

WPCAMR Regional Coordinator's Report

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LEGISLATIVE ROUNDUP

STATE

- **HB2020**

Introduced on Feb 3, 2022 by Rep Schlegel Culver, this bill seeks to establish a framework for a Growing Greener III program. There are 25 co-sponsors. This bill has been referred to the House Environmental Resources and Energy Committee on Feb 3, 2022. Still no movement yet on this bill.

- **HB604**

This bill, sponsored by Rep. Fritz, addresses permit decision delays by establishing a permitting framework at DEP to ensure that decisions on permits are rendered reliably and in a timely manner.

This bill passed the House by a 115 to 85 vote on April 11th. It has been referred to the State Environmental Resources and Energy Committee where it still resides. If it were to eventually pass the Senate, it is likely Governor Wolf would likely veto the bill.

Other Items of State Interest

- **Manganese Ruling**

The Environmental Quality Board this summer voted 16-3 in favor of a regulation that would limit the amount of manganese discharged into streams and waterways to 0.3 mg/L, far below any existing limit placed on mining, coal and industrial operators. The Independent Regulatory Review Commission took up the ruling at their September 15th meeting. DEP now has the option to withdraw the rule or re-submit it to the commission with or without revisions. If DEP continues to pursue the rule, it will be challenged in the General Assembly, which can ultimately kill it with a two-thirds majority vote to override a veto.

FEDERAL

House Bills

- **STREAM Act. H.R.7283**

Sponsored by Rep. Cartwright (D-PA) and cosponsored by McKinley (R-WV), Trone (D-MD), and Doyle (D-PA).

This is the companion bill and mirror image to the STREAM Act put forward by Senator Casey. See description in S 3957. This bill passed the House with the majority of Republicans in the PA delegation opposing it. About 30 or so members of the House did not vote on it.

- **RECLAIM Act HR1733 (*Previous number: H.R. 2156*)**

The RECLAIM Act 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 60 co-sponsors at this time.

As we reported earlier this year, we understand that the main sticking points had 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 especially since the states now receive Infrastructure funding. We will continue to report on this bill however, until the new Congress. I have not heard of any intentions to re-introduce it in the upcoming new Congress.

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

This is the third iteration of this bill and still no major movement. A type of Federal Environmental Good Samaritan bill introduced in the House and reported out of committee, most of the work on this language 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 April 25, 2022. It is unknown whether it will go anywhere in the Senate still since there doesn’t appear to be much interest from Senators. This bill is still out there awaiting floor consideration but hasn’t made any moves. We will continue to watch this bill closely. The longer this bill continues, unfortunately the less likely it appears to have a future. It isn’t certain if it will be re-introduced in the new Congress.

Senate Bills

- **RECLAIM Act S.1455**

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 of 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 and still nothing has happened with this bill. Still no movement on this and we don't expect any. We will continue to report on this bill until the new Congress.

- **STREAM Act S. 3957**

Sen Bob Casey (D-PA) and co-sponsored by Sen. Mike Braun (R-IN)

To amend the Infrastructure Investment and Jobs Act to make certain activities eligible for grants from the Abandoned Mine Reclamation Fund, and for other purposes.

This bill is significant in that it proposes a 30% set aside for the Infrastructure funding, similar to what is allowed to be set aside from the SMCRA grant. It was introduced into the Senate on 3/30/22, read twice and referred to the Committee on Energy and Natural Resources. There continues to be support building for this bill and now that the companion bill in the House has passed, things are looking up for the Senate version. PA's Senator Toomey (R-PA) is still not budging on supporting this bill. Sen Manchin's (D-WV) committee staff will try to get it on the agenda but we're on the verge of the August recess then we'll have two months left before the election. One of the challenges is to get Sen Barasso's (R-WY) ok on it. Barasso is not a co-sponsor and Wyoming doesn't benefit or lose from this. Wyoming has a lot of pull on coal-related issues so it'd be important for Barasso to be on it. The upcoming election certainly clouds the future but the House passage is a good sign at this time. We will continue to watch this bill closely. If we don't get a hearing very, very soon, it will likely have to be re-introduced in the new Congress, and we suspect it will.

WPCAMR's Reauthorization Work

With reauthorization having passed last fall, the AML Campaign continues to meet with regard to implementation of the Infrastructure funding and to work on getting the flexibility that law needs. We continue to encourage the support of the STREAM Act from Senator Casey. That bill proposes to allow a set aside from the Infrastructure

funding. We hope that decision-makers will continue to support this bill as it allows more flexibility in how PA will spend the infrastructure funding. This being an election year makes things difficult to gauge but we will continue to work on this.

Potential for OM&R funding through (Infrastructure Investment and Jobs Act) IIJA

Now that OSMRE has finally released its guidance on the implementation of the BIL funding, the states can finalize their grant processes. Our community and WPCAMR in particular finds itself potentially well-situated for funding for OM&R but, only for the length of time that the BIL funding is available (15 years). The passage of the STREAM Act would certainly open up some opportunities for WPCAMR to be able to further flesh out it's OM&R Hub idea along with its partners and implement a program that is best suited to deal with the OM&R problem. DEP has now created a grant program so Infrastructure funding can be used and is currently taking applications.

In addition to the abovementioned funding sources, there is the possibility for \$500,000 to be made available from the federal government for OM&R through the annual appropriations process. Joe Pizarchik, former DEP employee and OSMRE director, has worked hard on getting this additional OM&R funding on Congress's radar and so far, it has. We will see if it remains in the appropriations for this new fiscal year. Currently, we have a continuing resolution (CR) until December 15th, at which time Congress will have to pass another CR or pass a budget.

OTHER ITEMS

Quick Response

We are still 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. We won't use up all the QR9 funding so I requested an extension to that grant until December of 2023.

At the last May Quarterly meeting, we requested permission from the Board to apply to Growing Greener for this round for \$150,000 for a Quick Response 10 starting perhaps next year. Although we have about \$100,000 left in QR9, there have been a lot of larger requests for funding and we may run out by this time next year.

We also requested permission to apply for several Watershed Cooperative Agreement Program grants from OSMRE to act as a fiscal sponsor. One of these is for WPCAMR itself, to provide funding for materials for Quick Response projects through a WCAP grant. I understand the WCAP applications have closed as of October 31st. We will find out soon if we were awarded that grant.

2023 Statewide AMR Conference

We have begun working on the planning for the 2023 conference. Anne will have more information about our conference and the planning.

Administrative

Our auditor finished our annual audit in August. Although we have gone down in revenues since the last year, our books are in good shape and things are moving along as they should be.

I continued to perform the usual administrative duties and work with our Treasurer on account reconciliations, check signing, etc. In late October, Bob Sabo resigned his position at Indiana Conservation District and his position as Treasurer for WPCAMR. We are now looking for an interim Treasurer which, according to our bylaws, will be appointed for the remainder of Bob's term. We need a Board resolution to remove Bob Sabo as a signatory and install another Treasurer (if we have someone) so the bank can provide us with new signature cards.

As directed by the strategic plan, I assembled a small group to look over the existing by-laws and see if there was a need for updating or change. I didn't see anything that needed to be changed and I don't believe the others didn't either at this point.

Our life/disability insurer had some changes and I had to have a training meeting with them to understand my responsibilities and get things in order.

Our 319 grant application that was submitted in June of this year is under review and I was asked to re-work out deliverables and budgets to accommodate a two year grant instead of three. DEP 319 says they recognize the value of our organization and programs and will be looking for other funding to handle the third year. But, for now, they wanted the documents re-worked for two years.

Our auditor, Martha Henninger, owner of Henninger Associates, has sold her business to several of her employees who are keeping the business name for now. Martha is retired but said she will stay on to assist them until next spring when tax season is over.

Other Meetings

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