



GOVERNMENT RELATIONS UPDATE From Gmerek Government Relations, Inc.

212 Locust Street ♦ Suite 300 ♦ Harrisburg, PA 17101 ♦ Phone: 717-234-8525 ♦ Cell: 717-574-3963 ♦ Fax: 717-234-8812 ♦ Erik A. Ross, Senior Lobbyist ♦ www.ggrgov.com

Harrisburg, PA

eross@ggrgov.com

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

EPA Releases EJSCREEN, an Environmental Justice Screening and Mapping Tool

On June 10, 2015, the U.S. Environmental Protection Agency (EPA) released EJSCREEN, an environmental justice screening and mapping tool that uses high resolution maps combined with demographic and environmental data to identify places with potentially elevated environmental burdens and vulnerable populations. EJSCREEN's simple to understand color-coded maps, bar charts, and reports enable users to better understand areas in need of increased environmental protection, health care access, housing, infrastructure improvement, community revitalization, and climate resilience.

"EJSCREEN provides essential information to anyone seeking greater visibility and awareness about the impacts of pollution in American communities," said EPA Administrator Gina McCarthy. "EJSCREEN has been a valuable resource for EPA to advance our commitment to protect Americans most vulnerable to pollution. I'm excited to share this tool with the public to broaden its impact, build transparency, and foster

collaboration with partners working to achieve environmental justice.

"State environmental agencies appreciate EPA's collaborative work on the use and release of this important tool," said Dick Pedersen, Director of Oregon's Department of Environmental Quality and past President of the Environmental Council of States. "Citizens having access to environmental and demographic data is extremely important in helping states implement environmental programs and ensure public health and environmental protection for all. To that end, EJSCREEN facilitates vital citizen engagement."

EJSCREEN can help governments, academic institutions, local communities, and other stakeholders to highlight communities with greater risk of exposure to pollution based on 8 pollution and environmental indicators, including traffic proximity, particulate matter, and proximity to superfund sites. These indicators are combined with demographic data from the U.S. Census Bureau American Community 5-year Summary Survey enabling users to identify areas with minority or low-income populations who also face potential pollution issues.

EJSCREEN's capabilities could provide support for educational programs, grant writing, and

community awareness efforts so that users can participate meaningfully in decision-making processes that impact their health and environment. While EJSCREEN is being shared publicly to improve work on environmental justice, EPA is not mandating state governments or other entities use the tool or its underlying data.

EJSCREEN does not direct EPA decisions; it does not provide a basis for identifying areas as EJ communities, and it is not an appropriate standalone tool for making a risk assessment. As a screening tool, its data may have levels of uncertainty, and is therefore incomplete in capturing the total number of pollution problems people face.

Today's release of EJSCREEN initiates a stakeholder engagement period over the next six months. EPA will collect feedback on the datasets and design of the tool - as well as how it could be further enhanced - and will release a revised version in 2016.

Environmental justice is defined as the fair treatment and meaningful involvement of all people, regardless of race or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA's goal is to provide all people with equal access to the environmental decision-making process to maintain a healthy environment in which to live, learn, and work.

To access the tool, visit:
<http://www2.epa.gov/ejscreen>.

Source: EPA Press Release, 6/10/2015

New EPA Video: Science Safeguards Drinking Water from Harmful Algal Blooms

Toxins from harmful algal blooms are increasingly contaminating source waters, as well as the drinking water treatment facilities that source waters supply. EPA researchers are helping the treatment facilities find safe, cost effective ways to remove the toxins and keep your drinking water safe.

Click [here](#) to see the video.

For more information on EPA science related to HABs, please visit <http://www2.epa.gov/water-research>

Source: EPA Water Headlines, 6/10/2015

EPA Updates General Permit for Stormwater Discharges from Industrial Activities

On June 5, 2015, EPA finalized its updated Multi-Sector General Permit (MSGP) to regulate stormwater discharges from industrial facilities. The permit will help protect our nation's waterways from industrial sector pollutants, which can degrade aquatic ecosystems, increase drinking water treatment costs, and impair the recreational use and aesthetic value of waterways. The permit's provisions are largely similar to the expired MSGP issued in 2008. However, EPA made some changes to streamline the permit, enhance environmental protections, and improve clarity.

Read [more](#).

Source: EPA Water Headlines, 6/10/2015

Senate Confirms John Quigley as Secretary of DEP

Members of the state Senate on June 3 confirmed Gov. Tom Wolf's nomination of John Quigley as Secretary of the Department of Environmental Protection. Quigley was confirmed along with Education Secretary Pedro Rivera and Insurance Commissioner Teresa Miller.

"Secretary Pedro Rivera, Secretary John Quigley, and Commissioner Teresa Miller are capable and qualified leaders that are ready to take on the challenges that face Pennsylvanians in providing a quality education for our students, protecting and supporting the viability of our

environment, and supporting protections and peace of mind for consumers."

During testimony before members of the Senate Environmental Resources and Energy Committee on June 2, Quigley talked about Gov. Wolf's proposed comprehensive energy policy and how it will strike the right balance of supporting the rapid development of the natural gas industry with environmental protection.

"We think it's a process that will demonstrate to the country and the world how to achieve that balance, how to make sure this development happens responsibly, how we can get to the win-wins, how government can work to provide jobs that pay," Quigley said. "It's a great opportunity and its part of the Governor's balanced approach of the right regulations, the right energy policy and the right supports to make sure this wave of resource extraction in Pennsylvania is done right and to the highest standard."

To learn more about Secretary Quigley's career, read his Wikipedia [page](#).

Source: DEP News, 6/11/2015

DEP Hears Testimony on Injection Well Proposal in Indiana County

More than 100 people attended a DEP public hearing on a proposal by Pennsylvania General Energy (PGE) to convert a gas production well to an injection well for waste water from the Oil and Gas industry in Grant Township, Indiana County.

The hearing was hosted by staff from DEP's Southwest Regional Oil and Gas program who are currently reviewing PGE's permit application.

As with all injection wells in Pennsylvania, the Environmental Protection Agency must first approve the company's proposal for what it will inject into the well.

DEP issues its permit on the well hole integrity—not the location or what is being injected into the well.

Twenty-five people signed up to testify at the hearing. Nearly all the speakers were opposed to the plan. There is no timeline as to when DEP will decide on this application.

Source: DEP News, 6/11/2015

PUC Adopts Final Implementation Order for Chapter 14

On June 11, 2015, the Pennsylvania Public Utility Commission (PUC) adopted final rules regarding the implementation of Chapter 14 of the Public Utility Code (Chapter 14).

The Commission voted 5-0 to adopt the Final Implementation Order, which addresses two areas:

- New utility reporting requirements; and
- The new definition of medical certificate.

The Order addresses Chapter 56 of the Public Utility Code (Chapter 56), which is partially superseded by Act 155 of 2014 (Act 155), which reauthorized and amended Chapter 14. The Order provides guidance to utilities for the new requirement that requires them to report residential account balances that exceed \$10,000. The Commission expects to address all clarification issues in an upcoming rulemaking to bring Chapter 56 of the Public Utility Code into alignment with Act 155.

Commissioner Robert F. Powelson issued a motion related to Chapter 14's definition of medical certificates. Prior to Act 155, the Public Utility Code contained no definition for medical certificates. The definition was administered by Chapter 56 of Commission regulations, which allowed for written or oral certification. Several Pennsylvania utilities sought guidance on whether the current practice of accepting verbal medical certificates is still acceptable in light of the changes to Chapter 14.

Act 155 added the following definition to Chapter 14 the Public Utility Code: “A written document, in a form approved by the Commission: 1) certifying that a customer or member of the customer’s household is seriously ill or has been diagnosed with a medical condition which requires the continuation of service to treat the medical condition; and 2) signed by a licensed physician, nurse practitioner or physician’s assistant.”

“In adding the above definition to Chapter 14, the General Assembly gave clear and unambiguous direction on two key aspects of medical certificates: that they be written documents and that they be signed. Section 56.113’s allowance of verbal medical certificates is legally incompatible with this new definition,” said Commissioner Powelson in his [motion](#). “I believe allowing the status quo regarding verbal medical certificates would subvert the intent of the legislature’s inclusion of the ‘written’ and ‘signed’ requirements.”

Act 155 was signed into law on Oct. 22, 2014, by Governor Tom Corbett. It amends Chapters 5, 14, 22 and 28 of the Public Utility Code. In addition to establishing a definition for medical certificate, Act 155 allows the PUC to: 1) establish annual fees to fund the Commission’s oversight of natural gas suppliers and electric generation suppliers; 2) include the intrastate operating revenues of licensed entities in determining its budget cap; and 3) exclude from its budget cap funds received from the federal government and other sources to perform functions unrelated to the Commission’s jurisdictional regulation.

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” Pennsylvania Public Utility

Commission on Facebook for easy access to information on utility issues.

Docket No. M-2014-2448824

Source: PUC Press Release, 6/11/2015

DEP Solicits Comments on Draft Revised Municipal Separate Storm Sewer System Permit

DEP invites local governments, engineers, environmental groups, and the general public to comment on the proposed changes to the National Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4).

The proposal updates the requirements for entities applying for new MS4 permits, new or reissued, to better control pollution caused by stormwater. One of the updates requires some MS4 entities to prepare pollution control plans before submitting their next MS4 application to DEP and to apply a public participation process to those plans.

Source: DEP News, 6/11/2015

PUC Announces Appointments to Its Consumer Advisory Council

On June 11, 2015, the Pennsylvania Public Utility Commission (PUC) announced appointments to its Consumer Advisory Council (CAC), which provides input to the PUC on issues important to utility customers.

The Commission appointed the following CAC members to two-year terms from July 1, 2015, through June 30, 2017: Lillian Carpenter; Patrick M. Cicero; Timothy B. Hennessey; Renardo L. (Rick) Hicks; Chad Quinn; Dr. Tina M. Serafini;

Lee Tolbert; and Joseph E. Toner III. The Commission also ratified the following appointments of other state officials: Troy T. Geanopoulos; Ralph G. Douglass; George J. Silvestri Jr.; William J. Sterner; and Javier R. Toro.

The following appointments were made by state officials and ratified today by the Commission:

- **Troy T. Geanopoulos**, founder of several energy efficiency companies over the past 20 years, is currently the co-founder and Chief Executive Officer of The Efficiency Network (TEN), a tech-enabled provider of building efficiency services headquartered in Pittsburgh. Geanopoulos was appointed by Lt. Gov. Mike Stack.
- **Ralph G. Douglass**, of Bensalem, Bucks County, was reappointed by Sen. Robert M. Tomlinson (R-Bucks), the Majority Chairman of the Consumer Protection and Professional Licensure Committee. Douglass is semi-retired from service as President of PECA Inc., an electronics design and manufacturing firm.
- **George J. Silvestri Jr.**, of Souderton, Montgomery County, was reappointed by Rep. Robert W. Godshall (R-Montgomery), the Majority Chairman of the House Consumer Affairs Committee. Silvestri is an author and a retired engineer in the Power Generation Division of the Westinghouse Electric Corp.
- **William J. Sterner**, of Charleroi, Washington County, was reappointed by Rep. Peter J. Daley (D-Washington), the Minority Chairman of the House Consumer Affairs Committee. Sterner is a retired Allegheny Power lineman; former Utility Workers Union of America (UWUA), System Local 102, President; and Vice-President of Twilight Borough Council.
- **Javier R. Toro**, of Fountain Hill, Lehigh County, was appointed by Sen. Lisa M. Boscola (D-Lehigh), the Minority Chair of the Senate Consumer Protection and Professional Licensure Committee. He is a Customer Care Supervisor for the Community Action Committee of the Lehigh Valley, and also is responsible for weatherization.

The Commission appointed Patrick M. Cicero of Mechanicsburg, Cumberland County. Cicero is Co-Director of Pennsylvania Utility Law Project

(PULP) and will become Director of PULP in July, replacing Harry Geller, a former Chairman and currently Vice Chairman of the CAC.

The Commission also reappointed the following Council members today:

- **Lillian Carpenter**, a retired educator from Pittsburgh, is a former member of the Pittsburgh Board of Education, and a member of the Board of Directors of the Pittsburgh Homeless Children's Education Fund.
- **Timothy B. Hennessey** is co-owner of Alliance Global, a business development company in Pottstown, Montgomery County, with a master's degree from the Fels Institute of Government at the University of Pennsylvania. He currently is the Chairman of the CAC.
- **Renardo L. (Rick) Hicks** is a shareholder of the law firm R.L. Hicks & Associates.
- **Chad Quinn** is Chief Executive Officer of Pittsburgh-based Dollar Energy Fund.
- **Dr. Tina M. Serafini** is a professor, curriculum designer/consultant, and trainer for T.M. Serafini & Associates LLC, and a resident of Clearfield.
- **Lee Tolbert** is President of the West Philadelphia Coalition of Neighborhoods.
- **Joseph E. Toner III** is Chairman of the Uwchlan Township Board of Supervisors and President of the Chester County Association of Township Officials.

The Consumer Advisory Council advises the PUC Commissioners on matters related to the protection of consumer interests under the jurisdiction of the PUC. Council meetings are held bimonthly and are open to the public.

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, 6/11/2015

Maher Bill Strengthens Environmental Quality Board

The House has advanced legislation, sponsored by Rep. John Maher (R-Allegheny/Washington), majority chairman of the House Environmental Resources and Energy Committee, which would help to ensure the integrity of the rules and regulations governing Pennsylvania environmental law.

In Pennsylvania, all environmental regulations are issued by the Environmental Quality Board (EQB). Despite the complicated legal issues often involved, the EQB has never had its own legal counsel, instead depending on legal judgments of lawyers who have no duty to the EQB or its members. [House Bill 1099](#) would require the Department of Environmental Protection (DEP) to appoint an independent legal counsel who would have a clear duty to the EQB. The independent counsel would assist EQB members on issues and actions before the board, and would provide advice on procedural matters.

"Clean air, water and land are important to all Pennsylvanians," Maher said. "The Environmental Quality Board is comprised of a variety of cabinet secretaries, heads of boards and commissions and members of the General Assembly. It makes decisions that affect the health and safety of our environment and Pennsylvania citizens, but despite its important role, the EQB has no attorney with a clear duty to call straight-forward balls and strikes on legal issues."

In order to avoid a structural conflict of interest – real or perceived – Maher is proposing the appointment of an independent counsel to the board.

To ensure independence, Maher's bill would also protect the confidentiality of communication between counsel and individual members.

House Bill 1099 now goes to the Senate for consideration.

Source: Rep. Maher Press Release, 6/10/2015

Senate Panel Hears Testimony on Efforts to Safely Transport Crude Oil on PA Rail Network

The state Senate Transportation Committee and the Senate Environmental Resources and Energy Committee held a joint hearing on June 9, 2015 in Harrisburg to hear testimony on ways to improve the safe transportation of energy products along Pennsylvania's rail network.

The Committees heard testimony from representatives of the Governor's Office, energy companies, rail companies, emergency responders and the Public Utility Commission regarding efforts to prevent, prepare for and respond to derailments and other rail freight accidents.

"This hearing has been vital in gathering information on how energy products, including crude oil, are moved through Pennsylvania, how local, state and federal governments can work together to address rail safety, and what resources are needed to protect communities," said Senator John.

Rafferty, Chairman of the Senate Transportation Committee. "We were interested to learn more about safely moving these products across the state and work swiftly and proactively with various stakeholders to implement new safeguards."

"Transportation by rail is obviously really important," said Senator Gene Yaw, Chairman of the Senate Environmental Resources and Energy Committee. "The United States is blessed with all of the energy possibilities that it has, but we need to get all those products to market. Rail is one way we

can get those products to market. As Committee Chairmen, Sen. Rafferty and I are continuously working to ensure that these products are shipped safely and efficiently across the Commonwealth.

Pennsylvania has the most operating railroad companies of any state, with a total of 57 across the state – ranging from the largest Class I railroads, moving long trains of goods along busy main line tracks to small “short line” railroads that may serve a short list of industries in a small area, moving a few cars at a time.

While testifiers emphasized that North America’s rail networks moves almost all of its hazardous material shipments to their destination without incident, they said that coordination, planning and being prepared are crucial to prevent accidents.

Testifiers also said proactive efforts are being made by government agencies, the railroad companies, the oil industry and emergency response agencies to avoid a major loss of life, the impact of a serious environmental disaster and to minimize considerable energy and utility losses.

They emphasized that Pennsylvania needs to take comprehensive approach to prevent train derailments, comply with new federal guidelines and give first responders the knowledge and tools they need to respond to incidents.

“In recent years, we have seen significant increases to U.S. oil and natural gas production improve economic growth and promote energy independence,” Rafferty said. “We now need to continue implementing sound policy decisions to secure a prosperous Commonwealth for the decades ahead.”

“Through communication, cooperation and coordination we can make rail transportation even safer and provide assurances to communities that we have good plans in place to address this important issue,” Yaw added.

Source: Senate Republican Communications, 6/9/2015

EPA: PA Substantially Off Track Meeting Chesapeake Bay Commitments

The U.S. Environmental Protection Agency Thursday reported Pennsylvania is “[substantially off track](#)” in meeting its nitrogen and sediment reduction milestones for agriculture and urban/ suburban stormwater, two of the state’s biggest sectors.

More ominously, EPA said Pennsylvania is at “backstop action levels” for these same sectors, meaning EPA has more than enough justification to develop its own plan for meeting Chesapeake Bay milestone requirements in the state.

Wastewater treatment plants in Pennsylvania, in contrast, are on track to meet permit limits and their nitrogen and phosphorus reductions.

EPA also said Pennsylvania will have to finalize changes to its Nutrient Credit Trading to resolve objections from EPA.

These conclusions are part of an interim assessment state progress in meeting the 2014-15 milestones and implementation of Pennsylvania’s Watershed Implementation Plan.

For more details and the complete report, visit EPA’s Chesapeake Bay TMDL [webpage](#).

Source: PA Environmental Digest, 6/15/2015

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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.