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# WUC

Water Utility Council of the  
PA-Section, American Water  
Works Association (PA-AWWA)



## GOVERNMENT RELATIONS UPDATE

From Milliron & Goodman Government Relations, LLC.

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August 29, 2016 -- Issue 1001

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*PA- Section, American Water Works Association  
National Association of Water Companies  
Water Works Operators' Association of Pennsylvania*

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### DEP Notifies Farmers of Next Steps to Review Erosion and Manure Management Plans

Continuing efforts to reduce annual loading of nitrogen, phosphorous and sediment entering the Chesapeake Bay, the Pennsylvania Department of Environmental Protection (DEP) has notified a selection of farmers in the bay watershed that officials will be visiting farms soon to verify and review the operation's manure management and agricultural erosion and sediment control plans.

"It is important that we identify good practices and become aware of gaps in having these mandated plans," said Acting DEP Secretary Patrick McDonnell. "These visits will help us document compliance with state requirements, and direct resources where they are needed most."

Initially, visits will be in high-priority areas of the watershed, to reduce nitrogen, phosphorus and sediment runoff as quickly as possible. The value, McDonnell said, is as important nearby as it is further downstream. "Farmers' plans control erosion and manage manure, which directly helps improve local water quality," he said.

Approximately 2,000 of the 33,000 Pennsylvania farmers in the bay watershed were selected at random for notification by letter this week.

The [letter](#) notes that DEP is responsible for ensuring that the nutrient and sediment loads are reduced enough to meet federally mandated allocations by 2025, and that the U.S. Environmental Protection Agency (EPA) has determined that the urban stormwater and agricultural sectors are not making sufficient progress toward achieving these allocations.

The visits will allow DEP and County Conservation District staff to ensure compliance with basic requirements to have and implement written plans to:

- Properly handle, store and land-apply animal manure and agricultural process wastewater on the farm consistent with the nutrient needs of growing crops (commonly referred to as a manure management plan); and
- Properly manage risks of erosion and runoff from agricultural plowing or tilling operations and animal heavy use areas (commonly referred to as an agricultural erosion and sediment control plan, or Ag E&S Plan).

For more information, please visit DEP's Chesapeake Bay [website](#).

Source: DEP Press Release, 8/24/2016

## Governor Wolf Announces Launch of New Open Data Program OpenDataPA aims to make government more transparent

On August 22, 2016, Governor Wolf launched [OpenDataPA](#) to enhance access to valuable information by creating a central repository to share the commonwealth's data with the general public. Citizens, researchers, media, and developers can now browse through the first-released datasets at [data.pa.gov](#), the home of OpenDataPA.

"Since day one of my administration, I have been committed to making state government more open and transparent," said Governor Tom Wolf. "That's why I signed an [executive order](#) to release agency data to the public in an open, accessible format, and today, am launching OpenDataPA. One of our most valuable and underutilized resources in state government is data. Our goal is to make data available in order to engage citizens, create economic opportunities for businesses and entrepreneurs, and develop innovative policy solutions that improve program delivery and streamline operations."

OpenDataPA has three main goals:

1. **Accountability** - OpenDataPA is the next step toward making Pennsylvania government more open to citizens. With the first datasets released, citizens will be able to track the progress of goals related to Governor Wolf's three governing objectives -- Schools That Teach, Jobs the Pay, Government That Works -- in an interactive, simple format.
2. **Modernization** - A vast improvement over the static agency reports of the past, OpenDataPA will both release newly collected datasets and

consolidate datasets from other state agency websites to create a one-stop shop for all of the commonwealth's open data.

3. **Innovation** - OpenDataPA strives to be a source of innovation for citizens, entrepreneurs, civic developers, researchers, and policy makers who can manipulate the data we will be releasing to discover economic opportunities, create government applications, and make data-driven decisions.

OpenDataPA launches with 12 valuable datasets, including information about job creation, school performance, bridges that are being repaired, and more, that relate to Governor Tom Wolf's Schools That Teach, Jobs That Pay, and Government That Works priorities. In the coming weeks, we will release a performance dashboard that uses these 12 datasets to track Governor Wolf's performance goals.

Future data releases will go beyond performance metrics and include datasets from agencies and program areas across state government. The Wolf Administration is partnering with stakeholders - including the Office of Open Records, colleges and universities, and cities - to identify and prioritize future datasets for publication. There is also an [online suggestion form](#) on [data.pa.gov](#) for new datasets.

In recent years, governments at the federal, state and local levels have adopted open data initiatives to increase transparency to citizens, spur innovation and economic opportunity, and demonstrate the effectiveness of state policies and programs.

By making data easily accessible, the Wolf Administration hopes to encourage citizens to become more familiar with how their government is performing, engage with the state's developer community, and build tools and resources that ultimately make Pennsylvania an even better place to live and work.

To explore this data, visit OpenDataPA's website, [data.pa.gov](#).

You can also read the [blog post](#) with answers to common questions about open data.

Source: Governor Wolf's Press Office, 8/22/2016

## **Blake, Joint Committee Hearing Focus on Emergency Preparedness in Scranton**

**O**n August 24, 2016, state Sen. John Blake (D-Lackawanna/Luzerne/Monroe) joined numerous members of the Senate and House Veterans Affairs and Emergency Preparedness Committees at a joint committee hearing at the Gino J. Merli Veterans Center in Scranton.

The hearing was convened to discuss the reauthorization of Title 35 - which contains the Emergency Management Services code which governs how the Pennsylvania Emergency Management Agency (PEMA) functions and provides the framework for how the Commonwealth and local governments prepare for and respond to disasters.

"Today's discussion was very important to our panel of state legislators as we prepare to make critical revisions and updates to Title 35 to ensure that best practices are being utilized and required in our emergency response efforts across the Commonwealth," Blake said. "Thank you to the committee chairman of both Veterans Affairs and Emergency Preparedness Committees - Sen. Randy Vulakovich; Democratic Leader, Sen. Jay Costa; and Rep. Chris Sainato - for coming to Scranton and convening this hearing in my 22nd District."

The hearing included testimony from Richard Flinn, Jr., director of PEMA and a panel discussion with Robert Kagel, Executive Board Member of the South East PA Regional Task Force; Stephen Libhart, Chair of the South Central Regional Task Force; and Robert Werts, Program Manager of the Northeast Pennsylvania Regional Counter Terrorism Task Force.

"The Pennsylvania Emergency Management Code has not been received a comprehensive review and update nearly twenty years." Sen. Jay Costa

added. "As our first responders know all too well, threats, both natural and otherwise have intensified requiring a more sophisticated and comprehensive response. The House and Senate committees' review of this, along with guidance from PEMA and regional, county and municipal emergency response coordinators will help us prepare a more current set of standards and tools for emergency responders."

Blake noted that there are nine regional task forces across Pennsylvania which operate under Act 227 of 2002 - the Counter Terrorism Planning and Response Act - that was enacted following the terrorist attacks in 2001. The reauthorization and update of Title 35 would also refine the language pertaining to the nine regional task forces.

"While it is unlikely that the updates to Title 35 will be completed in the limited time remaining in this session, it is our hope that measures to legislate much needed updates to our public safety and emergency response laws will occur early next year," Blake added. "Thank you again to the Gino Merli Veterans Center and Commandant Vito Ruggiero for hosting this important joint hearing and discussion."

Source: Senator Blake Press Release, 8/24/2016

## **Energy Efficiency and Economic Benefits Emphasized in DEP's 2015 Climate Change Action Plan Update**

**O**n August 22, 2016, Governor Tom Wolf accepted the Department of Environmental Protection (DEP) [2015 Climate Change Action Plan Update](#) that details how increasing energy efficiency in all sectors and at all levels will play a key role in reducing Pennsylvania's greenhouse gas emissions by target year 2030.

The Pennsylvania Climate Change Act of 2008 mandated the Climate Change Action Plan in 2009 as well as updates every three years. The 2015 update presents data from the EPA State Inventory Tool for 2000 through 2012 (the most recent data

available), showing an overall decrease of 15.93 percent in net emissions, reflecting a shift by some power plants from coal to natural gas, as well as the success of Pennsylvania’s energy efficiency programs. Overall, Pennsylvania’s total greenhouse emissions are projected to be lower in 2030 than in 2000, with reductions in the residential, commercial, transportation, agriculture and waste sectors.

“Addressing climate change and the real impact on the health of our citizens, the costs of our businesses and the environment must be a priority for not just the commonwealth, but all sectors,” Governor Wolf said.

The update presents 13 work plans to further reduce greenhouse gas emissions by 2030. An economic analysis of the work plans included in the Plan shows that the majority have the potential to generate not only greenhouse gas emissions reductions but also significant improvements in total employment, total income and real disposable personal income.

With Pennsylvania being the third largest emitter of energy-related carbon dioxide emissions in the country, additional reductions are needed. Pennsylvania will be 3°C (5.4°F) warmer by 2050 than it was in 2000, according to the [2015 Climate Impacts Assessment Report](#) by the Penn State University Environment and Natural Resources Institute. The result will be dangerously high summer temperatures and more severe storms, increased threat of certain insect-borne diseases, and drastic changes to agriculture and water quality.

“The consequences of inaction on climate change will be felt by all Pennsylvanians,” said DEP Acting Secretary McDonnell, “It will affect the food we grow, the energy we use, our recreation, and even our health.”

The majority of work plans in the 2015 Climate Change Action Plan Update focus on energy efficiency measures. The greatest emissions reductions would be achieved by holding new buildings to an emissions performance standard 60 percent lower than the regional average. Sizable emissions reduction would also be attained by continuing Act 129 of 2008, which requires utilities

to come up with plans to encourage energy efficiency among their customers, through 2031.

Other work plans address coal mine methane recovery, the latest building energy codes, heating oil conservation and fuel switching, combined heat and power systems, ground source heat pumps, energy technical assistance for manufacturers, tree-planting programs, energy efficiency financing for homeowners, semi-truck adaptations, and anaerobic manure digesters.

The plans were created in partnership with the Climate Change Advisory Committee, whose members include the secretaries of the Department of Conservation and Natural Resources and Department of Community and Economic Development; the chair of the Public Utilities Commission; and Governor’s Office and legislative appointees. All plans were voted on, with most approved unanimously.

The Center for Climate Strategies conducted macroeconomic analyses to determine the potential costs, benefits, and job impacts of the work plans. In addition to environmental benefits, the analysis shows economic benefits, including increased jobs.

Highlighting the important role that all Pennsylvanians play in helping to lower emissions, the update includes 25 actions individuals can take, including lowering their energy use, finding energy efficiency financing, reducing food waste, and planting trees to absorb carbon.

**Source:** DEP Press Release, 8/22/2016

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***This newsletter provides general information, not legal advice as to any specific matter. It should not be used as a substitute for appropriate legal advice.***