

WPCAMR Regional Coordinator's Report

Andy McAllister

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LEGISLATIVE ROUNDUP

STATE

Governor Tom Wolf signed an executive order and called on lawmakers to pass legislation aimed at improving wages, benefits and safety of workers statewide.

The executive order instructs the Department of Community and Economic Development to add sick leave benefits to criteria used to award public funding to private businesses and contractors. Businesses that receive state funding in the form of grants and financing assistance must also pay no less than the \$13.50 minimum wage for state employees.

FEDERAL

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.

We understand that the main sticking points have been worked out by language changes. Those sticking points were: distribution of unused funds and the public comment period. RECLAIM still has a hard time moving along in Congress due to the lack of “pay for”. There has been no other movement on this bill and we don't expect any.

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

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. It was reported out of the House Committee on Natural Resources on May 26, 2021. This bill is no longer needed due to the reauthorization in the Bipartisan Infrastructure Bill in November, 2021. If the other provisions in this bill are presented as separate bills, we will report on them as they come up otherwise, we will no longer report on this bill.

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

Introduced by Rep. Liz Cheney (R-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. It was referred to the House Committee on Natural Resources and the Committee on the Budget. It's likely this bill won't move but it seems to be serving as a source for negotiations between parties. This bill has now been rendered superfluous due to the passage of reauthorization language. We will no longer report on this.

- **Community Reclamation Partnerships Act (CRPA) H.R.1146** (*Previous number: HR 315*)

This is 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. It was reported out of the House Committee on Natural Resources by unanimous consent on May 26, 2021. If this measure does pass the House, it is unknown whether it will go anywhere in the Senate since there doesn't appear to be much interest from Senators. This bill is still out there but hasn't made any moves. We will continue to watch this bill closely.

Senate Bills

- **The Abandoned Mine Land Reclamation Fee Reauthorization Act S.1600** (*Previous number: S.3971*)

Re-introduced by Senator Barasso (R-WY) in March of 2021, this bill had gotten quite a

bit of support from NMA but has largely been panned by the national environmental groups. In a nutshell, it 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. Since its re-introduction, the sponsors have worked with Senator Manchin (D-WV) to craft something mutually agreeable to attach to the Bipartisan Infrastructure package. This bill will no longer be reported on due to the passage of reauthorization.

- **AML Fund Fee Re-authorization S.1447** (*Previous number: S.1193*)

In April 2021, Sen. Joe Manchin (D-WV) re-introduced legislation to extend the SMCRA fee on active coal mining. This bill seems to have been designed as a sort of “placeholder” bill. Obviously, it needs to have more than just an extension of the fees for 15 years. This bill has 4 co-sponsors at this time (all Democrats) including Senator Casey from Pennsylvania. If it is needed, and this bill gains momentum, 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.

This bill was referred to the Senate Committee on Energy and Natural Resources on April 29, 2021. If certain items in this bill continue as separate bills, we will report on them. Otherwise, we won't report on this bill due to the reauthorization passage.

- **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. It was referred to the Senate Committee on Energy and Natural Resources on April 29, 2021. Still no movement on this.

- **Bi-partisan Infrastructure Package (HR3684)**

The legislative vehicle for the Bipartisan Infrastructure package, HR3684 passed in the Senate on August 10, 2021 with a vote of 69/30. With regard to AML, this package contains language for the re-authorization of SMCRA due to the work of Senator Manchin (D-WV). The bill finally was voted on November 5th and passed. However, Set Aside language may not be in there. It will depend on the interpretation by OSMRE. Aside from that, this bill provides, in addition to the reauthorization of SMCRA, approx.. \$11.3B to 25 states and tribes over a 15 year period. So, PA could get upwards of \$3B during that 15 year period (in addition to the Title IV annual grants). This is a lot of money and I'm not entirely sure the State will be able to spend it. I suspect they will need us and other NGOs to help with projects. I wish to have a conversation about WPCAMR's potential role in this at this meeting.

WPCAMR's Reauthorization Work

This quarter has been a roller coaster with regard to reauthorization. We continued 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, continues with their efforts to increase awareness about re-authorization. We continue to work closely with the NAAML through our association with the PA AML Campaign.

The Reauthorization language became part of the Bipartisan Infrastructure Bill and was sent from the Senate to the House where it sat. On November 5th, the House finally voted on it and passed it, which means that we have achieved reauthorization.

Now, one of the issues we're looking to examine is can AMD Set Aside be pulled out of existing grants now with the new language. There doesn't appear to be set aside language and no one is sure. It depends on how the language is interpreted by OSMRE. We may have to continue working on a "fix" to make sure Set Aside language is put back into SMCRA. We will keep you posted on this.

- **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 now are expending funds from QR9 and are taking applications for funding to conduct urgent repairs to water quality BMPs, not just for AMD-related projects but other water quality BMPs as well. 319 staff asked for a list of BMP types that Quick Response has worked on since it began in 2006.

2021 Statewide AMR Conference

We've been working on planning the 2021 joint conference and it finally got underway in late October. It was a success with over 130 participants from PA and other States. We will start working on the 2022 Conference which will be in June, 2022.

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

Ohio River Basin Workgroup

In the fall of 2020, 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 continue working with our facilitator, Rita Coleman Graham, on Strategic Planning. I participated in two Steering Committee meetings and participated and helped organize the Public Stakeholder meeting at the Indiana Conservation District. We're about halfway through the process and should have a draft plan by the February WPCAMR meeting. During one of the meetings, an idea was brought up by a participant that perhaps we should re-visit our By-Laws. Since they are about 20 years old, perhaps we should look at them to see if they are still relevant to our organization and work. I'd like to form a small committee to go over the By-Laws and do just that.

I continue to perform the usual administrative duties and work with our Treasurer on account

reconciliations, check signing, etc. I have worked with Henninger Associates for our annual financial review and received it in late August. We will be preparing for an audit starting in February 2022.

Other Meetings

- PA annual AMR conference planning committee, monthly conference calls and Zoom mtgs
- Weekly AML Campaign phone calls ongoing.
- Participated in one Ohio River Restoration workgroup zoom call.
- Various phone calls from watershed groups and/or others.
- Participated and moderated sessions for the PA AMR Conference.