Growing Greener, Quick Response will have no funding left after December 2020.

2020 Statewide AMR Conference

We've been working on planning the 2020 joint conference at the Ramada State College. Due to the Coronavirus, the planning committee decided to postpone the conference from June 2020 until October 2020. We are still negotiating specific details with the Ramada State College surrounding the potential for cancellation until 2021. In the meantime, we continue to receive sponsorships for the conference and are getting the speakers lined up.

Watershed Cooperative Agreement Program Grant Possibility

I may be requesting permission from the WPCAMR Board for WPCAMR to act as the pass-through for Broad Top Township's need for WCAP funding. As of this date, we're not sure how much the request will be and other details need to be worked out for but it may be upwards of \$200,000. The deadline for WCAP funding has been extended to the end of August 2020. If we get this application going, I will be asking permission from the Board at our August WPCAMR meeting.

Administrative

I delivered the accounts information to Henninger Associates for our financial audit for fiscal year 2019. Also, our current 319 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 approximately \$124,000 rather than our current \$130K per year so we will be on the lookout for ways to increase funding.

Our February 2020 meeting was cancelled due to a lack of action items. Also, due to the coronavirus and lack of action items, our May 2020 WPCAMR meeting was cancelled. The

Executive Committee will make a decision as to how our August 2020 meeting will be held based on directions from CDC and/or the Governor's office with regard to dealing with the Coronavirus. We may have a Zoom meeting in August.

Other Meetings

- PA annual AMR conference planning committee, monthly conference calls Jan, Feb, March, April, May
- Zoom meeting with Cambria Conservation District and DEP regarding AMD/AML projects on the CCD's strategic plan update
- Conference call with the Foundation for PA Watersheds and other select non-profits to discuss how the Coronavirus pandemic is affecting AMR projects.
- Phone call with Chelsea Walker, Treasurer, to perform our reconciling of financial accounts and balancing the books in Quickbooks.