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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
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Baker Supports Bill That Strikes Balance Between Responsible Development and Environmental Protection

On October 14, 2014, the Senate approved an amended version of [House Bill 1565](#) and sent it back to the House for a concurrence vote.

The 27-22 vote included the support of Sen. Lisa Baker, R-20, who fought for its passage because of the impact existing legislation has had on parts of her district, especially Pike, Wayne and Monroe counties.

She noted the language in the current law has a disproportionately negative impact in Northeastern Pennsylvania.

"While 34 percent of this land is in Pennsylvania with the high quality/exceptional value watersheds, in Pike County 98 percent of all private land is high quality/exceptional value; Wayne County is 94 percent; and Monroe is 85 percent," she said.

Baker said the legislation is a "landowner/property rights bill" that seeks to "develop a balance between responsible development and environmental protection."

"I'm not interested in paving the way for huge developments nor trying to punch holes in clean water. My interest is in giving relief to landowners who find they cannot do improvements to their property costing jobs and opportunities that rural areas can ill afford to lose," Baker said.

"This bill will allow science to be the key consideration in decision making rather than the map so one size doesn't fit all in the Commonwealth. We will be able to use best practices," Baker said, noting that the bill will not take DEP oversight away from on-lot septic, wetlands, or National Pollutant Discharge Elimination System permit requirements. She called the bill a "reasonable and responsible remedy" that "is fair and balanced."

NOTE: The House concurred, 118-79, in Senate amendments to House Bill 1565 on October 15, 2014. The bill is on the Governor's desk for his consideration.

Source: Senator Baker Press Release, 10/15/2014

Following Senate Approval, House Sends Anti-Stream Buffer Bill to Governor

By a vote of 118 to 79, the House Wednesday gave final approval to [House Bill 1565](#) (Hahn-R-Northampton) that environmental groups say weakens DEP requirements for stream buffers in Special Protection Watersheds. In September, the House passed an earlier version of the bill by the vote of 119 to 79. The bill now goes to the Governor for his action.

Click [Here](#) to see how your House member voted.

House action Wednesday followed a vote by the Senate Tuesday which approved the bill by a vote of 27 to 22. Click [Here](#) to see how your Senate member voted.

Prior to its final Senate action, Sen. John Yudichak (D-Luzerne), Minority Chair of the Senate Environmental Resources and Energy Committee, amended the bill to change the provisions of the bill to give applicants the option to install practices other than a stream buffer, but only if they can prove other practices are “substantively equivalent to” a stream buffer.

The amendment also changed the provision allowing the installation of a buffer in other areas, but “as close as feasible to the area of disturbance” to limit the replacement buffer to areas within the same watershed.

The Chesapeake Bay Foundation-PA wrote to members of both the Senate and House opposed to House Bill 1565 saying in part-- “Given the innumerable societal and ecological benefits provided by forested riparian and riparian buffers, CBF maintains that House Bill 1565 (P.N. 4258) is fundamentally flawed and could result in undesired consequences for Pennsylvania.

“Pennsylvania’s Chesapeake Bay Blueprint plan, which consists of the Total Maximum Daily Load and the State’s Watershed Implementation Plan, relies heavily on protecting and restoring forested

buffers. According to a recent assessment of Pennsylvania’s two-year milestones goals, it is estimated that the current rate of implementation of 6.44 acres of riparian buffers per day will need to be increased to 50.13 acres per day in order to meet the Commonwealth’s 2017 target for forested riparian buffers.

“This bill will make the 2017 goal of 109,735 acres of forested riparian buffers more challenging since we will most likely begin losing existing forested buffers and forgoing opportunities to create new forested buffers that are absent of federal and state subsidies. Failure to meet established Chesapeake Bay milestone goals could result in the use of backstops by the Federal Environmental Protection Agency (“EPA”).

“Passage of this legislation could set the Commonwealth back with regards to the federal requirements for riparian buffers in the Chesapeake Bay Watershed, as well as anti-degradation requirements in special protection waters.

“The Clean Water Act (“CWA”) requires the restoration and maintenance of the “chemical, physical and biological integrity of the Nation’s waters.” (CWA, 33 U.S.C. § 1251(a)). The CWA and regulations promulgated pursuant to the CWA require states to adopt water quality standards consistent with the requirements of the CWA. (CWA, 33.U.S.C. § 1313 and 40 CFR § 131.1, et seq.).

“Once a state identifies the water quality standards of a particular water body, it may not change laws that maintain and protect those standards without a substantial and convincing justification and EPA review and approval. 33 USC § 1313(b)(4)(B); 40 CFR § 131.12. This law is called the CWA anti-degradation policy and specifically applies to high-quality waters and applies to any activity that may cause degradation of a water body.

“Since the EPA has approved the Commonwealth’s antidegradation policy found at 25 Pa. Code 93.4a, et seq., and PA has designated water bodies as exceptional value and high-quality, House Bill 1565 (P.N. 4258) could be considered a revision of Pennsylvania’s water quality standards

in violation of Pennsylvania's EPA approved antidegradation regulations and policy.

"While CBF recognizes the attempts that have been made to improve House Bill 1565 (P.N. 4258), the language is ambiguous while the science is clear—there is simply no scientifically equivalent practice equal to forested riparian buffers.

"Forested riparian buffers have been shown in large and growing number of scientific studies to be the best means of protecting and enhancing the quality of the biological, chemical, and physical habitat in rivers and streams, including in Pennsylvania.

"And, any attempt to remove this requirement will impact water quality in our special protection waters.

"In fact, forested riparian buffers are so desirable that bills such as this should be set aside while we focus our efforts on legislation that supports clean water, such as Senator Rafferty's bill, [Senate Bill 1465](#), (P.N. 2256).

"We strongly urge you to support clean water and vote "NO" on House Bill 1565 (P.N.4258)."

Sen. Lisa Baker (R-Lackawanna), who supported the bill in the Senate, said, "I'm not interested in paving the way for huge developments nor trying to punch holes in clean water. My interest is in giving relief to landowners who find they cannot do improvements to their property costing jobs and opportunities that rural areas can ill afford to lose.

"This bill will allow science to be the key consideration in decision making rather than the map so one size doesn't fit all in the Commonwealth. We will be able to use best practices," Sen. Baker said, noting that the bill will not take DEP oversight away from on-lot septic, wetlands, or National Pollutant Discharge Elimination System permit requirements.

She called the bill a "reasonable and responsible remedy" that "is fair and balanced."

House Bill 1565 has been opposed by the Chesapeake Bay Foundation-PA, PA

Environmental Council, Western Pennsylvania Conservancy, the PA Chapter of The Nature Conservancy, the Fish and Boat Commission, PA Chapter National Association of Water Companies, Clean Water Action, PA Council of Trout Unlimited, PA Federation of Sportsmen's Clubs, PA League of Women Voters, PA Land Trust Association, PA Landscape and Nursery Association and former DEP Secretary David E. Hess.

Source: PA Environmental Digest, 10/23/2014

Chesapeake Bay Foundation-PA Calls On Gov. Corbett to Veto Anti-Stream Buffer Bill

Harry Campbell, Pennsylvania Director for the Chesapeake Bay Foundation, issued the following statement in response to the General Assembly's passage of House Bill 1565 (Hahn-R-Northampton).

"CBF is calling on Gov. Corbett to veto House Bill 1565, which now goes to his desk after passing both the House and Senate. We are disappointed in the passage of this bill, which removes protections for Pennsylvania's most pristine streams and allows developers to cut down streamside trees. The bill is a huge step backward for the Commonwealth's clean water efforts.

"Pennsylvania has a commitment to clean water, and streamside forested buffers are one of the most cost-effective, common-sense solutions to reducing pollution, managing floods, and maintaining iconic and economically important fish, like the brook trout. It simply does not make sense to allow developers to cut down existing trees, or to not require they be planted, on land development larger than one acre.

"The science is clear—planting and preserving trees along streams has innumerable benefits and has been widely adopted as a standard pollution prevention practice. Thousands of farmers and hundreds of developers, local governments, and businesses throughout the state have already planted and preserved buffers. These investments have all

been made with the goal of managing polluted runoff, reducing flooding, and enhancing property values in the Keystone State.”

Friday, Harry Campbell sent a formal letter to Gov. Corbett asking him to veto the bill. The text of the letter follows-- Dear Governor Corbett:

On behalf of the over 200,000 members of the Chesapeake Bay Foundation, we urge you to veto House Bill 1565, a bill that will significantly weaken water quality protection in state designated ‘Special Protection Waters’ in Pennsylvania.

We ask you to veto this bill for several reasons:

- We believe this legislation reduces the ability of Pennsylvania to meet its commitments under the Chesapeake Bay Agreement, which you signed in August. The Bay Agreement and Pennsylvania’s obligations under the Clean Water Blueprint rely heavily on protecting and restoring forested stream buffers. We should be taking steps to encourage more stream buffers in more areas, not significantly weakening the requirement we have which covers just 4 percent of our watersheds as this bill does.
- Pennsylvania is obligated by the federal Clean Water Act to maintain and not degrade the water quality in designated Special Protection Watersheds. We believe this legislation reduces the ability of the Commonwealth to meet this anti-degradation requirement and leaves us vulnerable to action by the U.S. Environmental Protection Agency and federal courts determining that our water quality protection program does not meet minimum federal requirements. We have made this point very clear in letters to both the Senate and House and in more detail.
- The options for meeting any buffer requirements listed in the bill are either not real options, extremely ambiguous, or effectively remove the buffer requirement and its benefits. A large and growing body of scientific research concludes there are no practices or combination of practices—scientifically speaking—which are “substantially equivalent” to a forested riparian stream buffer. The other option of allowing

buffers to be placed, not at the point of the earth disturbance, but at some other location not only defeats the purpose of the forested buffer, but potentially puts its benefits nowhere near the impact.

We understand there are some legitimate issues with the way the existing buffer requirement is administered and we have, through the legislative process, suggested changes like setting a deadline for review of these applications by the Department of Environmental Protection (“DEP”) and devoting more DEP staff time to their review. These suggestions have not given serious consideration, in our opinion, because the only solution proponents were willing to accept was eliminating the forested buffer requirement.

The science is clear—planting and preserving trees along streams has innumerable benefits and has been widely adopted as a standard pollution prevention practice. No other practice has been shown to be as effective at protecting and restoring streams.

Thousands of farmers and hundreds of developers, local groups and governments, and businesses throughout the state have already planted and preserved buffers. Simply stated, forested buffers are also the most cost-efficient form of water quality protection one can install and protect.

If this bill becomes law, Pennsylvania will take a big step away from its commitments under the Chesapeake Bay Agreement and leave itself vulnerable to actions under the federal Clean Water Act. But even more importantly, the water quality in some of Pennsylvania’s best watersheds could be degraded forever.

We have appreciated the opportunities the Chesapeake Bay Foundation has had to discuss critical water quality issues with you, the staff in your office, and in the DEP and we thank you for considering our comments regarding this legislation.

Sincerely,
Harry Campbell
Pennsylvania Executive Director
Chesapeake Bay Foundation

Source: PA Environmental Digest, 10/23/2014

Godshall Bill to Extend Consumer Protections for Utility Customers Awaiting Corbett's Signature

The House voted to concur in Senate amendments to legislation sponsored by Rep. Robert Godshall (R-Montgomery) to reauthorize the Responsible Utility Customer Protection Act, which was set to expire at the end of this year.

The act (known as Chapter 14 of the Public Utility Code) was established in 2004 to govern gas, electric and water company procedures related to service termination and reconnection, as well as establishing terms for payment arrangements issued by the Public Utility Commission (PUC) to customers who fall behind on their utility bills. It protects responsible bill-paying customers from rate increases attributable to other customers who, despite the means to do so, choose not to pay their bills. It also provides commonsense tools for utilities to improve collections and reduce uncollectible accounts.

"Chapter 14 ensures all customers will have access to utility services, that low-income customers continue to receive payment assistance and that all utility ratepayers will be protected from rate increases caused by the bad debt of those who can pay their bills, but choose not to. House Bill 939 makes reasonable, responsible amendments to ensure the customer protection goals, established in the original law, continue to be met," Godshall said.

The Senate amended [House Bill 939](#) to add provisions relating to Friday service terminations and security deposits and to establish a new sunset date for the law of Dec. 31, 2024. The House unanimously concurred in Senate amendments, and the bill has been delivered to the governor for his signature.

Source: Rep. Godshall Press Release, 10/17/2014

Governor Corbett Provides Update on Preparedness for Ebola Virus

On October 17, 2014, Governor Tom Corbett joined Secretary of Health Michael Wolf and Physician General Dr. Carrie DeLone to announce that – while there are no confirmed cases in Pennsylvania – the commonwealth is well prepared for the Ebola virus and is committed to protecting the health and public safety of all Pennsylvanians.

"I want to assure all Pennsylvanians that the state has a coordinated and thorough approach underway to ensure we are prepared and ready to deploy our public health resources in the event of suspected or confirmed cases appearing in the commonwealth," Gov. Corbett said.

The Pennsylvania Department of Health is working closely with the Centers for Disease Control and Prevention (CDC), other states, and a multitude of public health partners and emergency management organizations throughout the commonwealth.

"Ebola is a very serious disease, and we are still learning a lot about it as time goes on," Physician General Dr. Carrie DeLone said. "We are keeping a very close eye on the confirmed Ebola cases in the U.S. and other developments around the world and improving our policies and response in Pennsylvania as we learn more."

There has been no evidence that this strain of the Ebola virus can be spread in any way other than direct contact with an infected person or animal's bodily fluids, so the risk to the general public in Pennsylvania remains very low at this point in time.

"We have provided important information and guidance to both government partners and external public health partners, including hospitals, physicians, schools, emergency medical services, 911 operators, West African community leaders and others," Secretary of Health Michael Wolf added. "We will continue to communicate regularly with

them to ensure our Ebola preparedness and response efforts are aligned and closely coordinated.”

In an effort to help ensure Pennsylvanians have access to important information, the Department of Health has enhanced the Ebola section of its website at www.health.state.pa.us. It includes general information for the public such as frequently asked questions; posters in English, French and Spanish; as well as links to other helpful resources.

Additionally, specifically for health care professionals, the department offers a downloadable poster that can be placed in waiting areas, a checklist for medical intake personnel and a direct link to CDC advisories and guidance as it relates to Ebola in the U.S.

“Ensuring that all Pennsylvanians are informed and educated about the facts of Ebola is critical to containing the spread of this devastating disease,” DeLone said.

Ebola is a rare and often deadly disease that affects humans and primates. There is currently no vaccine or medicine that has been proven to cure Ebola. People who have the disease are treated for their symptoms as they develop.

Signs and symptoms can appear anywhere from two to 21 days after being exposed to the Ebola virus, but they most commonly begin within eight to 10 days after exposure. Symptoms may include:

- Fever
- Severe headache
- Muscle pain
- Vomiting
- Diarrhea
- Stomach pain
- Unexplained bleeding or bruising

Ebola viruses are found in several African countries. They are not naturally found in the United States. Africa is currently experiencing an outbreak of the disease in the western countries of Guinea, Liberia and Sierra Leone.

“If you visited one of the affected African countries and develop fever within three weeks after

leaving that country, you should seek medical care right away and tell your doctor about your recent travel,” DeLone added.

“It’s very important that you call the doctor’s office or emergency room before you go and tell them about your symptoms and recent travel so that arrangements can be made, if necessary, to prevent others from becoming sick.”

Individuals who have been exposed to the Ebola virus do not become contagious unless and until they present symptoms, and would become more contagious as the virus progresses if they show symptoms.

The Department of Health will continue to work closely with federal and local health officials on this situation and will update the public on relevant developments as necessary.

“This is an evolving matter, both nationally and globally,” Gov. Corbett said. “While we continue to follow established protocols and procedures, we are also learning every day and monitoring closely to make real-time adjustments to our preparedness strategies and procedures to ensure we have the best possible Pennsylvania plan.”

The Department of Health reminds healthcare providers across Pennsylvania who treat patients with a history of travel to the Ebola-affected countries and who have relevant symptoms to immediately inform their local health department of suspected cases. The Department of Health will assist all healthcare providers in evaluating patients, assisting in specimen collection and testing, as needed.

For more information about Ebola and to access materials, visit www.health.state.pa.us or visit the CDC’s website at www.cdc.gov.

Source: Governor’s Press Office, 10/17/2014

PUC to Consumers: ‘Prepare Now’ for Winter Energy Costs

On October 16, 2014, the Pennsylvania Public Utility Commission (PUC) launched its annual campaign reminding consumers to “Prepare Now” for winter energy costs.

“Our Prepare Now campaign reminds consumers all season long that winter temperatures come with increased electric and natural gas use and higher household bills,” said PUC Chairman Robert F. Powelson. “Now is the time to take steps around the house to reduce your winter energy bills. Step one is to check your electric and natural gas supplier contracts now so you can lock in the lowest possible price for winter. Step two is conservation.”

In its 12th year, the Prepare Now campaign provides consumers with simple tips to lower their energy bills, including shopping for electricity and natural gas, as well as tips to conserve energy around the house. It also offers information about low-income programs that help consumers restore and maintain service.

The year’s theme is no different:

Prepare Now for winter energy costs. Learn more about conservation. Check your electric and natural gas bills and supplier contracts. Use PAPowerSwitch.com to shop for service. Look into programs that help low-income customers maintain service. Visit www.puc.pa.gov and click on "Prepare Now" or call the PUC at 1-800-692-7380. #PrepareNow

The PUC is committed to helping customers minimize their bills while making the most out of every dollar they spend on energy. Even small changes around the home can save money on winter energy costs. Useful tips to help consumers cut usage can be found on the PUC’s website under Prepare Now.

“We encourage customers to take a few minutes to check their electric and natural gas bills and contracts with competitive suppliers and review the conservation tips,” Chairman Powelson said. “What you’ll find is that saving on your winter energy costs can be comfortable, convenient and easy.”

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 . 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, 10/16/2014

DEP to Unveil Online Well Completion Report Oct. 17

As part of DEP's continued efforts to improve consistency and increase transparency, the department has developed an online Well Completion Report, to be made available to operators through GreenPort on Friday, Oct. 17.

DEP's Oil and Gas program continues work diligently to support new information technology projects, including streamlining electronic review, upgrades to reporting systems and the modernization of forms and databases.

The new online Well Completion Report clearly communicates data entry expectations, ensuring more complete reports from industry. Use of the online Well Completion Report is voluntary at this time; however, the expectation is that it will become a complete electronic submission in the future.

To allow you to become more familiar with the online Well Completion Report, two webinars will be held on Oct. 21, 2014. Click on the links to register for either the morning [webinar](#) (9:30 a.m.) or afternoon [webinar](#) (2 p.m.).

Register [here](#) for access to DEP's GreenPort.

Should you have questions on the use of the online Well Completion Report, contact the

eFACTs Helpdesk at 717-705-3768 or email: ep-efactshelpdeskteam@pa.gov

Source: DEP News, 10/16/2014

DEP Announces New Chesapeake Bay Program Coordinator

The Department of Environmental Protection (DEP) recently hired Kristen Wolf as its new Chesapeake Bay Program Coordinator to oversee the state's progress and efforts toward improving the quality of Pennsylvania waters that flow into the Chesapeake Bay.



DEP Chesapeake Bay Program Coordinator Kristen Wolf.

“I am pleased to add Kristen to the team as Pennsylvania reinforces its commitment to improving the quality of state waterways, and ultimately the Chesapeake Bay,” DEP Deputy Secretary for Water Management Kelly Heffner said. “Kristen’s experience, superior communications skills and dedication will build upon and strengthen our efforts.”

Wolf will coordinate Pennsylvania’s participation in the development of an action plan and management strategies related to the new Chesapeake Bay Watershed Agreement, signed earlier this year by Governor Tom Corbett and other state and federal partners. These management strategies will address sustainable fisheries, vital habitats, water quality, toxic contaminants, healthy watersheds, stewardship, land conservation, public

access, environmental literacy and resiliency of the bay ecosystem.

As Chesapeake Bay Program Coordinator, Wolf will sustain and develop partnerships between state and local governments, watershed groups, conservation districts, farmers and the business community.

Prior to her appointment, Wolf spent several years working with PA’s Children’s Health Insurance Program, where she was responsible for public outreach communication initiatives, policy development, special projects, and regulatory and contractual obligations.

Before that, Wolf served DEP as an Executive Assistant to the Deputy Secretary for the Office of Energy and Technology Development and, prior to that, as an Information Specialist, where she served as DEP’s communications liaison for the Office of Water Management.

Since 1985, Pennsylvania has directed more than \$4 billion by way of grants, loans and program investments toward Chesapeake Bay restoration efforts and has continued to see a downward trend for all three pollutants of concern: phosphorous, nitrogen and sediment.

Pennsylvania’s Chesapeake Bay Program is managed by DEP’s Interstate Waters Office. This office coordinates Pennsylvania’s responsibilities as a member of interstate river basin organizations and develops strategies to utilize established river basin commissions and interstate association to advance partnerships. This office encourages and promotes multi-state cooperation to solve common problems.

For more information, call 717-772-4785 or visit www.dep.state.pa.us.

Source: DEP Press Release, 10/16/2014

Improved and More Efficient Geographic Data Will Result from Bill Sent to Governor

Legislation authored by Senator John R. Gordner (R-27) to improve coordination of geospatial information systems (GIS) has passed the House of Representatives and will be presented to Governor Tom Corbett for his signature to become law. [Senate Bill 771](#) creates a joint state advisory board to bring together state, local, private and academic interests currently working with GIS.

“Currently, GIS is used at and depends upon data from all levels of government, but is uncoordinated,” said Senator Gordner. “The ability to coordinate GIS will avoid duplication, result in more accurate and reliable data, and will ultimately reduce costs by reducing redundancies through improved efficiency.”

Senate Bill 771 creates a state advisory board to advise and recommend policies to encourage data sharing and collaboration. As an example, Senator Gordner said better coordination between state, county and federal GIS would be a valuable tool to assist the Commonwealth in working with the federal government on floodplain management issues.

“In our area, we’ve seen the fallout from federal efforts to revamp the National Flood Insurance Program, which has negatively affected a large number of property owners along the Susquehanna River,” said Senator Gordner. “There have been instances of technical errors in the floodplain maps, resulting in developed land unnecessarily designated in higher risk categories.”

The legislation received unanimous approval in both the Senate and the House.

Source: Senator Gordner Press Release, 10/15/2014

PA Unemployment Rate Declines to 5.7% in September

On October 17, 2014, the Pennsylvania Department of Labor & Industry released its employment situation report for September

2014.

Pennsylvania’s unemployment rate declined by one-tenth of a percentage point to 5.7 percent in September. The commonwealth’s rate was two-tenths of a percentage point below the U.S. rate of 5.9 percent. Since September 2013, the state rate was down by 1.6 percentage points while the national rate declined by 1.3.

Pennsylvania’s civilian labor force – the number of people working or looking for work – was essentially unchanged in September. Employment rose by 11,000 persons while unemployment was down 8,000.

Total nonfarm jobs decreased by 9,600 in September to 5,782,600. This was the third consecutive monthly decline and was due to drops in both the private and public sectors. The largest movement in September was a decline of 6,700 trade, transportation & utilities jobs.

Over the year, total nonfarm jobs in Pennsylvania were up 35,400 (+0.6%). The growth was almost entirely within private industries, with the largest gains in trade, transportation & utilities, education & health services, and professional & business services.

Note: The above data are seasonally adjusted. Seasonally adjusted data provide the most valid month-to-month comparison.

Source: Governor’s Press Office, 10/17/2014

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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.