

WPCAMR Regional Coordinator's Report

Andy McAllister

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LEGISLATIVE ROUNDUP

STATE

Senate Bill #411 in the PA General Assembly

Senate Bill #411 was introduced in the Senate in 2013. In a nutshell, that bill addresses liability issues for landowners and gas companies who wish to use AMD for gas well development. The bill was amended November 19th, referred to Appropriations on December 4th, and reported as committed on January 13, 2014. It hasn't moved yet. I sent a communication earlier in the year to Senator Kasunic's office regarding WPCAMR's neutrality on the bill. The bill was laid on the table on April 9th. We're not sure at this time if that bill will move.

SB 1346 in the PA General Assembly

The bill's prime sponsor is Senator White. It's an Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a waste coal energy and reclamation tax credit. Currently, that bill has been referred to the Senate finance committee. That bill may come up once the legislators are back in session.

FEDERAL

- Introduced by Rep. David McKinley (R-W.Va.), [The Coal Residuals Reuse and Management Act of 2013](#) (H.R. 2218) retains some of the same principles the lawmaker proposed in similar legislation that passed the House by a bipartisan vote of 267 to 144 in 2011. As of 8/9/14, the bill is still on the Senate calendar. It also contains requirements for groundwater monitoring at all structures that receive coal ash after the legislation's enactment and corrective action for unlined, leaking impoundments within a specified time period, as outlined in a previous Senate bill. The bill has 54 co-sponsors.

According to McKinley, the new bill adds clarifications and key improvements, such as setting deadlines for issuing permits, creating an interim compliance period for many of the requirements, and identifying criteria to assess whether a state permit program is meeting the minimum requirements. The legislation also includes new provisions to

ensure structural stability, including a consultation with state dam safety officials, a periodic evaluation to identify structural weakness and potentially hazardous conditions, and the creation of an emergency action plan for high-hazard structures. I'm not aware of any movement on this bill at this time.

- EPA and USACE's proposed rule on Navigable Waters. The U.S. Environmental Protection Agency and U.S. Army Corps of Engineers jointly released a proposed rule to clarify protection under the Clean Water Act for streams and wetlands that form the foundation of the nation's water resources. Determining Clean Water Act protection for streams and wetlands became confusing and complex following Supreme Court decisions in 2001 and 2006. I have been working with the Foundation for PA Watersheds to arrange for discussions with EPA about terms, definitions, and to share concerns. We hope to get on a conference call with them later this summer or during the fall.

My interpretation of this proposed rule is that it gives Clean Water Act jurisdiction over almost all physical areas with a connection to downstream navigable waters. While I understand the value in what the proposal wishes to accomplish, this is very concerning because it could put features such as ditches, discharges from treatment systems, and abandoned mine discharges under federal control. You can find the 88 page proposal at: <http://www.gpo.gov/fdsys/pkg/FR-2014-04-21/pdf/2014-07142.pdf>. The link is also on the August WPCAMR meeting web page.

- Rep. McKinley (R-W.Va.) came up with a draft Good Samaritan Bill last fall. To our knowledge, it still hasn't been introduced and the idea may have died. W.Va watershed groups have not been supportive of this potential bill.
- We're also aware of Representative Lamborn from Colorado putting together a bill to be introduced.

Sequestration

- Still goes on with PA losing about 7.5% from its annual grant.

Recent discussion with the Secretary of Interior

I was very fortunate to be able to meet the US Secretary of Interior at the Pittsburgh Botanic Garden. I, along with Amy Wolfe from TU, had an opportunity to bring up several concerns our community has with regard to AMR. Another topic of discussion was the need for a Federal Environmental Good Samaritan Act. The Secretary was very much of our mind in that working

in cooperation with various industries and agencies is a good idea. Secretary Jewell listened to our update on where we are in our Good Sam efforts with great interest and said she would look into that with EPA so we can get the lines of communication open.

OTHER ITEMS

Quick Response

I finished the final report for QR5 and sent that to DEP. We are beginning to expend funds from both QR6 and QR7.

2014 Statewide AMR Conference

The 2014 Conference was a huge success. Part of the success was due to a lineup of important speakers and topics. Many thanks to DEP Secretary Abruzzo, OSM Director Pizarchik, and IMCC director Greg Conrad. We also held fundraising events during the conference which were also a great success. The 2014 conference was in conjunction with ARIPPA.

Annual Audit

Our annual audit has been completed and will be presented at the August meeting. There are a few extra hard copies for districts who wish to have a copy.

Meetings

- Meeting with Secretary of Interior, Jewell, Pittsburgh, PA.
- Field tour with DEP Secretary Abruzzo, Greensburg and Latrobe, PA
- Attend the Mather Pile groundbreaking ceremony, Mather, PA (Greene Co.)