

WPCAMR Regional Coordinator's Report

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LEGISLATIVE ROUNDUP

STATE

- *State Budget*

Pennsylvania's General Assembly had to pass a new budget by Nov. 30th, 2020 but in order to approve new spending and revenue plans, lawmakers had to confront a projected \$5 billion tax revenue shortfall that's expected to last through 2021 — the result of job losses and slow economic activity during the pandemic. On Nov. 24, Gov. Wolf signed into law several bills comprising a revenue package to complete the FY 2020-2021 budget, including the general appropriations bill (SB 1350) and amendments to the Fiscal Code. The FY 2020-2021 budget has been completed using a mix of one-time sources of revenue to fill the revenue shortfall caused in large part by the coronavirus pandemic

Just last week, Governor Wolf presented his 2021-22 budget for Pennsylvania. The House and Senate will start holding virtual budget hearings shortly.

Other Topics of State Interest

- **Regional Greenhouse Gas Initiative (RGGI)**

The Pennsylvania Environmental Quality Board (EQB) accepted comments on the proposal for Pennsylvania to take part in the Regional Greenhouse Gas Initiative to reduce climate change pollution from electric power plants. Comments were accepted through January 14, 2021. I submitted comments in support of the positive reclamation work from the waste coal to energy industry.

We continue to work cooperatively with the Waste Coal-to-Energy industry as it is vital to reclamation efforts in the State.

- **Susquehanna River Basin Commission (SRBC) Proposed Policy**

The proposed policy would offer fee incentives for applicants to prioritize the use of AMD as sources of consumptive use make-up water in dockets before the commission,

through different options, including treatment of an AMD discharge. SRBC accepted comments on the draft policy through November 18. I had several comments/questions about the policy that I forwarded to SRBC. While the idea of utilizing the AMD as a source of consumptive use make-up water is a generally good idea, most of my concerns centered around the lack of Federal Good Samaritan protection and ramifications of the use of AMD with regard to State Good Sam and Clean Water Act stipulations. Another concern I had was regarding operation and maintenance for AMD treatment system that would be created by an entity so it could utilize the AMD water for consumptive use. The way the proposed policy reads is that the entity would be responsible for OM&R for as long as the withdrawal permit is in place. After that, it's unknown who would be taking over OM&R. After submitting comments, we are told that SRBC is putting any decisions on the matter on hold to review the program.

FEDERAL

- **New Federal Administration and 117th Congress**

The 117th Congress began on January 5th and the Biden Administration began its work on January 20th.

With the new Congress, all of the bills from the previous Congress will now have to be re-introduced in order to survive. While it will likely take time to get the associated committees together and bills re-written and introduced, we suspect the basic bills of interest to our work will be re-introduced, probably by April. There is interest in having the following bills being re-introduced:

- **RECLAIM Act (Previous number: H.R. 2156)**

RECLAIM was re-introduced in the previous Congress in the US House of Representatives April of 2019. The RECLAIM Act would, once again, expedite the distribution of \$1B from the AML fund beginning in fiscal year 2021. The primary sponsor will likely be Rep. Matt Cartwright (D-PA) once it is re-introduced in this Congress. GT Thompson (R-PA) was one of the original co-sponsors in the previous Congress and indications are that he will again support this bill if/when it comes up.

Generally, there is some level of from Congressional personnel at this time, but it is important to note that a re-authorization of SMCRA should occur before RECLAIM can be considered for passage.

New language for the bill has been written and we understand that the main sticking points have been worked out. Those sticking points are: distribution of unused funds and the public comment period. The bill is back in Legislative Counsel once again to review

the changes we mentioned. It is not certain when it will come out of Legislative Counsel and get a bill number but it may be within a week or two (if not already by the time of this WPCAMR meeting on Feb. 11th).

- **The Abandoned Mine Land Reclamation Fee Reauthorization Act (Previous number: S.3971)**

Introduced by Senators Barasso and Enzi (R-WY) in 2020, this bill had gotten quite a bit of support from NMA but has largely been panned by the national environmental groups. In a nutshell, S.3971 contains a SMCRA reauthorization measure, a RECLAIM-type of incentive that doesn't address economic growth, exempts AML grants to the States from Sequestration and returns sequestered funds to the states, and the Community Reclamation Partnership Act (Good Sam-type of bill). The downfalls of this bill were: reauthorization for only 7 years; lack of economic parameters for the additional RECLAIM-like distributions from the unappropriated balance; and, perhaps more importantly, the 35% decrease in fees collected for all types of coal mined currently. There was no general consensus from the States on supporting this bill. In spite of its problems, it is a good start to negotiating something that will work for everyone. We will see when this gets re-introduced in the 117th Congress.

- **AML Fund Fee Re-authorization (Previous number: S.1193)**

In April 2019, Sen. Joe Manchin (D-WV) introduced legislation to extend the SMCRA fee on active coal mining. It was a simple bill with only the fee extension but we understand that Manchin was, and still is, very willing to work with our community to incorporate other important items into the bill.

The PA AML Campaign would like to see the following items put into the bill at some point once it is re-introduced in this Congress:

- 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.

- **Surface Mining Control and Reclamation Act Amendments (Previous number: HR4248)**

Was 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 understand that this bill will very likely be re-introduced in this new Congress.

WPCAMR's Reauthorization Work

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 and EPCAMR in association with the PA AML Campaign has put together informational videos that are now on Youtube and "Our Work's Not Done" websites.

- **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. .

- **Community Reclamation Partnerships Act (CRPA) (Previous number: HR 315)**

If re-introduced in this Congress, it will be the third iteration of this bill. 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 continues to be very promising. This bill proposes a way to protect watershed groups working on AMD by amending SMCRA. WPCAMR had supported CRPA but recognizes it needs more work to be relevant to our community.

We believe the language from this bill could be included in any coal bill that may be re-introduced...or, it may just re-surface on its own.

OTHER ITEMS

Quick Response

We continue to expend funds from QR8. We have utilized about 95% of our grant and will be finishing up this spring now that we have an extension.

We applied to Growing Greener for a Quick Response 9 grant and have received the necessary paperwork. I completed the paperwork to be included in the contract and sent it back to the Grants Center. I suspect our signatories (Dennis and Chelsea) will be signing the contract soon. I am not sure when we will have those funds to expend but I'm hoping it will be in March.

2020 and 2021 Statewide AMR Conferences

We've been working on planning the 2021 joint conference . The committee decided it would be best if it were virtual, similar to the October 2020 PA AMR Conference.

Anne will have more information about our conferences and the planning.

Administrative

I am going over our existing Strategic Plan at this Board meeting so we can bring everyone up to speed on our existing plan as we prepare for the possibility of updating the plan.

Other Meetings

- PA annual AMR conference planning committee, monthly conference calls and Zoom mtgs January
- Weekly AML Campaign phone calls ongoing.
- Various phone calls from watershed groups and/or others.