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# WUC

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



## GOVERNMENT RELATIONS UPDATE

### From Gmerek Government Relations, Inc.

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

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## 2015-16 Session of General Assembly to begin on January 6

**O**n Tuesday, January 6, 2015, new, as well as re-elected members, will be sworn into office to open the 2015-16 Session of the General Assembly.

Although the session has not formally begun, members have been busy circulating co-sponsorship memos for the introduction or re-introduction of legislation in the new session.

In addition, committee chairmanships need to be announced, as well as members of the committees.

Governor-elect Tom Wolf and Lt. Governor-elect Mike Stack will be sworn in on Tuesday, January 20, 2015.

## EPA Approves DEP Water Quality Report

**T**he U.S. Environmental Protection Agency (EPA) has approved Pennsylvania's 2014 Integrated Water Quality Monitoring

and Assessment Report, the Department of Environmental Protection (DEP) announced.

Required every two years by the federal Clean Water Act, the report describes the water quality of the state's many streams, rivers, lakes and waterways. The report takes more than 8,700 staff hours to complete and includes a list of waterways that are impaired.

Since the last report in 2012, a total of 333 miles of previously impaired flowing waters and 853 lake acres were restored. In addition, the fish consumption advisories were removed from 11,592 lake acres.

This year there are two major listing changes. The Monongahela River, which was impaired for potable water use, was removed from the impairment list because the in-stream level of sulfates now meets Pennsylvania's water quality standards. The lower main stem of the Susquehanna River will be added to the fish consumption impairment list for channel catfish larger than 20 inches due to polychlorinated biphenyls (PCBs). The recommended consumption rate is no more than one meal per month.

In its letter approving the report, EPA commended DEP's ongoing study of the

Susquehanna River and tributaries. It also recognized DEP's recent efforts to bring together a panel of experts from Pennsylvania Fish and Boat Commission, Susquehanna River Basin Commission, U.S. Geological Survey, U.S. Fish and Wildlife Service, EPA and members of the Susquehanna River Heartland Coalition for Environmental Studies.

This diverse group has been working together to gather and evaluate data related to the Susquehanna River and its tributaries for the Causal Analysis/Diagnosis Decision Information System (CADDIS). The CADDIS panel is tasked with determining the attainment status of the Lower Susquehanna and Juniata rivers for the 2016 Integrated Water Quality Monitoring and Assessment.

DEP will continue and expand its intense studies of the river and tributaries through 2015.

For more information or to view the report, visit [www.dep.state.pa.us](http://www.dep.state.pa.us), keyword: Water Quality.

Source: Governor's Press Office, 12/29/2014

## **DEP Issues Draft Technical Guidance: Designation Criteria for Regulated Small Municipal Separate Storm Sewer Systems (MS4)**

The Department of Environmental Protection (DEP) has published in the Pennsylvania Bulletin draft technical guidance (DEP ID: 385-0820-001) entitled: Designation Criteria for Regulated Small Municipal Separate Storm Sewer Systems (MS4). This technical guidance is for identifying the criteria that the Department uses in designating regulated small MS4s. It describes in more detail automatic designation, designation by the Department with a required evaluation, designation by interconnection, designation by petition and designation of "nontraditional MS4s." This technical guidance is necessary to provide documentation of the designation criteria. The guidance will serve as a clarification of the

procedures that the Department follows to designate a regulated small MS4. By providing a guidance document, the Department can work in cooperation with the potential MS4 communities and "nontraditional" MS4s which may be introduced into the Environmental Protection Agency Phase II Stormwater Program. The guidance will also serve as a public education tool in describing the process of how MS4s will be designated.

Interested persons may submit written comments on this draft technical guidance document by February 2, 2015. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Written comments should be submitted to Ronald C. Furlan, PE, Environmental Program Manager, Department of Environmental Protection, Bureau of Point and Nonpoint Source Management, Division of Planning and Permitting, Rachel Carson State Office Building, P. O. Box 8774, Harrisburg, PA 17105-8774, [RA-EPMS4DSGPOLICY@pa.gov](mailto:RA-EPMS4DSGPOLICY@pa.gov).

Contact: Ronald C. Furlan, (717) 787-8184, [RA-EPMS4DSGPOLICY@pa.gov](mailto:RA-EPMS4DSGPOLICY@pa.gov).

Effective Date: Upon publication of notice as final in the Pennsylvania Bulletin.

Source: PA Bulletin, 1/3/2014

## **DEP Announces Release of Bituminous Mining Subsidence Report**

The Department of Environmental Protection (DEP) has released the fourth in a series of ongoing reports detailing the effects of surface subsidence related to underground bituminous coal mining in Pennsylvania. The report, prepared by the University of Pittsburgh, addresses the effects of mining in Armstrong, Beaver, Cambria, Clearfield, Elk, Greene, Indiana, Jefferson, Somerset and Washington counties.

"This report provides vital information about the significance of bituminous mining on Pennsylvania's landscape," DEP Deputy Secretary

for Active and Abandoned Mine Operations John Stefanko said. “We will use this information to evaluate the effectiveness of our mining program and consider ways to enhance the program in the future.”

The report, mandated by Act 54, details the amount of structures, water supplies and streams undermined during a five-year assessment period. It also provides an overview of the type of effects to surface structures and surface features, as well as information on how long it took to resolve those issues. Three previous Act 54 reports covered 1993 through 2008.

According to the report, there were 46 underground coal mines active during the reporting period beneath 31,343 acres of land, an 18 percent decline in the amount of land undermined during the previous five-year assessment period. In total, there were approximately 1,250 different “effects,” or incidents reported to DEP during this most recent five-year period by its staff, coal companies or land owners.

Other findings of the report include:

- Since the last assessment, DEP has been able to identify more than double the amount of pre-mining wetland acreage due to improved techniques • Continued study is warranted to assess wetland mitigation sites, if required, to make sure that the sites achieve proposed functionality.
- Total biological scores, a measure of the insect life, show improvement over time at sites impacted by flow loss.
- Gate cut mitigation, a method of leveling-out land that has experienced subsidence, has emerged as a successful tool to restore streams to their pre-mining condition.
- A technical guidance document, titled Surface Water Protection – Underground Bituminous Coal Mining Operations, which was put in place in 2007, has improved the way DEP quantifies and interprets impacts to surface waters.

- DEP has increased the amount and type of data required to make permit decisions related to mining activities • Data management and storage must be enhanced and standardized in order to efficiently enforce the requirements of Act 54 and its implementing regulations.

The report was prepared by the University of Pittsburgh’s Departments of Biological Sciences, Geology and Planetary Science, Civil and Environmental Engineering. The University was selected to conduct the study because it employs faculty and research staff with the expertise to review all aspects of the effects of mining-related subsidence.

Representatives from the university will present their findings to DEP’s Citizens Advisory Council during an upcoming meeting. The meeting is public, and a date will be posted to DEP’s online calendar in the near future.

Act 54 was passed in 1994 and requires DEP to assess the impacts of underground bituminous coal mining on surface features. It expanded the list of structures for which mine operators were liable and held deep mine operators legally responsible for mining-related impacts to water supplies for the first time in Pennsylvania’s history.

The report illustrates the subsidence potential for active mines. Abandoned mines also pose a danger, so it is important for those owning property above abandoned underground mines to insure themselves and their belongings against subsidence-related damage.

DEP offers Mine Subsidence Insurance (MSI) to residents owning property above abandoned mines. Mine subsidence insurance is as affordable as ever, costing about 26 cents a day to insure homes, businesses and other structures.

Currently, there are 58,146 MSI policies that cover approximately \$ 10.34 billion in property.

To learn more about MSI, visit [www.dep.state.pa.us/msihomeowners](http://www.dep.state.pa.us/msihomeowners).

To learn more about Act 54 or to read the report, visit [www.dep.state.pa.us](http://www.dep.state.pa.us) , keyword: Act 54.

Source: DEP Press Release, 12/30/2014

## DEP Finalizes Policy on Oil & Gas Spill Reporting, Cleanup

The Department of Environmental Protection finalized one of two enforcement and investigative policies related to oil and gas and other spill reporting and cleanup, according to a notice published in the [January 3 PA Bulletin](#).

The policy-- DEP ID: 260-0500-001- Policy for Coordinating Immediate Responses and Final Remediation of Spills and Releases-- summarizes how the Department oversees immediate responses and final remediation of spills and releases of regulated substances onto soils.

The purpose of the policy is to facilitate the consistent investigation of and the response to spills and to coordinate immediate response needs with final remediation endpoints.

The other guidance dealing with a proposed new Oil and Gas Program enforcement policy has not yet been finalized.

A copy of the policy will be made available on [DEP's website](#). For more information, contact Randy Roush by calling 717-787-1566 or send email to: [raroush@pa.gov](mailto:raroush@pa.gov).

Source: PA Environmental Digest, 1/3/2015

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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.*