



## 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*

### EPA Six-Year Review

The EPA Administrator signed the Federal Register notice announcing the results of the Third Six-Year Review in the Federal Register notice, "National Primary Drinking Water Regulations; Announcement of the Results of EPA's Review of Existing Drinking Water Standards and Request for Public Comment and/or Information on Related Issues."

EPA has posted a pre-publication copy of Federal Register notice on the EPA website at:  
<https://www.epa.gov/dwsixyearreview>

#### DESK STATEMENT

In order to ensure that EPA's national primary drinking water regulations continue to reflect the best available science and are protective of human health, EPA conducted a review of its existing regulations, called Six Year Review. Based on the agency's detailed review of 76 regulations, EPA concluded that eight national primary drinking water standards are candidates for regulatory revision. These eight candidates are included in the Stage 1 and 2 Disinfectants and Disinfection Byproducts Rules, the Surface Water Treatment Rule (SWTR), the Interim Enhanced Surface Water Treatment Rule (IESWTR) and the Long Term 1

Enhanced Surface Water Treatment Rule (LT1). The eight candidates are Chlorite, Cryptosporidium (under the SWTR, IESWTR and LT1), Haloacetic acids, Heterotrophic Bacteria, Giardia lamblia, Legionella, Total Trihalomethanes, and Viruses (under the SWTR). EPA determined that for the contaminants regulated under these rules there is new information on health effects, treatment technologies, analytical methods, occurrence and exposure, implementation and/or other factors that provide a health or technical basis to support a regulatory revision that will improve public health protection.

This announcement is not a regulatory decision. Instead, it initiates a process that will involve more detailed analyses of health effects, analytical and treatment feasibility, occurrence, benefits, costs and other regulatory matters relevant to deciding whether a rulemaking to revise a regulation should be initiated. EPA will be seeking public comment and information to help inform future regulatory revisions for the eight candidates.

In addition to the 76 regulations, this review includes 12 other regulations that did not need a detailed review because of recent, ongoing, or pending regulatory actions.

## BACKGROUND

Under the Safe Drinking Water Act (SDWA) EPA must conduct a review every six years of existing national primary drinking water regulations (NPDWRs) and determine which, if any, need to be revised. The purpose of this review, called the Six-Year Review, is to evaluate current information for regulated contaminants to determine if there is new information on health effects, treatment technologies, analytical methods, occurrence and exposure, implementation and/or other factors that provide a health or technical basis to support a regulatory revision that will improve public health protection.

The Six-Year Review results do not obligate the agency to revise a regulation. EPA may determine during the regulatory process that revisions are no longer appropriate and discontinue further efforts to revise the regulations. Similarly, the fact that a regulation has not been selected for revision means only that EPA believes that regulatory changes to a particular regulation are not appropriate at this time for the reasons given in today's action; future reviews may identify information that leads to an initiation of the revision process.

Source: EPA Website, posted 12/21/2016

## **EPA Finalizes Clean Water Act Methods to Measure Pollutants in Wastewater**

EPA has issued a final rule approving additional analytical methods or test procedures to be used to measure pollutants in wastewater. Regulated and regulatory entities use these methods to determine compliance with National Pollutant Discharge Elimination System permits or other Clean Water Act monitoring requirements. Often, these entities have a choice in deciding which approved method they will use to measure a pollutant. EPA periodically updates the list of approved methods to reflect advances in technology, refine quality assurance and quality control requirements, and provide entities more choices of approved compliance monitoring methods. EPA also is clarifying the approval

process for alternate test procedures and is making revisions to the method detection limit procedure.

[Learn more.](#)

Source: Water Headlines from EPA, 12/22/2016

## **EPA Proposes Rule to Establish Public Notification Requirements for Combined Sewer Overflows in the Great Lakes**

EPA is proposing a rule to establish public notification requirements for 182 communities with combined sewer overflows (CSOs) to the Great Lakes Basin. The proposed requirements address signage, notification of local public health departments and the public, and annual notice provisions. EPA is proposing to require the 182 communities to develop public notification plans and to seek and consider input from local public health departments.

CSOs contain untreated or partially treated human and industrial waste, toxic materials, and debris as well as stormwater. CSO events can be detrimental to human health and the environment because they introduce pathogens, bacteria, and other pollutants to receiving waters, causing beach closures, contaminating drinking water supplies and impairing water quality. Fish and other aquatic populations also can be impacted by the depleted oxygen levels that can be caused by CSOs.

[Learn more.](#)

Source: Water Headlines from EPA, 12/22/2016

## **EPA Develops Water Efficiency Best Practices for Water Suppliers**

As population grows and water resources become stressed, water utilities may look to expand their water supplies through

construction of new reservoirs, increased withdrawals from lakes and rivers, or increased pumping of groundwater. Before using alternative supplies, utilities should consider if they are making the best use of the supplies already under their control. EPA has released a document that describes best practices and targets for well-managed water supply systems that control water loss, incentivize conservation, and manage demand. EPA has developed the best practices document to help water utilities and federal and state governments carry out assessments of the potential for future water conservation and efficiency savings to avoid or minimize the need for new water supply development. The document can also be used by a utility or a third party to conduct assessments of how the utility is managing its water resources from a technical, financial, and managerial perspective.

Learn [more](#).

**Source:** Water Headlines from EPA, 12/22/2016

## Turzai Agrees With Governor – No Income, Sales Tax Hikes in the State Budget

**H**ouse Speaker Mike Turzai (R-Allegheny) issued the following statement on December 22, 2016 in response to Gov. Tom Wolf's announcement he will not ask for sales or income tax increases in this year's budget:

"I agree with Gov. Wolf's decision to put forward a fiscally responsible budget that does not raise personal income or sales taxes. The House of Representatives looks forward to working with the governor to construct a responsible budget that respects hard-working taxpayers, reduces debt and reinvents government to make it more efficient."

**Source:** Speaker Mike Turzai's Press Release, 12/22/2016

## PUC Appoints Kelly Monaghan as Director of Bureau of Audits

**O**n December 22, 2016, the Pennsylvania Public Utility Commission (PUC) announced the appointment of Kelly Monaghan of Lancaster County as the Director of the Bureau of Audits. Monaghan's appointment is effective Jan. 1, 2017.

"We are happy to welcome Ms. Monaghan to the Commission," said PUC Chairman Gladys M. Brown. "Her knowledge and experience in audit issues and management operations will suit us well in her new position."

Since 2005, Monaghan has held various audit roles within the state, having worked in the former Department of Public Welfare, the Department of State, the Executive Offices within the Office of the Budget and most recently at the Pennsylvania Department of Insurance.

Monaghan received her Bachelor of Arts degree from Pennsylvania State University and a Masters of Business Administration in accounting. Monaghan currently lives in Elizabethtown.

The Bureau of Audits performs financial, management, operational and specialized audits on electric, natural gas, steam heat, wastewater, water and telecommunications utilities. It also reviews certain adjustment clause rate filings and 1307(e) reconciliation statements. The Bureau also conducts a limited number of reviews of the annual assessment reports for transportation companies. The audits may result in recommendations to refund over-recovered costs and/or to improve accounting or operational procedures that, if adopted, may save the utilities, and therefore, consumers, money. The Bureau also is responsible for adjusting the annual reconciliation statements for certain companies authorized to use the distribution system improvement charge.

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" PAPowerSwitch on Facebook for easy access to information on electric shopping.

**Source:** PUC Press Release, 12/22/2016

## New PUC Report Shows Improvement in PA Households Starting Winter without Heat-Related Utilities; Consumers Urged to Call about Heating Aid

**O**n December 22, 2016, the Pennsylvania Public Utility Commission (PUC) released the results of its [annual Cold Weather Survey](#), which showed that more than 22,000 households across the state are entering the winter season without heat-related utility service or using unsafe heating sources. That figure is approximately 9-percent lower than last year (2,150 fewer households starting the winter without heat), and nearly 13-percent lower (3,147 fewer households) than the "Polar Vortex" winter of 2014. "This winter, for the second year in a row, fewer Pennsylvania families are beginning the winter without heat-related electric or natural gas service - or depending on potentially unsafe heating sources," said PUC Chairman Gladys M. Brown. "Still, our Cold Weather Survey shows that thousands of our neighbors continue to struggle, and we urge those residents to take advantage of the numerous programs available to help them restore utility service and stay warm and safe this winter."

In conjunction with the release of that report, the PUC urged consumers to contact their utilities as

soon as possible about various programs to help them afford and maintain [essential utility services](#).

The 2016 Cold Weather Survey showed the following, as of Dec. 15:

- 6,949 residences are without safe electric heating, including 6,565 households without electric service and 384 households that are heating with potentially unsafe heating sources.
- 15,076 residences are without safe natural gas heating, including 13,941 households without natural gas service and 1,135 households that are heating with potentially unsafe heating sources.
- Additionally, 11,653 residences where electric service was terminated and 4,232 residences where natural gas service was terminated now appear to be vacant.
- Note: Some households may be without both electric and natural gas service, resulting in a double-counting of some households.

According to the survey data, the number of families without electric utility service is 24-percent lower than last winter. Further, the number of homes where electric utility service was terminated this year, and who are now depending on potentially unsafe heating sources, dropped by 7-percent compared to last winter - while the number of former natural gas customers now depending on potentially unsafe heating sources, dropped by 22-percent.

Across the state, seven of Pennsylvania's eight major electric distribution companies reported improvements in their Cold Weather Survey data, as did five of the state's nine natural gas distribution companies. The [charts](#) show the number of residential properties without service for each of the major, regulated electric and natural gas distribution companies in the Commonwealth.

"Despite the steady improvements, there are still many households in-need across the state," said Chairman Brown. "We encourage anyone struggling to maintain their heat-related service to call their utilities as soon as possible about a variety

of PUC-required [assistance programs](#) to help heat their homes or pay their energy bills - such as Customer Assistance Programs (CAPs) and Low Income Usage Reduction Programs (LIURP). According to the PUC's most recent Universal Service Report, those assistance programs impact more than 767,000 households and are valued at over \$418 million per year."

Additionally, as part of the annual "Prepare Now" [campaign](#), the Commission continues to appeal to utilities to increase their efforts to educate consumers about other available resources that may be available, such as grants under the federal [Low Income Home Energy Assistance Program](#) (LIHEAP) - which is administered by the Pennsylvania [Department of Human Services](#) (DHS) - with information available through local County Assistance Offices or via the LIHEAP hotline at 1-866-857-7095.

The PUC emphasized that consumers without utility service should understand their [rights and responsibilities](#), including additional options that may be available for those who are seriously ill or are facing other unique circumstances, such as a protection from abuse order. Consumers should call their utility first to make arrangements to pay their bill. If they are unable to reach an agreement with the utility, the PUC may be able to provide assistance. The PUC can be reached toll-free at 1-800-692-7380.

#### About the Cold Weather Survey

Every year, the state's electric and natural gas distribution companies under the PUC's jurisdiction are required to survey residential properties where service has been terminated and has not been reconnected during the course of this calendar year. Every December, the PUC releases those survey results.

As part of the survey, the utility or its representative make four attempts to contact consumers who are known to be without heat-related utility service. The attempts may include telephone calls, letters and personal visits to the residence and are done on different days of the week and at different times of the day. If the first three contacts are unsuccessful, the PUC requests

that the fourth attempt be an in-person visit to the residence.

Homes using potentially unsafe heating sources are reported separately in the survey because of additional risks in those situations. According to the National Fire Protection Association, potentially unsafe sources of heat include kerosene heaters, kitchen stoves or ovens, electric space heaters, fireplaces and connecting extension cords to neighbors' homes.

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, 12/22/2016

## **Statement by the President on the Water Infrastructure Improvements for the Nation (WIIN) Act**

**T**oday I am signing the Water Infrastructure Improvements for the Nation (WIIN) Act into law. It authorizes vital water projects across the country to restore watersheds, improve waterways and flood control, and improve drinking water infrastructure.

The law also authorizes \$170 million for communities facing drinking water emergencies, including funding for Flint, Michigan, to recover from the lead contamination in its drinking water

system. That help for Flint is a priority of this Administration. WINN also includes four Indian water rights settlements that resolve long-standing claims to water and the conflicts surrounding those claims, address the needs of Native Communities, fulfill the Federal trust responsibility to American Indians, and provide a sound base for greater economic development for both the affected tribes and their non-Indian neighbors.

Title III, Subtitle J, of the law has both short-term and long-term provisions related to addressing the continuing drought in California. In the long-term, it invests in a number of water projects to promote water storage and supply, flood control, desalination, and water recycling. These projects will help assure that California is more resilient in the face of growing water demands and drought-based uncertainty.

Title III, Subtitle J, also includes short term provisions governing operations of the federal and state water projects under the Endangered Species Act for up to five years, regardless of drought condition. Building on the work of previous Administrations, my Administration has worked closely with the State of California and other affected parties to address the critical elements of California's complex water challenges by accommodating the needs and concerns of California water users and the important species that depend on that same water. This important partnership has helped us achieve a careful balance based on existing state and federal law. It is essential that it not be undermined by anyone who seeks to override that balance by misstating or incorrectly reading the provisions of Subtitle J. Consistent with the legislative history supporting these provisions, I interpret and understand Subtitle J to require continued application and implementation of the Endangered Species Act, consistent with the close and cooperative work of federal agencies with the State of California to assure that state water quality standards are met. This reading of the short-term operational provisions carries out the letter and spirit of the law and is essential for continuing the cooperation and commitment to accommodating the full range of complex and important interests in matters related to California water.

**Source:** President Obama Press Release, 12/16/2016

## **Proposed \$7.5M Fee Increase On DEP Water Systems Advisory Committee Agenda Jan. 5**

The DEP [Small Water Systems Technical Assistance Center Board](#) is scheduled to meet on January 5 in Harrisburg to discuss a proposed \$7.5 million increase in drinking water permit and annual administration fees to help deal with cuts in state General Fund support for this program.

Click [here](#) for a summary of the proposal.

The meeting will be held in Room 105 Rachel Carson Building in Harrisburg starting at 9:00.

For more information, visit the Small Water Systems Technical Assistance Center Board [webpage](#) or contact Dawn Hissner by sending email to: [dhissner@pa.gov](mailto:dhissner@pa.gov) or call 717-772-2189.

**Source:** PA Environmental Digest, 12/26/2016

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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.*