
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
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DEP Lifts Drought Watch for 37 Counties Across PA

The Department of Environmental Protection (DEP) lifted the drought watch declaration for 37 counties throughout Pennsylvania, based on recommendations from the Pennsylvania Drought Task Force. No counties remain on drought watch.

"We have seen an increase in rainfall in many parts of the state that has restored groundwater levels and streamflow," DEP Secretary John Quigley said. "While conditions have improved, I would encourage all Pennsylvanians to continue to consider their water use and conserve whenever possible."

The drought watch was issued on March 24 for Berks, Bradford, Cambria, Carbon, Clinton, Columbia, Indiana, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Monroe, Montour, Northumberland, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Westmoreland, and Wyoming counties. It was expanded on June 17 for Bedford, Blair, Centre, Franklin, Fulton, Huntingdon, Juniata, Lehigh, Mifflin, and Northampton counties.

The drought watch was declared because of below-average precipitation in the fall, winter and spring months which led to lower than normal groundwater levels. However, precipitation during the month of June was above average and a review of county monitoring gauges shows that the 30-day average stream flows and groundwater levels have risen to normal or above normal conditions across the state.

The Pennsylvania Drought Task Force uses reports and forecasts from the National Weather Service and U.S. Geological Survey, as well as analysis from DEP's drought monitoring program, to make its recommendations on issuing and lifting declarations. The task force, led by DEP, will continue to monitor conditions across the state.

A drought watch declaration is the first and least-severe level of the state's three drought classifications. It calls for a voluntary five percent reduction in non-essential water use and puts large water consumers on notice to begin planning for the possibility of reduced water supplies.

Water conservation tips and additional drought information are available by clicking [here](http://www.dep.state.pa.us) or visiting DEP's website, www.dep.state.pa.us, keyword: drought.

Source: DEP Press Release, 7/10/2015

Recreational Restrictions Lifted on Conewago Creek near Site of Miller Chemical Fire

Cleanup efforts continue at the site of the June 8 fire at Miller Chemical, a fertilizer plant in Adams County.

Recreational restrictions have been lifted for the Conewago Creek after water samples taken at various times and locations since the fire indicate the waterway is again suitable for fishing, swimming and boating.

Contaminated runoff water and soil currently stored onsite is being hauled to treatment facilities for proper disposal. Debris from the fire and contaminated soil is being taken to a local landfill.

Read [more](#).

Source: DEP News, 7/9/2015

A HISTORIC WIN FOR CLEAN WATER: Court of Appeals Denies Farm Bureau Group Appeal

A federal Third Circuit Court of Appeals opinion, released July 6, 2015, upholds a lower court decision that affirmed the legality of the multi-state Chesapeake Bay clean-up effort. The historic ruling found in favor of EPA, the Chesapeake Bay Foundation (CBF), and other interveners. It will ensure that efforts to clean up local rivers, streams, and the Chesapeake Bay will continue.

"This is a great day for everyone who cares about clean water and the Chesapeake Bay," said CBF President William C. Baker. "In a case challenging EPA's Clean Water Act authorities, the Third Circuit Court in Philadelphia has spoken. The

Court affirmed the same, reasoned decision offered by the lower court."

After decades of failed voluntary efforts, and as part of the settlement of a 2008 Clean Water Act lawsuit by CBF in December of 2010, EPA established science-based limits on the pollution fouling the Chesapeake Bay and its rivers and streams (formally known as a Total Maximum Daily Load, or TMDL). In addition, the states developed individual plans on how to achieve those limits and committed to two-year milestones that outline the actions they will take to achieve those limits, and EPA promised consequences for failure. Together, the limits, plans, and milestones make up the Chesapeake Clean Water Blueprint.

The opinion stated:

"The Chesapeake Bay TMDL will require sacrifice by many, but that is a consequence of the tremendous effort it will take to restore health to the Bay-to make it once again a part of our "land of living," Robert Frost, The Gift Outright line 10-a goal our elected representatives have repeatedly endorsed. Farm Bureau's arguments to the contrary are unpersuasive, and thus we affirm the careful and thorough opinion of the District Court."

"It is now critical that the Governors of the Bay states and the Environmental Protection Agency Administrator exert leadership to fully implement the Blueprint," Baker said. "The U.S. Department of Agriculture must provide additional technical and financial assistance to Pennsylvania in order to accelerate efforts to reduce pollution from agriculture."

Within weeks of the announcement of pollution limits, the American Farm Bureau Federation and others challenged EPA's action in federal court. The Chesapeake Bay Foundation joined the case as a defendant and argued in support of EPA's Clean Water Act authorities.

In that precedent-setting case, Judge Sylvia Rambo ruled decisively in favor of EPA. She resoundingly rejected each of the plaintiffs' complaints, affirmed the Blueprint's sound legal standing, and complimented the "cooperative

federalism" the states and EPA exhibited in developing the Blueprint.

"Instead of embracing the concept of 'cooperative federalism' and supporting the hard work of the states and EPA to develop science-based pollution limits and individual state plans to achieve those limits, the Farm Bureau and its allies have fought EPA and the States every step of the way," said CBF Vice President for Litigation, Jon Mueller. "We can only imagine how successful the Bay Blueprint would be if these groups supported rather than opposed efforts to reduce pollution."

Many eyes around the country are watching this case. The dead zones, harmful algal blooms, and human health risks caused by nitrogen and phosphorus pollution occur in waters across the country. Attorneys General from 21 states, many in the mid-West, sided with the Farm Bureau. Weighing in with EPA and CBF were cities from New York to San Francisco; Maryland, Virginia, and the District of Columbia; environmental and conservation groups from Florida to the Great Lakes; and a distinguished group of law professors.

The American Farm Bureau Federation and its allies have 90 days to seek an appeal to the U.S. Supreme Court.

"Instead, we urge them to put their energy and money into working with us to reduce agricultural pollution - the largest source of pollution degrading the Bay - and to reach what we hope is a common objective - clean water for everyone. If we work together, the goals of the most basic clean water law of the land will be realized," Baker added. "Our waters will be safer, our health protected, and our economies stronger. And, we will have proven that restoration is achievable."

Source: CBF Press Release, 7/6/2015

DEP Marks Agency's 20th Anniversary

DEP recently celebrated its 20th anniversary on July 1. The agency was created by Act 18 of 1995, which split the then-Department of Environmental Resources into the

Department of Environmental Protection and the Department of Conservation and Natural Resources.

The Department of Environmental Resources was created by Act 275 of 1970, which abolished the Department of Forest and Waters. The Department of Forest and Waters was created by the General Assembly in 1901.

Watch Secretary Quigley's message to employees [here](#).

Source: DEP News, 7/9/2015

PUC to Consumers: Five Key Questions to Ask If You Receive Unwanted Telemarketing Calls About Utility Service

In light of recent customer reports of unsolicited, automated marketing calls, the Pennsylvania Public Utility Commission (PUC) reminds consumers to gather as much information from callers as possible before filing a complaint with the PUC.

"There are several consumer protections available for customers to opt out of telemarketing calls, and we are sensitive to the fact that some consumers who have opted out are still receiving these calls from energy suppliers," said PUC Chairman Gladys M. Brown. "We encourage residents who receive unsolicited calls from any PUC-regulated entity to file an informal complaint with the PUC, but we sometimes receive complaints with incomplete information. In order to better serve and protect consumers, we need some important details to support these filings."

The PUC recommends that consumers ask the following five questions prior to filing a Commission complaint:

1. What is the company's name?
2. Did you give consent to the company to receive marketing calls by providing your phone number?

3. If you gave consent, did you later revoke it or make it clear you no longer wished to receive calls?
4. Did you register with the state Do Not Call List and/or the federal Do Not Call Registry?
5. How many calls did you receive without consent, and in what time frame?

After asking the questions above in order to gather information and to verify that all actions have been taken to prevent telemarketing calls, consumers who receive unwanted calls are urged to file an informal complaint on the Commission's [website](#) or by calling 1-800-692-7380. The Commission recently released a new [Consumer Complaint Procedures Guide](#) and a [tri-fold brochure](#) to educate consumers about the Commission's complaint process.

Consumers can register for free with the state and/or federal "do not call" lists. Consumers can register with the federal Do Not Call Registry at www.donotcall.gov or by calling 1-888-382-1222. Consumers also can register with the Pennsylvania [Do Not Call List](#) or by calling 1-888-777-3406. Consumers should note that telemarketers have 30 days to remove Do Not Call registrants from their call lists, and registration in either database is good for five years.

As an additional defense against unwanted automated or pre-recorded calls, the Federal Communications Commission's (FCC's) Telephone Consumer Protection Act (TCPA) prohibits businesses from making unsolicited automated or pre-recorded calls unless the entity has received prior, explicit consent from the consumer. The consent can be by phone, email, website form, text message or voice recording. The law also bans unsolicited marketing from being sent to fax machines, computers and other devices. In June, the FCC adopted new [rules](#) giving consumers more ways to stop unwanted calls. Consumers also can file a [complaint](#) with the FCC.

The TCPA is intended to build on the Do Not Call Registry's effectiveness by closing loopholes and ensuring that consumers are fully protected from unwanted calls, including those not covered by the Registry, according to the FCC.

"Customers who have registered with do not call lists and have not provided clear consent to receive marketing calls should be cautious of a supplier who calls - that supplier is already violating the law," said Chairman Brown. "If your conversation begins with an illegal call, that is a potential red flag for the company, and we want to hear about it."

The Commission reminds consumers that the eligible [customer lists](#) maintained by electric utilities, which are collected with customer consent and include customer information such as historic usage and addresses, do not include telephone numbers and are therefore unrelated to telemarketing calls.

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.

Source: PUC Press Release, 7/10/2015

DEP: Availability of the National Pollutant Discharge Elimination System General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines (PAG-10)

The Department of Environmental Protection (DEP), announced the availability of the National Pollution Discharge Elimination System (NPDES) PAG-10 General Permit for

Discharges from Hydrostatic Testing of Tanks and Pipelines (PAG-10). The General Permit will become effective at 12 a.m. on July 11, 2015. A list of changes made to the final PAG-10 General Permit may be found in the Pennsylvania Bulletin. Questions may be directed to Andrew Gaul, (717) 787-0129, agaul@pa.gov.

Source: PA Bulletin, [7/11/2015](#)

States Protect Drinking Water from Potential Shale Energy Risks

As shale energy development becomes a leading source of the nation's energy supply, protecting drinking water resources is an increasing concern.

Governors are at the forefront of efforts to protect resources from the associated risks of shale energy development, which include addressing concerns with water quantity and quality and the potential for induced seismicity associated with wastewater disposal, according to a paper released today by the National Governors Association (NGA).

[State Practices to Protect Drinking Water Resources While Developing Shale Energy](#) looks at factors governors should consider when developing practices to protect ground and surface water that can potentially be used for drinking and food production. Those factors include:

- Reducing the amount of water used in hydraulic fracturing;
- Ensuring the integrity of wells during drilling and post-drilling to minimize risks to ground water;
- Managing the risks of water contamination from hydraulic fracturing fluid;
- Mitigating the risks of wastewater contamination and seismicity; and
- Leveraging the unique role of governors to enhance coordination, communication and research capacity.

“Water is our nation’s most important natural resource,” said Wyoming Gov. Matt Mead. “State policies balance protection with responsible energy development. Wyoming was the first state to regulate fracking and one of the first states to establish baseline water rules. States are in the best position to make the right policy decisions for these resources.”

To learn more about the NGA Center for Best Practices Environment, Energy & Transportation Division, please visit www.nga.org/cms/center/eet.

Source: NGA Press Release, 7/9/2015

Senate, House Leaders Dismayed by Governor Wolf’s Planned Pension Veto

Senate President Pro Tempore Joe Scarnati (R-25), Senate Majority Leader Jake Corman (R-34), Senate Appropriations Committee Chairman Pat Browne (R-16), Speaker of the House Mike Turzai (R-28), House Majority Leader Dave Reed (R-62) and House Appropriations Committee Chairman Bill Adolph (R-165) have issued the following statement regarding Governor Wolf’s planned veto of pension reform legislation:

“We are dismayed by Governor Wolf’s comments on KQV radio today stating that he will veto the pension reform package because ‘it’s still not good for employees moving forward...we’re not going to attract good employees to our system with that part of the pension bill.’ Further, the notion that we are close to a compromise on a pension reform plan, when we only learned this morning of the veto via the press, is a bit disingenuous.

“It is remarkable that Governor Wolf would oppose a proposal to move new public employees into a 401k-style retirement plan which he, himself, adopted for his employees at Wolf Organization. Apparently, the Governor believes this type of plan, which is common in the private sector, is adequate for most hard working Pennsylvanians, but not for legislators or members of public employee unions.

“With this planned veto, he is rejecting tangible, systematic changes to reform the public employee pension systems, which are currently the number one reason for property tax increases. Governor Wolf’s plan to borrow to pay pensions does not fix the problem. We have clearly seen that Governor Wolf’s actions speak louder than his words on wanting to provide property tax relief.

“We are unsettled by his continued willingness to bow to the desires of special interests while disregarding what the people of Pennsylvania recognize as needed reform. The reality is that with this veto, Governor Wolf will be taking another step to ensure Pennsylvanians pay significantly higher taxes, in order to fund an outdated retirement system which is out of step with what average Pennsylvanians receive.

“In the last 10 days the Governor has vetoed a balanced, no-tax-increase budget; an historic liquor privatization plan to finally give consumers convenience and choice when purchasing alcohol; and now today has said he will veto a pension reform bill that would save taxpayers over \$10 billion. Instead of working with the General Assembly to move Pennsylvania forward, Governor Wolf continues to be fixated on massive income and sales tax increases. For someone who has pledged to create a ‘government that works,’ he’s certainly doing everything he can to make sure it doesn’t.”

Source: Senate Republican Communications, 7/9/2015

Governor Wolf Vetoes Senate Bill 1

On July 9, 2015, Governor Tom Wolf vetoed Senate Bill 1. The governor released the following statement:

"I understand the need for pension reform, but this legislation provides no immediate cost savings to taxpayers and does not maximize long-term savings for taxpayers. We need pension reform that works. There are provisions within this legislation, which as part of a comprehensive pension proposal I could support; however, Senate Bill 1 does not

address the problems facing our pension system comprehensively and fairly.

"The plan I delivered to the General Assembly would save at least \$10 billion, while at the same time ensuring that the commonwealth will make all actuarially required contributions to fund our future pension obligations and reducing the burden placed on the commonwealth and school districts in the short term. Since my budget proposal I have found and shared an added \$7 billion in savings, a total of \$17 billion in savings to our retirement systems, which I have communicated to the General Assembly. Furthermore, the plan I proposed would reduce the over \$700 million in fees paid annually to Wall Street firms to manage our investments, Senate Bill 1 does not address these excessive fees.

"This legislation was pushed through without negotiation by Republicans along with an unbalanced budget, and this legislation produces no savings to our deficit in the next fiscal year. We need a comprehensive agreement on the issues facing Pennsylvania including education funding, the need for a commonsense severance tax on natural gas, balancing our budget for the long term, and pension reform.

"Furthermore, during my consideration of this legislation, it became clear that this legislation violates federal tax law as it would be considered an impermissible cash or deferred arrangement (CODA). In addition, the bill forces newly-hired employees to pay down the unfunded liability of existing pension plans, caused by years of government failure to make necessary payments, while denying those new employees the full benefit of their contributions.

"I urge the General Assembly to resume negotiations and work to enact a comprehensive plan that will balance our budget, invest in our schools, make oil and gas companies pay their fair share, and solve Pennsylvania's pension problem."

Source: Governor's Press Office, 7/9/2015

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