
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*

Over Two Hundred Kick off Planning to Reduce Water Pollution in Pennsylvania's Chesapeake Bay Watershed Counties

More than 200 Pennsylvanians representing local governments, the farming community, and other stakeholders gathered today to share ideas for a plan to best achieve federally mandated water pollution reductions in the state's 43 counties in the Chesapeake Bay Watershed and improve the environment and economy for all.

The Departments of Environmental Protection, Agriculture, and Conservation and Natural Resources are partnering in leading the charge.

"Clean water is essential to Pennsylvanians' quality of life," said DEP Secretary Patrick McDonnell. "We want vital communities. We need healthy farms. We need economic development, jobs, and thriving businesses. All of this depends on clean water sources."

To succeed, the plan must be locally implementable, said McDonnell, accounting for economic realities as well as environmental benefits of clean local waters. This makes on-the-ground committed action essential.

Agriculture Secretary Russell Redding noted that "the agricultural sector accounts for the lion's share of the clean water challenge. The plan developed from today's listening session must recognize the co-equal goals of improving water quality while preserving healthy and viable farms."

"We know that many farmers have been voluntarily implementing best management practices on their own sites," Redding noted, citing positive success stories, such as the [best management practices some farmers have initiated on their own](#). "The 2016 survey tracked and quantified impressive on-farm measures taken at the farmers' own expense," he added.

DCNR Secretary Cindy Dunn emphasized the importance of connecting more Pennsylvanians to their local streams, rivers, and lakes to help them understand the impact land use has on water. Having trees and other vegetation on a river bank, for example, plays a key role in keeping sediment out of the water. "When land is healthy, water is healthy," Dunn said, noting that DCNR is working on developing public outreach in this area.

The discussions formed the bulk of a daylong public meeting at the Radisson Hotel Harrisburg in Camp Hill hosted by the steering committee leading development of [Phase 3 of Pennsylvania's Chesapeake Bay Watershed Implementation Plan](#).

Participants represented township, city, and county governments; the agriculture community; conservation districts; river basin commissions; watershed associations; conservancies; businesses; colleges; and many other entities.

In breakout groups, they discussed initiatives they believe are needed in agriculture, forestry, funding, local planning, stormwater, and wastewater to improve the health of local streams, rivers, and lakes. For anyone who couldn't attend in person, a public online comment period is open through July 7 on DEP [eComments](#).

Pennsylvania is mandated by the Environmental Protection Agency (EPA) to reduce nitrogen, phosphorus, and sediment levels in waters in its Bay watershed counties by 2025. The Commonwealth has fallen considerably short of its Phase 1 goal, set in 2010, and Phase 2 goal, set in 2012.

While Pennsylvania has made significant progress toward meeting the EPA targets, particularly since launch of the [Chesapeake Bay Restoration Strategy](#), considerable work remains to be done.

The event was scheduled to coincide with the second annual Chesapeake Bay Awareness Week, June 3-10, instituted by the Chesapeake Bay Program.

Source: DEP Press Release, 6/5/2017

Tourism Committee Passes Bill Expanding Recreational Land Use, Says Millard

A bill introduced by Rep. Dan Moul (R-Adams) that would expand recreational land use in Pennsylvania passed the House

Tourism and Recreational Development Committee on June 6, 2017, said Rep. David Millard (R-Berwick), chairman of the committee.

The bill, which passed the House overwhelmingly last session, amends the state's recreational use of land liability law, expands its protections for landowners and awards legal fees to property owners found not liable for injuries to recreational users.

"This is the first bill to pass out of our committee this session and I believe it represents a great effort by the sponsor of the bill to increase recreational land use opportunities in our Commonwealth," said Millard. "Outdoor recreational tourism generates millions for the Commonwealth each year and we should do all we can to encourage growth in this area."

The bill passed the committee 15-9.

Source: Rep. Millard Press Release, 6/6/2017

Department of Homeland Security Extends REAL ID Enforcement Grace Period for Pennsylvania; Applies to Residents' Access to Federal Facilities through July 10, 2017

The Department of Homeland Security (DHS) has announced a REAL ID enforcement grace period through July 10, 2017, which means that Pennsylvania residents will not face access issues when entering federal facilities through that date.

This grace period goes into effect on Wednesday, June 7, and applies to states, including Pennsylvania, currently under compliance extensions set to expire today, June 6. Other states with June 6 extension expirations include Oregon, Washington, Oklahoma, Kentucky, Virginia, Alaska, and South Carolina.

Within hours of Governor Wolf signing SB 133 (Act 3 of 2017) on May 26, which repealed previous REAL ID nonparticipation legislation and allows the commonwealth to provide REAL ID-compliant driver licenses and identification cards at the customer's option, PennDOT submitted an extension request to DHS and is currently awaiting DHS response. DHS has confirmed that REAL ID extension decisions are pending final review, and federal agencies have been advised to continue accepting driver licenses and identification cards through the grace period.

The enforcement grace period applies only to entrance to federal facilities. There is no enforcement on commercial air travel until January 22, 2018.

Preliminary work on REAL ID has begun, and PennDOT estimates REAL ID-compliant driver licenses and identification cards will be available at the customer's option in 2019. This will allow ample time for customers who want a REAL ID product to get one before the final DHS effective date of October 1, 2020.

For additional information, visit <http://www.dmv.pa.gov> /. Information about REAL ID enforcement can be found at <https://www.dhs.gov/federal-enforcement> .

Source: Governor Wolf's Press Office, 6/6/2017

PBA Public Utility Law Section Honors Former Small Business Advocate Lloyd

The Pennsylvania Bar Association (PBA) Public Utility Law Section presented its Christianson Award to William R. Lloyd Jr. of Somerset on June 1 during the PBA Public Utility Law Conference at the Harrisburg Hilton. Lloyd is a former small business advocate with a focus on protecting the interests of small business utility customers.

The Christianson Award is named in honor of Robert A. Christianson, a former chief administrative law judge for the Public Utility Commission (PUC), and recognizes an individual who has made an outstanding contribution to the development, improvement and advancement of the profession of public utility law.

Lloyd has devoted nearly 40 years of his career to progressing the profession of public utility law. Prior to transitioning to private practice, he worked to protect the interests of small business utility customers as a small business advocate from 2003-2011.

Additionally, Lloyd was a member of the Pennsylvania House of Representatives for 17 years, representing the 69th Legislative District in Somerset County. During his tenure, he co-sponsored the Small Business Advocate Act of 1988, which gave small business utility customers a voice and representation before the Pennsylvania Public Utility Commission. Lloyd also held several leadership positions in the House, including minority chairman of the Consumer Affairs Committee.

Lloyd started out his legal career as an active duty legislative attorney at the U.S. Navy Office of Legislative Affairs and later worked as a part-time Administrative Law Judge for the Pennsylvania Public Utility Commission.

He held adjunct positions teaching state and local government, public policy and public administration at Pennsylvania colleges and universities, including Point Park University, Indiana University of Pennsylvania, Saint Vincent College and Messiah College.

Currently, Lloyd writes a Sunday column for the Johnstown Tribune-Democrat on federal, state and local public policy issues.

Lloyd received a B.A. from Franklin and Marshall College in 1969 and a J.D. from Harvard Law School in 1972.

Founded in 1895, the Pennsylvania Bar Association strives to promote justice, professional excellence and respect for the law; improve public

understanding of the legal system; facilitate access to legal services; and serve the 26,000 lawyers who are members of the association.

Source: Pennsylvania Bar Association, 6/6/2017

Organizations across the Country Seek to Improve Water Infrastructure, Grow Local Economies

Organizations from across the country are seeking to partner with the U.S. Environmental Protection Agency (EPA) to invest in their local economies and improve water infrastructure. EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program received 'letters of interest' from prospective borrowers in communities across 19 states, an example of EPA's programs supporting President Trump's vision of investing in our nation's infrastructure.

"The infrastructure needs of our nation and communities are broader than just roads and bridges," said EPA Administrator Scott Pruitt. "Improvements are needed to address drinking and waste water infrastructure, and EPA's WIFIA program offers opportunities to provide credit assistance to spur innovative investments that address water infrastructure needs."

Established by the Water Infrastructure Finance and Innovation Act of 2014, the WIFIA program is a new federal loan and guarantee program at EPA that aims to accelerate investment in our nation's water by providing long-term, low-cost supplemental credit assistance for regionally and nationally significant projects.

WIFIA is funded at \$25 million by Congress for fiscal year 2017. This will allow for \$1.5 billion in loans, spurring \$3 billion in projects to repair, rehabilitate, and replace aging water treatment plants and pipe systems, and construct new infrastructure for desalination, water recycling, and drought mitigation. Combined with similar EPA programs, such as EPA's State Revolving Fund (SRF) loans, private equity, revenue, and municipal

bonds, these projects could address over \$12 billion in infrastructure needs across the country.

EPA received over 40 letters of interest from prospective borrowers interested in developing local projects from cities, counties, towns and private businesses in: Arkansas, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, Pennsylvania, Tennessee, Washington, and Wisconsin. A map of these requests can be found [here](#).

EPA is currently evaluating project eligibility, credit worthiness, engineering feasibility, and alignment with WIFIA's statutory and regulatory criteria. Through this competitive process, EPA will select projects that it intends to fund and invite them to continue to the application process this summer.

For more information about the WIFIA program, visit: <https://www.epa.gov/wifia>

Source: EPA, 6/6/2017

Pittsburgh Water and Sewer Authority Oversight Measure Passes House, Say Turzai, Readshaw

Legislation to place the Pittsburgh Water and Sewer Authority (PWSA) under the Oversight of the Public Utility Commission (PUC) passed the House on June 8, 2017 by a vote of 195-0, said House Speaker Mike Turzai (R-Allegheny) and Rep. Harry Readshaw (D-Allegheny).

Over the last year, local and national newspapers have recounted many service issues facing PWSA. They include multi-million dollar debt and uncollectibles, unmetered accounts, incorrect billing, system leaks, and thousands of lead service lines, many of which have not been identified or located. Most recently, they have been cited with non-compliance by the Environmental Protection Agency for Clean Water Act violations. These issues call into serious question the sustainability of

PWSA and the health and safety of those served by the system.

"Pennsylvanians served by the Pittsburgh Water and Sewer Authority need safe water like everyone in the Commonwealth," said Turzai. "The stability of the authority to serve its customers requires fiscal responsibility and best practices, both of which are lacking. House Bill 1490 represents a positive step forward to address PWSA's persistent problems."

"This legislation is about consumer protection and the health and safety of those served by the Pittsburgh Water and Sewer Authority," said Readshaw. "This is really a commonsense approach that will move the system in a positive direction."

PUC oversight is crucial to correcting the authority's long-standing difficulties. The PUC has the power to demand sound financial practices, systemic upgrades to infrastructure and reliable service delivery to customers.

"The city and the authority clearly need guidance and direction that will be provided by the PUC. This is a critical issue for our entire region that we want to see addressed," said Turzai.

The legislation now goes to the Senate for consideration.

Source: Rep. Turzai Press Release, 6/8/2017

Senate Approves Resolution Creating Task Force to Investigate Threat of Lead Exposure in Pennsylvania

Senator John T. Yudichak (D-Luzerne/Carbon) announced that [Senate Resolution 33](#) (SR 33) - which creates a bipartisan task force to investigate the scope of Pennsylvania's lead exposure problem - was approved unanimously by the full Senate on June 6, 2017. The resolution had been approved unanimously by the Environmental Resources and Energy committee at the end of April.

Senator Yudichak introduced the resolution earlier this session because lead exposure can threaten the health and well-being of every Pennsylvanian-especially senior citizens and children. "The task force report will advance cooperative efforts to arm the General Assembly with better information and best practice recommendations to develop new lead abatement programs that more aggressively mitigate lead exposure in Pennsylvania," said State Senator John Yudichak.

The resolution calls for the Senate to establish a task force on lead exposure comprised of the chairs of the Environmental Resources and Energy Committee and the Health and Human Services Committee and two members appointed by the Senate President pro tempore and the Minority Leader.

An advisory committee of the Joint State Government Commission will conduct a comprehensive review of Pennsylvania law and public policy related to lead exposure and abatement practices and then submit a report to the task force and full Senate within 18-months. The report must assess the age of housing and infrastructure, lead exposure threats, and identify the prevalence of lead in structures where children spend significant time.

Source: Senator Yudichak Press Release, 6/6/2017

PUC Releases Summer Readiness Reports from Electric Utilities

On June 8, 2017, the Pennsylvania Public Utility Commission (PUC) released the 2017 Summer Readiness Overview reports from the state's electric distribution companies and the regional transmission organization, PJM Interconnection. The reports provide the companies' preparations and plans for various conditions - such as severe storms and high temperatures - that may affect electric supply, price and service reliability for the summer months.

"For many people, summer is a time for vacations and recreation - but it's also a season of storms and high demands for electricity, and it's essential that our utilities are prepared to respond quickly and effectively," said Chairman Gladys M. Brown. "The Summer Readiness Reports submitted to the PUC detail how the industry is preparing for seasonal issues and the steps they are taking to help ensure reliable service to Pennsylvania residents."

The reports focus on the following: reliability enhancement programs; preventive maintenance programs; capacity planning; 2016/17 storm updates and lessons learned; 2017 summer readiness; and storm response. The reports also indicate that utilities have sufficient electric capacity for the expected summer energy demands, and note enhancements such as "smart grid" technologies and outage restoration strategies, which are intended to reduce interruptions and help restore service to the largest number of consumers in the least amount of time.

The reports are available via the links below:

[PPL Electric Utilities](#)
[PECO Energy Company](#)
[West Penn Power Company](#)
[Pennsylvania Power Company](#) (Penn Power)
[Metropolitan Edison Company](#) (Met-Ed)
[Pennsylvania Electric Company](#) (Penelec)
[Duquesne Light](#)
[Citizens' Electric Company](#)
[Wellsboro Electric Company](#)
[UGI Utilities Inc.](#) (UGI Electric Division)
[PJM Interconnection](#)

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 <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, 6/8/2017

DEP Invites Pennsylvanians to Help Develop a Domestic Action Plan to Reduce Phosphorus in Lake Erie

The Pennsylvania Department of Environmental Protection (DEP) is inviting citizens to share their views on how the Commonwealth can best achieve elimination of nutrient pollution in Lake Erie by commenting on the Domestic Action Plan (DAP) which was created to assist in the reduction of phosphorus in Lake Erie.

The DEP's Office of the Great Lakes worked in conjunction with the Great Lakes Water Quality Agreement (GLWQA) to develop new phosphorus reduction targets in Lake Erie that were formally adopted in February 2016.

Pennsylvania is one of five state governments that shares coastline and contributing tributaries to Lake Erie. The U. S. Environmental Protection Agency (EPA) is developing the U.S. Domestic Action Plan (DAP) that will coordinate and integrate each U.S. state-written DAP. The U.S. and Canada are bound by the GLWQA to complete these plans by February 2018, and the DAP's will be included as components of the Lake Erie Lake-Wide Action and Management Plan to be completed by the EPA at the end of 2018.

A webinar to explain and review the plan is schedule for June 15th at 10:00 AM. Registration can be completed by using this [link](#).

The draft Pennsylvania plan is available on the Department's website at <http://www.ahs.dep.pa.gov/eComment/>. A 30-day comment period has begun and ends on June 26th. Interested persons are invited to submit written

comments regarding the draft Pennsylvania Domestic Action Plan (DAP) by email at <mailto:ecomment@pa.gov> or by mail to Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063.

WHAT: Webinar providing overview on DEP Lake Erie Domestic Action Plan to address phosphorus pollution

WHEN: Thursday, June 15, 2017 at 10:00 AM

TO REGISTER: Visit the following [link](#).

Source: DEP Press Release, 6/9/2017

Clean Water and Drinking Water State Revolving Fund Programs; Federal Fiscal Year 2017 Intended Use Plans; Public Meeting

The Department of Environmental Protection announced it has prepared the federal fiscal year 2017 intended use plans (IUP) for the Pennsylvania Infrastructure Investment Authority (PENNVEST). These IUPs include a list of drinking water, wastewater treatment, nonpoint source and pollution abatement projects to be considered for a design and engineering or construction loan or grant from funds the commonwealth expects to receive from the Federal FY 2017 Drinking Water State Revolving Fund and Clean Water State Revolving Fund programs.

A public meeting has been scheduled for June 28 at 1:30 p.m. in the Rachel Carson State Office Building, Harrisburg to receive comment on the IUPs. To offer comments, contact Jay Patel, Division of Municipal Facilities, at (717) 705-4090 or jaypatel@pa.gov by June 27. Documents and additional information are available at <http://www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance>.

Source: Pennsylvania Bulletin, [6/10/2017](#)

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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.