

WPCAMR Regional Coordinator's Report

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LEGISLATIVE ROUNDUP

STATE

- **Extending and Updating PA's Coal Refuse Energy and Reclamation Tax Credit (Senate Bill 618 and House Bill 1481)**

Amends the tax reform Code of 1971 as amended by the Act of July 13, 2016. Provides a 10 year extension of the PA Coal Refuse Energy and Reclamation Tax Credit to 2036. Increases the amount of tax credit pool to \$45M beginning in fiscal year 2019-2020.

The waste coal to energy industry has been a valuable partner in reclamation in PA. WPCAMR sent a letter of support for these two bills. Both of these bills were referred to the finance committee in May 2019. S.618 was re-referred to Appropriations (Senate) in June of 2019.

FEDERAL

- **The Moving Forward Act (H.R. 2)**

H.R. 2, "The Moving Forward Act" sponsored by Rep. Peter DeFazio (D-OR) was introduced June 11, 2020. This bill addresses provisions related to federal-aid highways, transit, highway safety and other issues related to infrastructure. With regard to AML, this bill contains provisions with language addressing Reauthorization of SMCRA, the RECLAIM Act, and the Community Reclamation Partnership Act. The bill was passed by the House and is now in the hands of the Senate. It will likely be taken apart and the constituent bills (eg. HR2156, HR4248, etc) placed into some sort of Senate bill package. However, due to the Senate's preoccupation with Coronavirus, we may not see any kind of movement on this until Fall or after the elections.

- **S.3971 The Abandoned Mine Land Reclamation Fee Reauthorization Act**

Introduced by Senators Barasso and Enzi (R-WY), this bill has 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 are: 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 is no general consensus from the States on supporting this bill. At this time, there doesn't seem to be much appetite in the Senate for this bill and it is unlikely to move forward.

- **RECLAIM Act (H.R. 2156)**

RECLAIM had been re-introduced in the US House of Representatives last April. The RECLAIM Act would, once again, expedite the distribution of \$1B from the AML fund beginning in fiscal year 2020. The primary sponsor is Rep. Matt Cartwright (D-PA). Original co-sponsors are: Rep. Hal Rogers (R-K), Rep. Don Beyer (D-VA), and GT Thompson (R-PA).

There is some level of support but certainly not overwhelming from Congressional personnel at this time. The bill was marked up on May 1, 2019. Supporters are waiting for it to be officially reported out of Committee but the lack of a "pay for" is holding it up. This continued lack of a "pay for" remains one of its biggest impediments to moving.

Earlier this summer, HR2, a very large infrastructure and stimulus bill was introduced in the House. Among the bills that were contained in that large bill was language from HR2156 (The RECLAIM Act) and HR 4248 (The Reauthorization bill). HR2 passed the House and went on to the Senate where it began to be pulled apart so the Senate could fashion something of its own. As of this day, the Senate has not acted on either the RECLAIM Act or Reauthorization from the remnants of HR2 due to the continuing work on a stimulus bill to address Coronavirus impacts. It may be that the Senate will take up these bills after the August recess (whatever is left of it) but if the bills do not get attention before the end of September, our next chance for passage of either bill will be during a lame duck session after elections. As far as I know now, the Governor's office remains neutral on RECLAIM. Other groups such as Trout Unlimited, have taken a qualified support stance.

We understand that supporters of RECLAIM are working with the States to overcome the hesitancy of States to support RECLAIM on a wholesale basis. The hesitancy of many States is due mostly to the provision that deals with reallocation of unspent funding and the timeframe for the annual grants. Once those two items are rectified to everyone's satisfaction, RECLAIM stands a better chance of getting a larger degree of support although it still has trouble finding its "pay for". If the states and groups are not in agreement about those items, RECLAIM will not have the support level it needs to move forward.

Recognizing the discussions that are going on between the States and other Environmental groups concerning the reallocation language, I suggest, at this time, we consider offering WPCAMR's qualified support of RECLAIM.

- **S.1193 AML Fund Fee Re-authorization**

In April 2019, Sen. Joe Manchin (D-WV) introduced legislation to extend the SMCRA fee on active coal mining. It's a simple bill with only the fee extension but we understand that Manchin is very willing to work with our community to incorporate other important items into the bill. This bill is still in the Senate Committee for Energy and Natural Resources. Since this bill has a long way to go to address other needs and is basically a placeholder bill, WPCAMR has no position on this bill yet. Senator Casey (D-PA) recently became a co-sponsor of this bill. Senator Toomey (R-PA) is not yet a co-sponsor. The IMCC and TU are calling on Senator Manchin (who is on the pertinent committee) to call for a hearing on AML before elections.

The PA AML Campaign would like to see the following items put into the bill at some point when the time is right:

- 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.

- **HR 4248 Surface Mining Control and Reclamation Act Amendments of 2019**

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 have gotten quite a bit of local support for reauthorization in general and for this bill specifically. The current SMCRA fee collection sunsets in 2021, so time is of the essence. So far, the Campaign has been able to get most of the PA Delegation to support this bill however, we are still lacking support from the following representatives from PA:

- Evans (D-3)
- Perry (R-10)
- Smucker (R-11)
- Joyce (R-13)

This bill was reviewed by Committee and received a CBO score but still has yet to be officially reported out. The language from this bill was included (like RECLAIM and CRPA) in the large infrastructure bill, HR2, which recently passed the House. Like RECLAIM, reauthorization awaits action from the Senate. This bill is the best example of reauthorization measure we've seen so far in either the House or Senate and WPCAMR supports it.

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 had received a second round of funding from FPW to fund our SMCRA Title IV travel and advocacy for a year. Due to the Coronavirus, we have not been able to make visits to legislators this spring so we have an extension until June 2021 in order to secure our deliverables. Obtaining this funding was one of the points from our Funding Plan from 2018.

- **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. S.3971 addresses sequestration but it is unlikely to move at this time. We will keep abreast of any potential movement.

- **Community Reclamation Partnerships Act (CRPA) HR 315**

This bill is the second iteration of the previous bill (HR2937) from the previous Congress. 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 is very promising. This bill proposes a way to protect watershed groups working on AMD by amending SMCRA. According to sponsor, Rep. Darin LaHood (R-IL) when it was introduced January 8, 2019, it addresses impediments potential "Community Reclaimers" face in the reclamation process by allowing states to assume liability on their behalf, shielding them from any undue legal liability under the law. The bill has undergone markup in Committee and has been reported out in February of 2020 and was scored positively by the Congressional Budget Office. The crafters of CRPA were looking for a Senate champion to take up the fight in that chamber. They still haven't succeeded. WPCAMR supports CRPA but recognizes it needs more work to be relevant to our community.

Since that time, language from HR315 has been included in a Senate Bill (S.3971) sponsored by Senators Barrasso and Enzi of Wyoming, which also includes

reauthorization. However, we understand that S.3971 likely has no chance of movement.

Additionally, language from HR315 has been included in HR2 which had recently passed the House. But, like RECLAIM and Reauthorization in HR2, it awaits Senate action.

OTHER ITEMS

Quick Response

We continue to expend funds from QR8. We have utilized about 85% of our grant and will be finishing up this fall. We applied to Growing Greener for a Quick Response 9 grant but we're not sure if/when we will know if it was successful. In the meantime, we are getting low on available Quick Response funding. I requested additional funds from DEP to amend our current QR contract and we will see if we can get those funds. That should help keep the program going until the next round of Growing Greener applications. If we don't receive additional funds and do not receive our Quick Response 9 grant from Growing Greener, Quick Response will have no funding left after December 2020. On a related note, our DEP grant advisor for this project, Dave Leiford retired two weeks ago. We wish him well!

2020 Statewide AMR Conference

We've been working on planning the 2020 joint conference at the Ramada State College. Due to the Coronavirus, the planning committee decided to go with a virtual conference in October 2020. We are still negotiating specific details with the Ramada State College surrounding the potential for the 2021 in-person conference. In the meantime, we continue to receive sponsorships for this year's conference and are getting the speakers lined up. The website should be up and running for 2020 now.

Watershed Cooperative Agreement Program Grant Possibility

I will be requesting permission from the WPCAMR Board for WPCAMR to act as the pass-through for Broad Top Township's need for WCAP funding from OSMRE. As of the date of this report preparation, we're still waiting for a number from Broad Top Twp and we're not sure how much the request will be and other details need to be worked out for but it may be upwards of \$200,000. Due to the pandemic, the deadline for WCAP applications has been extended by OSMRE to the end of August 2020.

Administrative

I delivered the accounts information to Henninger Associates for our financial audit for fiscal year 2019 and met with them to answer questions. Henninger is still working on our audit and will likely have it ready soon.

Also, our current 319 grant, originally set to expire in June 2020, will be extended one year to June 2021. At which time the new grant will begin. The one year extension will only be for approximately \$124,000 rather than our current \$130K per year but over the past 3 years on the existing grant, we have saved some money and we still have funding that I have estimated to be around 10 to 15K (may be more) which will help us through this extension year. I will see exactly how much and will incorporate that figure into our income for the 2021 budget which will be presented at our November meeting.

Our February 2020 meeting was cancelled due to a lack of action items. Also, due to the coronavirus and lack of action items, our May 2020 WPCAMR meeting was cancelled.

Other Meetings

- PA annual AMR conference planning committee, monthly conference calls Jan, Feb, March, April, May, June, July
- Weekly AML Campaign phone calls ongoing.
- Zoom meeting with Cambria Conservation District and DEP regarding AMD/AML projects on the CCD's strategic plan update in April.
- Zoom Board meeting with Greene CD in April.
- Conference call with the Foundation for PA Watersheds and other select non-profits to discuss how the Coronavirus pandemic is affecting AMR projects in April
- Cisco WEBex meeting with Executive Committee in August.
- Phone call with Chelsea Walker, Treasurer, to perform our reconciling of financial accounts and balancing the books in Quickbooks.