

WPCAMR Regional Coordinator's Report

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LEGISLATIVE ROUNDUP

STATE

- *State Budget*

Governor Wolf presented his 2021-22 budget for Pennsylvania earlier in 2021. The House and Senate have been holding virtual budget hearings.

- **SB119 and HB637**

Reintroduced by Republicans Senator Joe Pittman and Representative Jim Struzzi, these bills require the General Assembly to work with DEP, EQB, and Public Utilities Commission, and other stakeholders on whether and how to regulate or impose a tax on carbon dioxide emissions. This stems from a concern of RGGI's impact on coal-fired and coal refuse electric generation facilities. Both legislators represent Indiana County. The bills have been referred to their respective Environmental Resources and Energy Committee.

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. Recently, Pennsylvania Senate Republicans have vowed to reject Public Utility Commission (PUC) nominations unless the Governor withdraws his executive order directing PA to join the RGGI.

- **Pennsylvania Coal Refuse Tax Credit**

According to ARIPPA, The Pennsylvania Department of Community and Economic Development (DCED) is still actively working with the Department of Environmental Protection (DEP) and Department of Revenue to finalize all aspects of the state coal refuse tax credit application review process.

FEDERAL

With the advent of the 117th Congress, all of the bills we previously were concerned with have to start anew. The new bill numbers are given. With regard to the President's infrastructure initiative, we are still trying to ascertain the implications of that proposal with regard to AML funding.

House Bills

- **RECLAIM Act HR1733** (*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 now reintroduced on March 10, 2021 would expedite the distribution of \$1B from the AML fund beginning in fiscal year 2022. The primary sponsor is Rep. Matt Cartwright (D-PA). GT Thompson (R-PA) was one of the original co-sponsors in the previous Congress and again is an original co-sponsor. This is a bi-partisan bill with 41 co-sponsors.

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. We understand that there will be markups for this bill and for reauthorization soon....when exactly, we're not sure. Generally, there seems to be a consensus from supporters that a re-authorization of SMCRA should occur before RECLAIM should be passed.

- **Surface Mining Control and Reclamation Act Amendments HR1734** (*Previous number: HR4248*)

Once again, introduced by Rep. Matt Cartwright (D-PA) and Rep. Glenn Thompson (R-PA) March 10, 2021, this bill extends the SMCRA fee and also addresses the points required by the PA AML Campaign. Like in the previously mentioned bill, we expect a markup soon. It is a bi-partisan bill with 19 co-sponsors.

- **Surface Mining Control and Reclamation Act Amendments HR2462**

Introduced by Rep. Liz Cheney from Wyoming, this bill proposes even lower fee rates than the Senate bill put forth by Wyoming Senators Barasso and Enzi during the last Congress and extends the fee collection to 2028.. This bill is endorsed by the Wyoming Mining Association and the NMA and has 5 co-sponsors, all Republicans.

- **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.

Senate Bills

- **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. It has still yet to be re-introduced in the 117th Congress but when it is, we suspect the sponsors will work with Senator Manchin to craft something mutually agreeable. This bill will likely resemble Rep. Cheney's House bill to a large extent.

- **AML Fund Fee Re-authorization S.1447 (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. It appears to be a bit of a placeholder bill and it is likely that Manchin will be negotiating with others to flesh out the bill more. This bill has 4 co-sponsors at this time (all democrats) including Senator Casey from Pennsylvania. The PA AML Campaign would like to see the following items put into the bill at some point 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.
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- **RECLAIM Act S.1455** (*No Previous number*)
On April 29, 2021, Senator Manchin introduced this Senate version of the House's RECLAIM Act. This is similar to Cartwright's bill in the House but is missing some that language. This bill has 4 co-sponsors (all Democrats) at this time including Senator Casey from Pennsylvania.

WPCAMR's Reauthorization Work

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.

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

OTHER ITEMS

Quick Response

We continue to expend funds from QR8. We have used most of our grant and will be finishing up before summer now that we have an extension until December of 2021.

For our recently awarded QR9 grant from Growing Greener, I suspect our signatories (Dennis and Chelsea) will be signing the contract soon if not already. I am not sure when we will have those funds to expend but I'm hoping it will be by June.

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.

Ohio River Basin Workgroup

In the fall, a regional plan was released from the Ohio River Basin Alliance to confront economic challenges and environmental threats to the region. That plan contains six goals, one of them is Healthy and Productive Ecosystems. The next phase of that goal is to craft an ecosystem restoration plan for the 15-state Ohio River basin that will serve as the foundation for multi-billion-dollar federal investment from the U.S. Congress to address threats to the river, tributaries, wetlands, and ecosystem. Acid mine drainage will be a priority in the plan. I was contacted by National Wildlife Federation and have begun participating in the workgroup organized by them to craft the restoration plan that makes a powerful and compelling case to Congress for restoration investments in the Ohio River basin now and well into the future. The hope is to get a plan that results in \$400 million or more per year from Congress, similar to what other ecosystems such as the Great Lakes are receiving. I will be in this workgroup over the next 12 months or so.

Administrative

I am arranging for details surrounding our Strategic Planning work that will begin shortly. We have tentatively selected a facilitator but will need for the Board to agree to increase our budgeted amount before that person can officially begin. I have arranged for volunteers for our Steering Committee and as soon as we get the facilitator arranged, I will contact the Steering Committee to begin meetings.

I continue to perform the usual administrative duties and work with our Treasurer on account reconciliations, check signing, etc.

Other Meetings

- PA annual AMR conference planning committee, monthly conference calls and Zoom mtgs January
- Weekly AML Campaign phone calls ongoing.
- Participated in the first Ohio River Restoration workgroup zoom call.
- Site visit to southern Huntingdon County AMD site with Huntingdon CD, DEP, & OSM.
- Various phone calls from watershed groups and/or others.