
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*

PennDOT Schedules Public Meetings for Review of Update

On August 31, 2015, PennDOT announced that it has scheduled three open houses for the public and stakeholders to review the draft for the update of the Pennsylvania State Rail plan.

The plan allows the commonwealth to identify a clear vision for the future of rail transportation, to set objectives for achieving that vision, and to document and evaluate passenger and freight rail needs over the course of the next twenty five years to guide investments.

"Pennsylvania is a railroad state with a long history being in the forefront of this mode of transportation," said PennDOT Secretary Leslie S. Richards. "Our dynamic and ever evolving long-range rail plan is intended to maintain that legacy and help direct our investments to keep both freight and passenger rail as vibrant components of our transportation network. We look to our residents and stakeholders to use these open houses to help us shape the plan."

The Pennsylvania Department of Transportation (PennDOT) works with the Federal Railroad Administration (FRA) on the update.

Scheduled meetings are:

- Sept. 15, Pittsburgh Amtrak Station, 1100 Liberty Avenue, Pittsburgh, PA 15222
- Sept. 16, Centre region Council of Governments, 2643 Gateway Drive, State College, PA 16801
- Sept. 17, Amtrak 30th Street Station, 2955 Market Street, Philadelphia, PA 19107

All sessions run from 6 to 8 p.m.

The updated plan is to be submitted to FRA in November.

The draft 2015 Pennsylvania State Rail Plan can also be reviewed and comments provided at <http://www.planthekeystone.com/staterailplan.html>. Comments will be accepted at the Open House Public Meetings and online from August 31, 2015 to October 2, 2015.

"The vision for Pennsylvania's rail system is to provide safe, convenient, reliable, cost-effective connections for people and goods," Richards said. "As a viable alternative to other transportation

modes, the rail system will support economic competitiveness, smart growth, and environmental sustainability, thereby strengthening Pennsylvania's communities."

Source: PennDOT Press Release, 8/31/2015

EPA Proposes Rules to Improve Hazardous Waste Management and Better Protect our Waterways

The U.S. Environmental Protection Agency (EPA) is proposing two new hazardous waste rules to strengthen environmental protection while reducing regulatory burden on businesses. One of the proposed rules will protect waterways, including drinking and surface water, by preventing the flushing of hazardous waste pharmaceuticals and simplify the requirements for healthcare workers. The other rule will provide greater flexibility to industry while requiring new safeguards to protect the public from mismanagement of hazardous waste.

"These rules provide businesses with certainty and the flexibility they need to successfully operate in today's marketplace," said Mathy Stanislaus, assistant administrator of EPA's Office of Solid Waste and Emergency Response. "The proposals will improve the safety and health of our communities by providing clear, flexible, and protective hazardous waste management standards."

The proposed hazardous waste pharmaceuticals rule will make our drinking and surface water safer and healthier by reducing the amount of pharmaceuticals entering our waterways. EPA's proposal is projected to prevent the flushing of more than 6,400 tons of hazardous waste pharmaceuticals annually by banning healthcare facilities from flushing hazardous waste pharmaceuticals down the sink and toilet.

The proposed rule will reduce the burden on healthcare workers and pharmacists working in healthcare facilities by creating a specific set of regulations for these facilities, including hospitals,

clinics, and retail stores with pharmacies and reverse distributors that generate hazardous waste.

EPA's proposed generator rule will enhance the safety of facilities, employees, and the general public by improving labeling of hazardous waste and emergency planning and preparedness. The proposal will also reduce burden by providing greater flexibility in how facilities and employees manage their hazardous waste and make the regulations easier to understand.

EPA solicited public comment on improving hazardous waste management from states, healthcare facilities, retailers, facilities generating hazardous waste, and other key stakeholders. Both proposals directly address the challenges raised by these stakeholders in implementing and complying with hazardous waste regulations.

The Agency will accept public comments on the proposal for 60 days following publication in the Federal Register.

Read Assistant Administrator Mathy Stanislaus' blog "Making Hazardous Waste Regulations Work for Today's Marketplace" here: <https://blog.epa.gov/blog/2015/08/making-hazardous-waste-regulations/>

For additional information on these proposed rules, including how to submit comments, visit: <http://www2.epa.gov/hwgenerators>

Source: EPA Press Release, 8/31/2015

PEMA Urges Citizens to Utilize Free Smartphone App to Prepare for Emergencies; Free ReadyPA app available to help citizens prepare

Pennsylvanians can use free tools available from the ReadyPA app to take simple steps to make sure they're ready for any type of incident. September is National Preparedness Month, a nationwide month-long effort to

encourage households, businesses, and communities to prepare and plan for emergencies.

This year's theme is "Don't Wait. Communicate. Make Your Emergency Plan Today."

"It is important to get people to think about preparedness now, before an emergency," said Pennsylvania Emergency Management Director Richard D. Flinn, Jr. "The steps you take now can make a big difference for you and your loved ones when an emergency occurs, and knowing how to communicate with loved ones provides an immeasurable sense of relief during a very stressful time."

PEMA emphasizes that simple steps can be taken now to prepare a family, school, workplace or community for any type of incident that would disrupt the day-to-day routine. Citizens are encouraged to download the free ReadyPA app for Apple or Android or visit www.ReadyPA.org to find sample checklists, contact lists and other preparedness tools to take advantage of before an emergency.

"An all-hazards approach is the best way to prepare your family, rather than a specific plan for specific incident," said Flinn. "Supplies like food, water, medication and a first aid kit are a good foundation. You should also create a communications plan in the event that an emergency happens while the family is separated at work, school or different activities. Knowing how to reach each other, where to meet, and who to call to report that you're safe can eliminate a lot of the fear and uncertainty you could otherwise face in a crisis."

PEMA reminds everyone that they should be prepared to sustain themselves without any assistance for 72 hours in the event of an emergency. In particular, people should think about those in their family who may have special needs that could inhibit their ability to help themselves. Families should include their pets in their preparedness planning as well.

Source: PEMA Press Release, 9/2/2015

PA Revenue Department Releases August Collections

Pennsylvania collected \$1.9 billion in General Fund revenue in August, bringing fiscal-year-to-date collections to \$4 billion, Secretary of Revenue Eileen McNulty reported.

Sales tax receipts totaled \$804.8 million for August, bringing year-to-date sales tax collections to \$1.7 billion.

Personal income tax (PIT) revenue in August was \$742.6 million, bringing year-to-date PIT collections to \$1.6 billion.

Corporation tax revenue was \$58.1 million for the month, bringing year-to-date corporation tax collections to \$132.1 million.

Inheritance tax revenue for August was \$71.9 million, bringing the year-to-date inheritance tax collections to \$156.5 million.

Realty transfer tax revenue was \$47.6 million for the month, bringing year-to-date inheritance tax revenue to \$100.5 million.

Other General Fund tax revenue - including cigarette, malt beverage, liquor, and table games taxes - totaled \$123.1 million in August, bringing the year-to-date total to \$229.9 million.

Non-tax revenue totaled \$19.5 million for the month, bringing the year-to-date total to \$57.4 million.

In addition to the General Fund collections, the Motor License Fund received \$228.9 million for the month. Fiscal year-to-date collections for the fund - which includes the commonly known gas and diesel taxes, as well as other license, fine and fee revenues - total \$453.1 million.

August collection data does not include a comparison against anticipated amounts because monthly revenue estimates are not yet finalized.

Source: Department of Revenue Press Release, 9/1/2015

DEP to Hold 14 Listening Sessions on the Clean Power Plan

The Pennsylvania Department of Environmental Protection (DEP) is announcing more than a dozen listening sessions and a 2-month comment period on the federal Clean Power Plan to hear from Pennsylvanians about the plan to cut carbon pollution. Fourteen listening sessions in locations across the state will take place between September and November.

"We want to hear from the people of Pennsylvania and all stakeholders as we prepare a Pennsylvania-centric plan to comply with the Clean Power Plan," said DEP Secretary John Quigley. "Governor Wolf is committed to making the Clean Power Plan work for Pennsylvania and these listening sessions will help meet that goal. We strongly believe we can reduce carbon emissions statewide and address climate change in fair and smart ways that take into account legitimate concerns of all parties."

In addition to the listening sessions, DEP will accept comments on Pennsylvania's compliance with EPA's Clean Power Plan through November 12, 2015. DEP is soliciting comments on the Clean Energy Incentive Program component of the CPP and on the EPA-proposed Federal Plan that serves as a model rule for states developing their state plans. DEP is also soliciting comments on specific compliance related questions which are available on the Department website.

Comment submissions can be made here: <http://www.ahs.dep.pa.gov/eComment/> or emailed to ecomment@pa.gov or mailed to 400 Market Street P.O. Box 2063 Harrisburg, PA 17105.

The Department of Environmental Protection (DEP) will also hold a webinar on the Clean Power Plan at 10 a.m. on Wednesday September 9, 2015. Speakers will include DEP Secretary John Quigley and DEP Policy Director Patrick McDonnell. To register, please click [here](#).

The listening sessions will begin September 15. Participants wishing to speak must register at 717-787-8727.

September 15, 2015: Dauphin County

6:00 PM - 9:00 PM

Department of Environmental Protection South
Central Regional Office
909 Elmerton Ave
Harrisburg, PA 17110

September 21, 2015: Allegheny County

6:00 p.m. - 9:00 p.m.

Carnegie Mellon University
Roberts Hall - Singleton Room
4th Floor
5000 Forbes Avenue
Pittsburgh, PA 15213

September 22, 2015: Cambria County

9:00 a.m. - 12:00 p.m.

Conference Center at University of Pittsburgh -
Johnstown o Heritage Hall A
450 Schoolhouse Road
Johnstown, PA 15904

September 22, 2015: Greene County

6:00 p.m. - 9:00 p.m.

Waynesburg Central High School
Auditorium
30 Zimmerman Drive
Waynesburg, PA 15370

September 28, 2015: Luzerne County

6:00 p.m. - 9:00 p.m.

Wilkes University
Henry Student Center Ballroom, 2nd Floor
84 West South Street
Wilkes-Barre, PA 18701

September 30, 2015: Philadelphia County

1:00 p.m. - 4:00 p.m.

University of Pennsylvania
Kleinman Center
Fisher Fine Arts Building, Room 401
220 South 34th Street
Philadelphia, PA 19104

September 30, 2015: Delaware County

6:00 p.m. - 9:00 p.m.

Marcus Hook Community Center

7 West Delaware Avenue
Marcus Hook, PA 19061

October 5, 2015: York County

2:00 p.m. - 5:00 p.m.
Wyndham Garden York
White Rose Event Center
Crystal Ballroom
2000 Loucks Road
York, PA 17408

October 22, 2015: Lehigh County

6:00 p.m. - 9:00 p.m.
Muhlenberg College
Trumbower 130
2238 Chew Street
Allentown, PA 18104

October 28, 2015: Schuylkill County

6:00 p.m. - 9:00 p.m.
Penn State Schuylkill
John E. Morgan Auditorium
200 University Drive
Schuylkill Haven, PA 17972

October 29, 2015: Erie County

6:00 p.m. - 9:00 p.m.
Hirt Auditorium at Blasco Library
160 East Front Street
Erie, PA 16507

October 30, 2015: Clarion County

9:00 a.m. - 12:00 p.m.
Clarion University
Corner of Payne St & Wilson Ave
Clarion, PA 16214

October 30, 2015: Clearfield County

2:00 p.m. - 5:00 p.m.
Penn State Dubois
7 Hiller Building - Auditorium
One College Place
Dubois, PA 15801

November 4, 2015: Lycoming County

6:00 p.m. - 9:00 p.m.
Penn College - Williamsport
Mountain Laurel Room
One College Avenue
Williamsport, PA 17701

For more information on upcoming listening sessions, please visit the DEP Calendar of Events <http://www.ahs.dep.pa.gov/CalendarOfEvents/Default.aspx?list=true>.

For questions concerning the comment period and listening sessions, contact the DEP Policy Office at 717-783-8727. The schedule for the sessions is also available through the Department's website at www.dep.state.pa.us.

Source: DEP Press Release, 9/3/2015

Annual Surveillance Program Shows Most Stores Complying with Lead Ban Act

DEP's Bureau of Safe Drinking Water recently completed its annual Lead Ban Surveillance Program to educate the plumbing supply industry about the requirements of the Lead Ban Act.

The Pennsylvania Plumbing System Lead Ban and Notification Act was enacted in 1989 and prohibits the sale or use of 50/50 or 85/15 tin-lead acid core or solid wire solders or any leaded solder that does not contain a warning statement on the label. The Lead Ban Act also restricts the sale and use of all other leaded solders to non-plumbing use only.

This summer, DEP interns visited hardware stores, home centers and other retail facilities that sell solder to gather data used to determine whether banned solder is sold and whether restricted solder is properly labeled and is not sold in the plumbing section.

Of the 392 stores visited, 323 sell solder. Most of the 323 stores were selling lead-free solder and 57 percent sell only lead free solder. In 2015, only 7 percent of the stores selling solder were in violation of the Lead Ban Act: 5 percent were selling banned solder and 2 percent were selling restricted solder in the plumbing section with no

stores selling both banned and restricted solder in the plumbing section.

The final report for 2015 is available [here](#) .

Source: DEP News, 9/3/2015

Sewage Advisory Committee Meeting Cancellation

The September 22, 2015, meeting of the Sewage Advisory Committee (Committee) has been cancelled and will be rescheduled for a date to be determined later this year.

Questions concerning the next scheduled meeting of the Committee can be directed to John Diehl, (717) 783-2941, jdiehl@pa.gov . The agenda and meeting materials for the next meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (select "Public Participation").

Source: PA Bulletin, [9/5/2015](#)

Chesapeake Bay Commission Gets Milestone Update Sept. 10, What Will PA Do?

The Chesapeake Bay Commission will hear a midpoint assessment of the progress states are making toward meeting their 2017 Chesapeake Bay cleanup milestones at its next meeting on September 10-11 in Alexandria, Virginia.

In addition to the progress report, there will be several presentations on stormwater management and other Bay Program issues.

Pennsylvania has 481 days (as of September 7) to put the best management practices on the ground needed to eliminate 10 million pounds of nitrogen and 212 million pounds of sediment from going into our rivers and streams to meet the 2017 Chesapeake Bay cleanup milestones.

Pennsylvania is even further behind because we did not meet the 2013 pollution reduction milestones.

In June 2014, the U.S. Environmental Protection Agency reported Pennsylvania exceeded its 2013 Chesapeake Bay cleanup milestone for phosphorus by 242,000 pounds, but fell short in meeting the nitrogen goal by 2 million pounds and sediment reduction milestone by nearly 116 million pounds.

If Pennsylvania doesn't meet the milestones, it leaves EPA free to come up with its own plan on how the state can meet them, and as Rep. Garth Everett (R-Lycoming) said during DEP's budget hearing, "It isn't pretty."

At his budget hearing in March, DEP Secretary John Quigley acknowledged, to his credit, Pennsylvania is not meeting its commitments to clean up Pennsylvania watersheds contributing water to the Bay and promised a plan to reboot the program to get it back on track.

Quigley and Agriculture Secretary Russell Redding reiterated their commitment to reboot Pennsylvania's plans to meet Bay cleanup milestones at the July Chesapeake Bay Executive Council meeting.

Even by any rough measure, Pennsylvania will need to ramp up its watershed restoration programs significantly to meet its commitments.

Using the Commonwealth's reported average rate of Chesapeake Bay Program implementation from 2009 to 2013, here's an estimate of how much each of key measures would have to increase to meet the 2017 milestones:

- Forested stream buffers on farms: from 6 acres per day to over 38 acres;
- Farm conservation plan development: from 46 acres a day to over 589 acres;
- Rotational grazing practices: from 8.5 acres to roughly 135 acres a day;
- Urban stormwater infiltration practices: from 7 acres to 368 acres per day;
- Stormwater treatment wet ponds & wetlands: from 0.4 acres to 28 acres a day; and

- Dirt & gravel road repair: from 334 feet per day to over 1,411 feet per day.

Since most of the 2015 work season is now gone, this means these best management practices must get done in 2016, because only those measures put on the ground by December 31, 2016 will count toward meeting the 2017 milestones.

The question remains, what is Pennsylvania's plan?

The Commission meeting will be held in the Courtyard Alexandria Pentagon South, 4641 Kenmore Avenue in Alexandria.

For more information, visit the Chesapeake Bay Commission Meetings [webpage](#).

Source: PA Environmental Digest, 9/7/2015

Alexandra Chiaruttini to Be New DEP Chief Counsel

Environmental attorney Alexandra Chiaruttini has been named Chief Counsel at the Department of Environmental Protection, according to the Stock and Leader website. She replaces Richard Morrison who was named Chief Counsel in March following the departure of Dennis Whitaker. Her official first day will be October 13.



Chiaruttini's profile from the York law firm's website follows:

Ms. Chiaruttini practices exclusively in the area of environmental law, and has served her clients

successfully for over fifteen years. She provides a wide range of services for clients, including compliance analysis and assistance, permitting, transactional support, and lead representation in environmental litigation.

Her work includes Federal and State issues associated with water supply, water rights, and water quality, contamination remediation, HSCA/CERCLA (Superfund) defense, lead-based paint, radiation protection, air permitting and compliance, OSHA compliance, waste issues, and dam safety.

Ms. Chiaruttini is a statewide leader in water quality credit trading, having worked on the majority of the trades to date in Pennsylvania. Attorney Chiaruttini currently serves on the Commonwealth of Pennsylvania's Nutrient Credit Trading Program Enhancement Workgroup.

This state Workgroup is assisting to evaluate impediments to trading or participation in the market, and opportunities for improvement and for enhancement of the Commonwealth's current water quality credit trading program. The trading program is an alternative way to gain compliance with discharge permit requirements and to achieve water quality improvement.

Attorney Chiaruttini testified on Senate Bill 1493 in 2008 before the Senate Environmental Resources & Energy and the Agricultural & Rural Affairs Committees. The bill discusses nutrient and sediment reduction credits; the idea of establishing the Nutrient Credit Trading Board and providing for its powers and duties; and providing for powers and duties of the Department of Environmental Protection. Read her testimony [here](#).

She further provides a wide range of specialized representation for the real estate development and building community, including sewer planning, wetlands regulation, stormwater, erosion and sediment control, endangered species, and historic and cultural resources.

She assists clients in identifying energy consultants and funding sources as Pennsylvania has switched to an electricity choice state, providing specialized grant writing services for the numerous

Federal and State energy grant programs, representation related to commercial-scale alternative and renewable energy projects for businesses, government, nonprofits, and industrial entities.

She is admitted to practice before all Pennsylvania state courts and before the Middle District of Pennsylvania, and regularly practices before the Pennsylvania Environmental Hearing Board.

In 2008, Ms. Chiaruttini was recognized as one of Central Pennsylvania's 40 Under 40 Business People, an award that distinguishes individuals who have made a significant impact in their professional careers and in their communities.

In 2014, she was named a Women of Influence honoree by the Central Penn Business Journal. The distinction recognizes 25 women leaders in the midstate who are influential in their companies, industries and communities, and have solid reputations based on their experience, integrity, leadership, and accomplishments.

Source: PA Environmental Digest, 9/7/2015

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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.