
WUC

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



GOVERNMENT RELATIONS UPDATE

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

EPA Hosting Climate Communications and Outreach Webinar for Water Utilities

EPA will host a webinar on April 23 from 1:00pm - 2:00pm Eastern discussing common challenges in communicating climate risk and how water utilities can effectively prepare messages and conduct outreach to their communities and stakeholders. To register for the webinar, visit and click on the ["Training" tab](#).

Source: Water Headlines from EPA, 4/22/2014

DEP: 2014 Draft Integrated Water Quality Monitoring and Assessment Report; Availability for Public Comment

The Department of Environmental Protection invites public comments on its draft 2014 Integrated Water Quality Monitoring and

Assessment Report. Comments on the draft must be received by June 10, 2014. Written comments should be submitted to Molly Pulket, Division of Water Quality Standards, Bureau of Point and Non-Point Source Management, PO Box 8774, Harrisburg, PA 17105-8774 or RA-WQAssessments@pa.gov. Comments received by facsimile will not be accepted.

Source: PA Bulletin, [4/26/2014](#)

Pennsylvania American Water to Expand CNG- Powered Fleet into Northeast PA

On April 21, 2014, Pennsylvania American Water announced plans to expand its fleet of compressed natural gas (CNG) vehicles to its northeast Pennsylvania operations. As a result of Act 13 funding recently awarded by Gov. Tom Corbett, the company will receive a \$315,000 grant for CNG-fueled vehicles. The grant was secured through a partnership with Greater Philadelphia Clean Cities Coalition which serves 34 counties in eastern Pennsylvania and works with vehicle fleets, fuel providers, community leaders and other

stakeholders to implement alternative fuel use in transportation.

According to Pennsylvania American Water President Kathy L. Pape, the grant from the Pennsylvania Department of Environmental Protection (DEP) will be used to purchase 18 new utility trucks that use alternate CNG fuel. The new alternative fuel vehicles will be stationed at Pennsylvania American Water's operations in Scranton, expanding upon the company's existing CNG-powered fleet in Norristown, Royersford, Coatesville, Bangor, Clarion and Punxsutawney.

"By growing our fleet of CNG and bi-fuel pick-up and utility trucks across the state, we are able to achieve operational savings through lower fuel costs while decreasing our environmental impact and carbon footprint," said Pape. "The Act 13 grant, thanks to our partnership with Greater Philadelphia Clean Cities, allows us to expand these benefits even further into northeast Pennsylvania."

Pape said the company continues to explore partnerships with alternate fueling providers, municipalities and other organizations to help expand CNG's reach.

In early 2013, Pennsylvania American Water launched a pilot with four CNG-powered Ford F-250 trucks based in Punxsutawney and Coatesville. Last November, the company received \$62,800 in Alternative Fuel Incentive Grant funding from DEP to convert 14 new light-duty trucks to use alternate CNG fuel. The Act 13 Natural Gas Vehicle grants are financed by impact fees paid by natural gas operators.

Pennsylvania American Water, a subsidiary of American Water (NYSE: AWK), is the largest water utility in the state, providing high-quality and reliable water and/or wastewater services to approximately 2.1 million people. Founded in 1886, American Water is the largest publicly traded U.S. water and wastewater utility company. With headquarters in Voorhees, N.J., the company employs approximately 6,600 dedicated professionals who provide drinking water, wastewater and other related services to an estimated 14 million people in more than 40 states

and parts of Canada. More information can be found by visiting www.amwater.com.

Source: PA American Water, 4/21/2014

Pennsylvania Governor Corbett Announces \$41.7 Million Investment in Water Infrastructure Projects in 12 Counties

On April 22, 2014, Governor Tom Corbett announced the investment of \$41.7 million in 13 non-point source, drinking water and wastewater projects across 12 counties through the Pennsylvania Infrastructure Investment Authority (PENNVEST).

"The investments that we make today in our environment and economy will improve the quality of life for Pennsylvanians in all corners of the Commonwealth," Governor Corbett said. "The PENNVEST Board's actions bring crucial financial resources to bear that will improve water quality and increase economic opportunity for all of us."

Of the \$41.7 million, \$32.9 million is for low-interest loans and \$8.8 million is offered as grants.

The awards range from a \$537,000 loan to eliminate wet weather overflows of untreated sewage into a stream in Allegheny County, to a \$9.3 million loan and grant combination to renovate a deteriorated wastewater treatment plant in Bradford County that will allow a vacant manufacturing facility to accommodate the expansion of three businesses, leading to the creation of 221 new jobs and the investment of \$40 million in the area.

The funding comes from a combination of state funds approved by voters, federal grants to PENNVEST from the Environmental Protection Agency and recycled loan repayments from previous PENNVEST funding awards. Funds for the projects are disbursed after bills for work are paid and receipts are submitted to PENNVEST.

For more information, visit www.pennvest.state.pa.us or call 717-783-6798.

Note: A list of project summaries follows:

PENNVEST Non-point Source Projects:

Lancaster County

Marlin Becker received a \$619,208 grant to construct two manure storage facilities, animal trails, storm water controls and other improvements that will eliminate nutrient runoff into Conewago Creek and, eventually, the Chesapeake Bay.

PENNVEST Drinking Water Projects:

Cambria County

Glendale Valley Municipal Authority received a \$1,290,000 grant to construct more than a mile of water main and a booster pump station to interconnect with the Reade Township system, allowing the authority to abandon use of an old water plant and improve the quantity and quality of water for its customers.

Pike County

Hemlock Farms Community Association received a \$1,200,000 loan to install a new filtration system to eliminate iron and manganese contamination of the association's drinking water supply, which is currently causing issues for the system's customers.

PENNVEST Wastewater Projects:

Allegheny County

Wilkins Township received a \$537,000 loan to install approximately a half mile of sanitary sewers to eliminate a combined sewer collection system that is subject to wet weather overflows into Thompson Run, as well as eliminate acid mine drainage into the basements of several homes in the neighborhood.

Armstrong and Clarion Counties

Hawthorn Redbank Redbank Municipal Authority received a \$1,905,795 loan and a \$1,437,705 grant to install nearly five miles of new gravity sewer lines to eliminate the use of malfunctioning on-lot septic systems in two communities, Redbank Township, Armstrong County and Hawthorn Borough, Clarion County.

Bedford County

West Providence Township Municipal Authority received a \$5.5 million loan to replace more than six miles of old, deteriorating sewage collection lines and make other system improvements to eliminate wet weather overflows at the authority's wastewater treatment plant.

Bradford County

Canton Borough Authority received a \$5,318,670 loan and a \$4,012,330 grant to renovate the authority's old and deteriorated wastewater treatment plant in order to bring its discharges into acceptable quality levels and also allow for the expansion of three businesses that will collectively create 221 new jobs and bring almost \$40 million in new investment to the area.

Cambria County

Glendale Valley Municipal Authority received a \$695,400 million loan and a \$524,600 grant to construct almost two miles of new sanitary sewers to connect with the authority's wastewater treatment plant, thus eliminating the use of a deteriorated plant that is discharging untreated sewage into Kibler Run during wet weather events.

Cambria and Somerset Counties

Upper Yoder Township Authority received a \$7,831,615 loan and a \$668,385 grant to rehabilitate more than 17 miles sewage collection lines and make other improvements that will eliminate wet weather overflows at the authority's wastewater treatment plant that result in discharges of untreated sewage into Stony Creek.

Forest County

Hickory Township received a \$370,500 loan and a \$279,500 grant to install new sewage collection lines, pump stations and a package wastewater treatment plant in order to eliminate the use of malfunctioning on-lot septic systems as well as wildcat sewers that are discharging untreated sewage directly into East Hickory Creek.

Lancaster County

Mount Hope Nazarene Retirement Community received a \$883,659 loan to construct a new package treatment plant at this privately owned nursing home where malfunctioning on-lot systems are discharging sewage into an open ditch and other

local areas that are adversely affected by the amount of liquid being discharged.

McKean County

Smethport Borough Authority received a \$805,000 loan to install screening and other facilities to eliminate debris that collects at the treatment plant headworks, causing wet weather overflows of sewage onto the surrounding property.

Montour County

Danville Municipal Authority received a \$7,809,000 loan to replace and improve nearly three miles of sewage collection lines, install a new pump station and make other improvements to eliminate wet weather overflows and sewage backups into the basements of local homes. The project will also allow for the lifting of a sewer connection moratorium, leading to the creation of 224 new jobs, the retention of almost 10,000 jobs and the investment of \$255 million in the local economy.

Source: PENNVEST, 4/22/2014

Senate Hearing Urges Adoption of Farnese's Anti-SLAPP Legislation

People and organizations that have been quieted by ongoing, frivolous lawsuits and mounting legal expenses urged a state Senate panel to adopt Sen. Larry Farnese's proposal to curtail the unfair practice.

Farnese's Senate Bill 1095 would expand Pennsylvania's limited regulations and give civic organizations, individuals and various groups the power to more easily have their case dismissed or recover attorney fees if they win a so-called Strategic Lawsuit Against Public Participation, or SLAPP.

"Whether it is the Old City Civic Association or any person who has been shut down because they are speaking up on an issue they believe is critical to their community or cause, SLAPPs have proven to be unfair and a detriment to open government," Farnese (D-Philadelphia) said during the opening of

the Senate Judiciary Committee's public hearing on SB 1095.

"It is rarely the intent of the party filing the suit to argue their case before a judge. What they want to do is drain the opposition's resources or make it impossible for them to proceed in other ways until they are forced to go away," Farnese said. "It's beyond wrong."

The Senate Judiciary Committee met in the Philadelphia Bar Association on Market Street here and gathered the personal stories of Joe Schiavo of the former Old City Civic Association, Steve Huntington of Crosstown Coalition, Matt Ruben of Northern Liberties Neighborhood Association, Joe Marino of Passyunk Square Civic Association, and Barbara Cappozzi of Packer Park Civic Association.

Schiavo called Farnese's proposal an important protection for community groups.

"Those who give their time as volunteers on behalf of their community and participate in civic organizations ... should not have to face reprisals for participating in the public process that [governments] afford them," Schiavo told the committee. "Senate Bill 1095 seems essential to preserve that fine-grain democratic mechanism of the local civic association."

While Northern Liberties' Matt Ruben agreed that Farnese's bill would provide legal protection, he said if any changes were made to the bill they should be made with an eye towards protecting a defendant's money and time.

"If an anti-SLAPP law does not protect defendants ... from the use of the legal process to extract money from us and to take time to drag things out and wear down people's will and inflict emotional duress then the anti-SLAPP law is not effective," Ruben said.

The committee also heard expert testimony from Professor David Kairys from Temple University's Beasley School of Law; Andy Hoover, ACLU of Pennsylvania's legislative director; and Pennsylvania News Media Association's Paula Knudsen and Melissa Melewsy.

Hoover said the ACLU is in favor of Farnese's legislation.

"We believe that Senate Bill 1095 does a good job of drawing a balance between access to courts and the abuse of courts to bully people for exercising their First Amendment rights," Hoover said.

Farnese began working on SB 1095 last year when the Old City Civic Association disbanded after 40 years of service because the increased threat of SLAPPs made obtaining insurance coverage unfeasible.

Twenty-seven states have adopted anti-SLAPP legislation. In 2000, Pennsylvania passed anti-SLAPP legislation that only applies only to environmental law and regulatory processes.

Throughout Pennsylvania and the U.S., SLAPPs have been filed against a wide variety of protected speech and expression activities, including writing a letter to the editor, circulating petitions, erecting a sign or displaying a banner on their property, complaining to school officials about teacher misconduct or unsafe conditions in the school, testifying before Congress or state legislatures, and filing a public-interest lawsuit.

Source: Senator Farnese Press Release, 4/24/2014

Pension Reform Plan Helps to Protect Current Employee and Retiree Benefits, While Saving Taxpayer Dollars Says Tobash

Rep. Mike Tobash's (R-Schuylkill/Berks) pension reform proposal would reduce the costs of both the state (SERS) and teacher (PSERS) pensions for taxpayers, but NOT at the expense of retirees or those who remain enrolled in the current systems, he said today.

"As a result of underfunding, huge declines in the market and previous benefit increases, Pennsylvania is facing a nearly \$50 billion debt that

will take decades to overcome," said Tobash. "The enormity of the challenge is matched only by our commitment to protect people already in the pension systems and pay them the benefits they have earned.

"We are committed to protecting the benefits of current retirees and workers," said Tobash. "Anyone telling people anything different does not fully understand this plan."

Tobash's plan is anticipated to save the Commonwealth's General Fund \$7.4 billion, and all employers, including school districts, \$15.1 billion over the 30-year projection period. This plan would be established for NEW employees entering the pension systems, and would not change benefits for existing participants or retirees.

The proposal is designed to address three critical areas, including shifting the risk of future pension obligations away from taxpayers, reducing the underfunding that exists in our current system, and establishing fiscal responsibility with taxpayer dollars. All state and public school employees would be subject to the same plan. Those not receiving Social Security benefits will receive an additional defined contribution plan component.

Additionally, if an employee takes a leave of absence, he or she would continue in the current pension system. Provisions for a leave of absence would include furloughs, intervening military service, disability, inactive employment status for up to a two-year period, maternity leave, and the Family Medical Leave Act.

"We must bring down the debt in both of the Commonwealth's major pension systems, thereby protecting an employee's investment," said Tobash. "My legislation provides equal treatment to everyone – teachers, judges, lawmakers, all state and school employees – so no one is favored or excluded. We have gone to great lengths to ensure our teachers, state police and public employees will receive fair and equal treatment under this plan."

In the current fiscal year (2013-14), the state's total employer contribution is approximately \$3.4 billion. Under current law that figure will move to above \$6.6 billion by fiscal year 2018-19. A more

than \$3 billion increase is equivalent to approximately 60,000 jobs. Our willingness to address this issue will directly affect our ability to maintain these jobs, Tobash added.

“Most of us are familiar with public pension systems in other parts of the United States that have faced crisis status,” said Tobash. “In Detroit, existing employees are facing deep cuts. In Pennsylvania, our approach is to be proactive so our public employees and teachers get every dollar they have earned.”

An overview of Tobash’s entire plan, including details on the defined benefit and defined contribution plans, can be found online at www.RepTobash.com.

Source: Rep. Tobash Press Release, 4/24/2014

In Memoriam: Sen. Ray Musto, Democratic Chair Senate Environmental Committee

Former Sen. Ray Musto (D-Luzerne), long-time Democratic Chair of the Senate Environmental Resources and Energy Committee, passed away Thursday at the age of 85. He retired from the Senate in 2010.



For many years Sen. Musto has been regarded as a leading voice on environmental issues in the Senate and as a fierce advocate for his district. He has been involved in the passage of every major state environmental law and program for the last 30 years.

Among the notable environmental laws and initiatives completed as a result of Musto's work:

--**Curbside Recycling:** Legislation that created Pennsylvania's curbside recycling program in 1988, the largest in the country;

--**Land Recycling:** Pennsylvania's land recycling program--Acts 2, 3 and 4 of 1995 which has become the national model program for the effective re-use of abandoned industrial property;

--**Growing Greener:** Act 68 (1999)

Pennsylvania's Growing Greener program that has led to the protection of open spaces and farmland preservation as well as water and sewer system upgrades;--**Air Pollution Control:** Helped adopt far-reaching changes to the Air Pollution Control Act (Act 95) that has led to steadily improving air quality;

--**Infrastructure:** Supported numerous bills to improve Pennsylvania's water and wastewater infrastructure, including a 1988 law creating the PA Infrastructure Investment Authority;

--**Chesapeake Bay:** Helped adopt the Chesapeake Bay Commission Agreement in 1985 committing Pennsylvania to cleanup the Chesapeake Bay;

--**Water Resources:** Helped pass the Water Resources Planning Act in 2002 to require a state water plan;

--**Hazardous Sites Cleanup:** Shepherded the Hazardous Sites Cleanup Act in 1988 through the Senate;

-- **Key '93 Program:** Help create the Keystone Recreation, Park and Conservation Fund to provide funding for Pennsylvania's State Parks and Forests and local recreation projects; and

-- **Establishment of Nescopeck State Park.**

Of her colleague, Majority Chair of the Senate Environmental Resources and Energy Committee Sen. Mary Jo White (R-Venango) said when he retired in 2010, "Being in public service is a tough job where criticism and cynicism come with the territory; but it is also a wonderful job because you can directly make a difference in the lives of people. I congratulate Sen. Musto on his nearly 28 years of distinguished service in the state Senate. In addition to being a friend and true gentleman, Sen. Musto has been a passionate advocate for the environment.

"His imprint can be found on every major environmental accomplishment realized over the past three decades, including the state's landmark recycling, environmental education, Key '93, brownfields reuse, water resource planning, alternative energy and Growing Greener acts. None of these initiatives would be in place today without the guidance and support of Ray Musto."

Former state Senator Mike Fisher (R-Allegheny), who also served with Sen. Musto as Majority Chair of the Senate Environmental Committee said, "During most of the 1980's Ray Musto was a true partner to me as I Chaired the Senate Environmental Resources Committee. It was a true era of cooperation which led to bi-partisan legislative achievements. The highlight of that era was Act 101, Senate Bill 528, our recycling and solid waste management act. We cleaned up Pennsylvania's 1,000 landfills, brought state of the art waste disposal technologies and implemented the nation's most successful voluntary residential recycling program.

"Virtually everything done in the environmental and energy arena at that time was done in a bipartisan fashion. Much of the credit goes to Ray Musto. A true gentleman, a friend and a great Senator for his district. He left his imprint on Pennsylvania and will be long remembered."

"Ray Musto was a devoted Democrat, but there was not a partisan bone in his body when it came to the environment," said James M. Seif, former Secretary of DEP. "He worked with everyone to craft an enviable legislative record, and he always did so in a gentlemanly and good humored way. He provided strong support and good advice to many Pennsylvania environmental Secretaries. We will miss him, but his achievements will live on."

"Without Ray Musto, [Nescopeck State Park](#)— a park jewel in Northeast Pennsylvania— would never have been a reality. He stood tall in the face of strong, but misguided opposition. It was an honor to be by his side," said John C. Oliver, former Secretary of the Department of Conservation and Natural Resources.

"I was privileged to know and work with Sen. Musto first as legislative liaison with the former DER, as Executive Director of the Senate Environmental Committee and finally as Executive Deputy in DEP and during all those

years he truly had protecting and restoring Pennsylvania's environment as a focus of all his efforts," said David E. Hess, former Secretary of DEP. "His approach was always what was right and what was effective, not whether it was a Republican or Democratic idea. It was a loss for me professionally and personally when he retired and for the environment. But, he never did let me forget I beat him once in a lucky shot in bocce."

Senate Democratic Leader Jay Costa (D-Allegheny) said, "Sen. Musto was a lawmaker of depth, substance and compassion. He took time to learn issues and he used his experience and expertise to benefit the citizens of Luzerne County and Northeastern Pennsylvania.

"From legislation that established curbside recycling to Pennsylvania's Growing Greener program and the landmark legislation to spur the development of abandoned industrial property, Senator Musto played a significant role in crafting environmental policy in his nearly 40 years in the legislature.

"During his long years of public service, he achieved a great deal for Northeastern Pennsylvania. His contributions will live on and his policy footprint will continue to guide future generations. Pennsylvania is a better place today because of Senator Ray Musto's service."

Senate President Pro Tempore Joe Scarnati (R-Jefferson) and Senate Majority Leader Dominic Pileggi (R-Delaware) issued this joint statement-- "Ray Musto will be remembered as a humble, compassionate and hardworking man who represented northeast Pennsylvania with a genuine desire to help his constituents and the communities they live and work in. During his time in the Senate, Ray was a strong advocate for countless environmental issues and worked effectively with members on both sides of the aisle."

Sen. Musto is a Korean War veteran who served in the U.S. Army from 1951-53. He is a 1971 graduate of King's College in Wilkes-Barre. He holds Doctorate of Letters degrees from Kings and Wilkes Colleges. Musto has received many awards and honors for his work in the Senate.

The veteran lawmaker served in the state House from 1971 to 1980. He began his career when he was elected in a special election in 1971 to fill his

late father James Musto's unexpired term. Musto was then elected to Congress in a special election in 1980. In 1982, he was elected to the state Senate. Musto has the distinction of being among only a few public servants to serve in the U.S. Congress, the state House and state Senate.

Source: PA Environmental Digest, 4/28/2014

DEP Warns Consumers that a Recent Production Run of Tyler Mountain Water in Three, Four and Five Gallon Sizes are Contaminated with Total Coliform and E. Coli Bacteria

DEP is warning consumers that Tyler Mountain water, bottled on April 17, 2014, and April 18, 2014, in three, four and five gallon sizes should not be used and consumers should contact Aqua Filter Fresh at 1-800-864-8957 for further instructions.

Only those customers that recently received a new delivery of water from Aqua Filter Fresh need to be concerned about this recall. Aqua Filter Fresh, a company that produces Tyler Mountain water, is in the process of replacing all suspect water. People with severely compromised immune systems, infants, and some elderly may be at increased risk. If you have specific health concerns, you should consult your doctor.

Presences of E. coli bacteria indicate that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly and people with severely compromised immune systems.

If you experience any of these symptoms and they persist, you may want to seek medical advice.

People at increased risk should seek advice about drinking water from their health care providers.

General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1-800-426-4791.

Source: Governor's Press Office, 4/25/2014

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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.