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

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### Governor Wolf Nominates Patrick McDonnell to Serve Permanently as Secretary of Environmental Protection

**O**n September 21, 2016, Governor Tom Wolf nominated Acting Secretary of Environmental Protection Patrick McDonnell to serve permanently in that role, pending approval by the Pennsylvania Senate.

"In his acting capacity and throughout his career, Patrick has been a dedicated steward of the environment and a leader in advancing Pennsylvania's energy development in a responsible way," Governor Wolf said. "I trust Patrick to lead the Department of Environmental Protection in a way that protects our commonwealth's land, water and air and ensures the department continues to make progress in the areas of innovation, responsible development and working with legislators, industry and advocates in a collaborative and productive way."

Prior to his appointment as Acting Secretary, Patrick McDonnell was most recently the director of policy for the Pennsylvania Department of Environmental Protection, where he oversaw the

agency's regulation and policy development processes. In addition, Mr. McDonnell ran the State Energy Office and was charged with coordination of renewable energy and energy efficiency issues.

Prior to returning to DEP, Mr. McDonnell was executive policy manager for former Commissioner Pamela A. Witmer of the Pennsylvania Public Utility Commission, focusing on electric, natural gas and water issues as well as cybersecurity and the impact of environmental regulation on energy markets.

Previously, Mr. McDonnell spent 13 years with DEP in a variety of roles. As deputy secretary for administration, he managed the budget, human resources, information technology and oversaw the facilities management functions of the agency. He also previously served as policy director and as an assistant to the special deputy secretary. He began his career at DEP working in the State Energy Office on energy efficiency, renewable energy, and green building projects.

Mr. McDonnell received his Master's degree in Political Science from Lehigh University and his Bachelor's Degree in Politics from DeSales University.

**Source:** Governor Wolf's Press Office, 9/21/2016

## **EPA Releases New Document to Help Control Legionella Growth in Plumbing**

**E**PA has released a document summarizing the scientific literature on controlling Legionella growth in plumbing found in buildings and facilities. People are exposed to Legionella when they inhale water droplets containing the bacteria. Exposure can lead to the development of a respiratory disease known as Legionellosis. With this document, states and facility owners and operators can make more informed risk management decisions to prevent or mitigate Legionella growth in premise plumbing.

Learn [more](#).

**Source:** Water Headlines from EPA, 9/21/2016

## **Committee Advances Bill to Reauthorize Law to Guard against Underground Utility Mishaps, Protect Public Safety, Godshall Says**

**O**n September 20, 2016, the House Consumer Affairs Committee unanimously approved legislation, sponsored by committee chairman Rep. Robert Godshall (R-Montgomery), to reauthorize a law that protects underground utility infrastructure and citizens from line hits during excavation projects by requiring sites to be properly marked before work begins.

[Act 287 of 1974](#), commonly known as the PA One Call law, expires at midnight on Dec. 31, unless reauthorized by the General Assembly and signed into law. [House Bill 2308](#) would extend the law for another year, giving stakeholders time to work out details of any changes deemed necessary in the 42-year-old law.

"The PA One Call system requires the owners of underground lines to be notified to mark their lines prior to any excavation occurring within a certain radius of the lines," said Godshall. "This law is necessary to ensure the safety of excavators and property owners, and to minimize damage to underground lines."

House Bill 2308 now goes to the full House for consideration.

**Source:** Chairman Bob Godshall Press Release, 9/20/2016

## **As Fall Begins, PUC Urges Contractors & Homeowners to Use Added Caution Working Near Electric Lines; Avoid Shock & Injury Risks**

**A**s part of ongoing electric safety efforts, the Pennsylvania Public Utility Commission (PUC) urges contractors and homeowners across the state to use extra caution while working around power lines in order to avoid possible accidents, injuries and deaths.

"The fall season starts today, which means the arrival of colder weather, shorter days and an added desire by contractors and homeowners to finish their projects," said PUC Vice Chairman Andrew G. Place. "These factors can compound the risk of accidentally contacting a power line, which can have devastating consequences any time of the year."

According to data compiled by the PUC's Electric Safety Division, an average of six Pennsylvania residents are killed and 24 people are seriously injured every year because of accidental contact with utility company power lines. Roofers, crane operators and other construction workers are at the greatest risk, but homeowners working with ladders and poles generate the second-highest number of incidents.

"Statistically, fall is the second most dangerous season to be working around power lines, accounting for about 27% of all injuries and deaths over the last two years," said Vice Chairman Place. "Whether you are repairing or replacing a roof, trimming trees, cleaning gutters or tackling other home or business construction, always understand electricity is unforgiving and the slightest lapse in concentration around power lines can be deadly."

The Commission encourages anyone working around power lines - at a job-site or while making repairs around your house - to check with your local electric utility for information about making the work site safer. Depending on the location and work being performed, electric companies may offer rubberized barriers to prevent accidental contact with lines, stringers to aid crane/boom and lift operators, or may de-energize facilities around the work zone.

"The PUC and Pennsylvania's utilities are committed to safety, and assistance is available to make work areas near electric lines safe - but those precautions are only effective if contractors and homeowners call before beginning work," Vice Chairman Place emphasized. "For the safety of everyone involved - from contractors and homeowners to utility company workers and bystanders, we urge anyone working near power lines to review important safety information on the 'Electric Safety' [page](#) of the PUC website and contact their local utility company before beginning any project."

Additionally, the PUC also reminds homeowners and contractors of their obligation to contact the [Pennsylvania One Call System](#) (PA One Call) at least three days before starting any excavation. PA One Call alerts all utilities within an intended digging area and prompts them to mark where the facilities are located on that property. Pennsylvanians can dial 8-1-1 to connect with the system, while non-Pennsylvania residents can dial 1-800-242-1776.

"We need to treat all utility lines with caution and respect - whether they are located overhead or underground," Vice Chairman Place noted. "The best way to protect yourself, your co-workers, your home and your business against the possibility of

death, injury, service interruptions or costly repairs is to identify hazards and develop proper safety plans before any work begins."

The Pennsylvania Public Utility Commission balances the needs of consumers and utilities; ensures safe and reliable utility service at reasonable rates; protects the public interest; educates consumers to make independent and informed utility choices; furthers economic development; and fosters new technologies and competitive markets in an environmentally sound manner.

For recent news releases and video of select Commission proceedings or more information about the PUC, visit our website at [www.puc.pa.gov](http://www.puc.pa.gov). Follow the PUC on Twitter - @PA\_PUC for all things utility. "Like" Pennsylvania Public Utility Commission on Facebook for easy access to information on utility issues.

**Source:** PUC Press Release, 9/22/2016

## Revised Total Coliform Rule Published in PA Bulletin

**T**he Environmental Quality Board amended Chapter 109 (relating to safe drinking water), adopted at the board meeting on June 21, 2016. The amendments supplement the Total Coliform Rule by requiring public water systems that are vulnerable to microbial contamination to perform assessments to identify sanitary defects and subsequently take action to correct them.

This final-form rulemaking went into effect upon publication in the Pennsylvania Bulletin.

For further information, contact Lisa D. Daniels, Director, Bureau of Safe Drinking Water, P.O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, by phone at 717-787-9633; or William Cumings, Assistant Counsel, Bureau of Regulatory Counsel, P.O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, by phone at 717-787-7060.

**Source:** Pennsylvania Bulletin, [9/24/2016](#)

# Susquehanna River Basin Commission Announces Workshop to Assist Small Water Suppliers

The Susquehanna River Basin Commission announces a day-long workshop on *Water Resource Management Considerations for Public Water Supply Managers* to be held on November 9, 2016, at the Commission's Conference Center located at 4423 N. Front St., Harrisburg, PA.

The Commission has partnered with forward-thinking public water supply managers and planners to develop workshop content that is relevant and beneficial to public water suppliers. The workshop will feature presentations from staff and representatives from Lycoming County Water and Sewer Authority, Tioga County Planning Commission, Mount Joy Borough Authority, and Ephrata Borough. Topics on the agenda include water supply regionalization, managing unaccounted for water losses, advanced leak detection techniques, and the hiring and management of consultants.

"The Commission is committed to providing forums for the exchange of valuable information with municipal water suppliers. We developed this workshop to address common questions and offer regulatory guidance, and are pleased to be partnering directly with public water supply managers to convene this workshop," comments Executive Director Andrew Dehoff, P.E.

The workshop is being offered free of charge and has been pre-approved by the Pennsylvania Department of Environmental Protection for two contact hours for Pennsylvania-certified drinking water operators. The workshop is limited to the first 50 participants who complete registration. For additional information or to register for the workshop, please visit <http://mdw.srbc.net/pwsap/>.

The workshop has been made possible through a partnership with the Pennsylvania Department of

Environmental Protection as part of the Public Water Supply Assistance Program.

*About the Susquehanna River Basin Commission*

The Susquehanna River Basin Commission is a federal/interstate governmental agency responsible for protecting and wisely managing the water resources within the 27,500 square-mile Susquehanna River Basin without regard to political boundaries. The Susquehanna rises and flows through New York, Pennsylvania, and Maryland into the Chesapeake Bay. For more information on the Commission, visit [www.srbc.net](http://www.srbc.net) or follow us on Twitter: @SRBCnews.

**Source:** SRBC Press Release, 9/21/2016

## New Bill Would Help Protect Consumers from Contaminated Drinking Water

*Safe Drinking Water Act Amendments of 2016 Would Set the Stage for Improved Funding and Stronger Warnings from EPA*

Lawmakers introduced a new bill today (September 23, 2016) that would increase funding to improve the safety of public drinking water systems in Texas and across the U.S. and set the stage for stronger warnings about contaminated tap water.

U.S. Representatives Frank Pallone Jr. (D-NJ) and Paul Tonko (D-NY) introduced the Safe Drinking Water Act Amendments of 2016 to the House Energy and Commerce Committee in an effort to update the federal Safe Drinking Water Act for the first time in 20 years. The Environmental Integrity Project, which issued a report on arsenic in Texas drinking water in March, and other environmental organizations praised the proposed legislation.

The bill would help address a communications problem exposed by the lead in drinking water crisis in Flint, Michigan - and a similar problem with

arsenic in Texas drinking water - by requiring water utilities in Texas and elsewhere to issue improved notifications in annual reports about drinking water quality sent to residents called "consumer confidence reports." The bill would direct EPA to issue regulations, within two years, that "increase the effectiveness and understandability of consumer confidence reports."

Poor warnings by states to residents with contaminated drinking water were documented in a pair of reports issued by the Environmental Integrity project on March 14 and Sept. 12, "Don't Drink the Water" and "Arsenic in California Drinking Water." The reports revealed that more than 51,000 Texans and 55,000 Californians have drinking water that for years has violated federal health limits for arsenic, a carcinogen that might also damage the IQ of young children.

"This legislation should inspire EPA to require public water systems to warn consumers to avoid cooking or drinking with water that fails to meet health standards for arsenic and other carcinogens year after year," said Eric Schaeffer, executive director of the Environmental Integrity Project and former director of civil enforcement at EPA. "That long term exposure significantly increases cancer risk and may also contribute to hypertension and learning disabilities, based on recent research."

Schaeffer added: "The federal and state governments also need to step up to the plate and provide more funding to help provide this safe drinking water, by increasing grants for water filtration systems."

The Safe Drinking Water Act Amendments of 2016 would also remove procedural hurdles that slow EPA's setting of standards for other drinking water contaminants. It sets deadlines for the development of new federal standards on known dangers including: lead, perchlorate, perfluorinated compounds, and algal toxins. In addition, the proposed legislation would provide grants for replacement of lead service lines in schools and communities and funding to protect drinking water systems from saltwater intrusion and contamination from climate change and extreme weather.

The bill has language to help low-income people replace privately-owned lead service lines in their homes. The proposal would provide funds that local water utilities could use to give eligible homeowners assistance of up to \$10,000 for lead line replacement.

For a summary of the bill's provisions, click [here](#).

For a press release from the bill's sponsors, click [here](#).

The Environmental Integrity Project (EIP) is a 14 year old nonpartisan, nonprofit organization, based in Washington DC and Austin, Texas, that works to enforce environmental laws and hold polluters and governments accountable to protect public health.

**Source:** Environmental Integrity Project Press Release, 9/23/2016

## **PA Coalition Unveils New \$315 Million Growing Greener III Program, No Funding Source**

**O**n September 19, 2016, the [PA Growing Greener Coalition](#) unveiled its blueprint for \$315 million in new investments in a Growing Greener III Program to provide annual funding for clean water, parks and trails, green open spaces, and locally grown food.

The proposal would dramatically expand the number of programs included in the present Growing Greener Program to fund 27 different initiatives, but does not propose a source of revenue necessary to add \$315 million to the existing \$57 million Growing Greener funding.

Sen. Tom Killion (R-Delaware), Sen. Richard Alloway (R-Franklin) and Sen. Chuck McIlhinney (R-Bucks) have agreed to introduce legislation containing the framework for the new program, but with no funding source.

In a statement on providing for the additional funding, Sen. Killion said-- “This legislation represents the first step in the process—identifying the need and establishing the commitment to support these critical environmental and quality of life programs. Identifying sustainable funding sources will be the next step of the process that will be achieved through other legislative proposals and negotiations with the administration and all legislative chambers.”

“I look forward to working with the Growing Greener Coalition and all their partners to ensure the long term vitality of Growing Greener and the Environmental Stewardship Fund in Pennsylvania,” added Sen. Killion.

### More Details

“Funding for the state’s Growing Greener program is at an all-time low,” said Andrew Heath, executive director of the Coalition. “This plan establishes a framework for the Governor and the Legislature to renew the state’s investment and provide the funding necessary to keep our water clean, conserve our land, ensure access to public recreation and preserve our family farms.”

Funding for the state’s Growing Greener program, established in 1999, has decreased from an estimated average of \$200 million in the mid-2000s to \$57 million this year – a 75 percent cut. The program is currently funded through tipping fees on waste disposal, as well as contributions from the Marcellus Legacy Fund and the Oil and Gas Lease Fund.

“Pennsylvania has more miles of streams and rivers than any state other than Alaska,” said John Dawes, executive director of the [Foundation for Pennsylvania Watersheds](#). “Our goal is to protect the best and restore the rest so there will be clean water for future generations.”

More than 26,000 miles of Pennsylvania’s waterways are classified as impaired, according to the Department of Environmental Protection. This means the state’s rivers and streams are so polluted they cannot sustain aquatic life; are not safe for drinking or recreational use; and cannot support agriculture and other industries.

Failure to meet water quality standards could result in greater federal oversight and penalties.

“The viability of Pennsylvania’s two largest industries – agriculture and tourism – depends on clean water and the availability of open space, parks, trails, farmland, and wildlife habitat,” said Molly Morrison, president of [Natural Lands Trust](#). “Our natural treasures support our economy, create healthy communities, and provide recreational opportunities for families.”

Pennsylvania’s Constitution mandates that the Commonwealth conserve and maintain its natural resources.

As article 1, section 27 of the Pennsylvania Constitution reads: “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania’s public natural resources are the common property of all of the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”

The Coalition’s blueprint for a Growing Greener III program was developed with input from a wide range of stakeholders.

Since its inception, the state’s Growing Greener program has enjoyed widespread, bipartisan support. The program has funded hundreds of local parks and trail projects, conserved more than 50,000 acres of threatened open space, and restored hundreds of miles of streams and waterways.

A 2015 Penn State poll found that 90.7 percent of Pennsylvanians surveyed would support increasing state funds to conserve and protect open space, clean water, natural areas, wildlife habitats, parks, historic sites, forests, and farms.

The Growing Greener program leverages tremendous private, local, and federal matching dollars. For each program dollar spent, more than double is generated from matching funds. In addition, the program also leverages significant volunteer in-kind investments that help to alleviate

compliance and restoration costs for farmers, communities, and businesses.

“There is little question that Pennsylvanians value the opportunities and benefits associated with the state’s natural resources,” said Heath. “Growing Greener’s value to the residents of Pennsylvania – through tangible improvements to our communities, natural resources, and quality of life – is extraordinary. The Coalition is looking forward to working with the Governor and the General Assembly to advance a Growing Greener III program that makes meaningful investments in the health and future of our water, land and local communities.”

More than 85 environmental and conservation groups endorse the new investment plan, among them are: Allegheny Ridge Corporation / Heritage Areas; Audubon of Pennsylvania; PennFuture; Delaware & Lehigh National Heritage Corridor; Eastern PA Coalition for Abandoned Mine Reclamation; Foundation for PA Watersheds; Heritage PA; Lackawanna Heritage Valley; Lancaster Farmland Trust; Lincoln Highway Heritage Corridor; Lumber Heritage Region; Natural Lands Trust; Oil Region Alliance of Business, Industry, and Tourism; PA Environmental Council; PA Horticultural Society; PA Land Trust Association; PA Parks and Forests Foundation; PA Recreation and Park Society; Preservation Pennsylvania; Rivers of Steel Heritage Corporation; Schuylkill River National Heritage Area; Susquehanna Heritage; The Conservation Fund; The Nature Conservancy-PA Chapter; The Trust for Public Land; and the Western PA Conservancy.

Click [here](#) for a complete list of supporting groups.

A full copy of the Coalition’s proposal is available on its Growing Greener III Program [webpage](#).

Sen. Killian and other members of the Senate are scheduled to have a press conference September 28 at 1:30 on the Lt. Governor’s balcony in the Capitol Rotunda to mark the introduce of his Growing Greener III legislation.

The PA Growing Greener Coalition is the largest coalition of conservation, recreation, and preservation organizations in the Commonwealth.

Source: PA Environmental Digest, 9/26/2016

## Senate Committee Vote Sept. 27 Could Lead To Roll Back Of PA Environmental Laws

The Senate Environmental Resources and Energy Committee has scheduled a meeting for September 27 to vote on [Senate Resolution 385](#) (Brooks-R-Crawford) directing the Joint State Government Commission to identify environmental laws and regulations more stringent than federal law as a first step to rolling back environmental protection in Pennsylvania ([sponsor summary](#)).

Only a vote by the Senate is needed to direct the Joint Commission to undertake this study, not the House.

When the resolution was introduced, Sen. Brooks said, “While most certainly all of us understand the importance of our environment, this resolution is intended to find balance through practical application of the laws and regulations and at the same time permit economic growth and job creation. Hopefully, this can be a first step in pinpointing current laws and regulations that impact hardworking citizens and businesses and make Pennsylvania more competitive in attracting new businesses.”

The preamble language in the resolution takes out of context references in Governor’s [Executive Order 1996-1](#) and language in [Section 6.6 of the state Air Pollution Control Act](#). Executive Order 1996-1 does not call for the automatic rollback of state environmental regulations to federal standards where they are more stringent as referred to in the resolution.

In fact, the preamble to the Executive Order says, “WHEREAS, despite the increasing volume and burden of regulations, they remain an

appropriate and necessary means of protecting the public health and safety.”

The Order also says clearly where state law requires more stringent measures or there is an articulable Pennsylvania interest, more stringent regulations can certainly be adopted.

The goal of the Executive Order was to have more effective regulatory programs at a reduced cost of compliance for those affected by them. At the Department of Environmental Protection, this was a systematic review carried out over several years through the Regulatory Basics Initiative by working through a transparent process with DEP’s advisory committees on section by section reviews of regulations and technical guidance.

The result of that effort was saving individuals, businesses and local governments \$138 million in compliance costs, the elimination of nearly 5,000 pages of outdated regulations and more than 1,700 pages of unneeded technical guidance and 29 packages of regulatory changes.

In contrast, the language in Sen. Brooks’ co-sponsor memo says she wants to use this study to “pinpoint” current laws and regulations and rollback those protections.

Sen. Brooks also takes out of context Section 6.6 of the state Air Pollution Control Act. She leaves out the part that says, “This section shall not... be construed to weaken standards for individual sources or facilities in effect prior to the effective date of this act.”

It is clear the words “find balance” and “make Pennsylvania more competitive” are code words for the continuing efforts by some members of the Senate and House to rollback Pennsylvania’s state laws protecting the environment and reducing state environmental programs to the lowest common denominator.

A [sponsor summary](#) is available.

Also on the agenda is [House Bill 1103](#) (Zimmerman-R-Lancaster) exempting agricultural high-tunnel greenhouse structures from stormwater

permitting requirements ([House Fiscal Note](#) and summary).

There is no specific time set for the meeting. It will be called off-the-floor when the Senate breaks from voting session sometime on Tuesday. The meeting will be in the Rules Room in the rear of the Senate Chamber.

**Source:** PA Environmental Digest, 9/26/2016

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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.***