
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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New Website Highlights

State Practices for Climate Adaptation

EPA has recently released a new webpage showcasing innovative practices of state water agencies to reduce vulnerability to climate change impacts.

The new webpage contains short descriptions of select climate adaptation related practices in diverse programmatic areas and geographic locations around the country. These state practices can be a resource for other state agencies, as well as local and tribal governments, seeking to engage in climate adaptation efforts within their own water programs.

EPA intends to identify additional best practices over time to help sustain collaboration and sharing of information across state water agencies.

Read [more](#).

Source: Water Headlines from EPA, 10/21/2015

EPA Awards WaterSense Partners of the Year

EPA recently recognized the 2015 WaterSense award winners for creating, rebating, communicating and educating consumers about WaterSense-labeled products, homes and programs. These 17 winners and more than 1,700 other WaterSense partners have helped Americans save 1.1 trillion gallons of water and \$21.7 billion in water and energy bills since 2006.

WaterSense [announced](#) the 2015 Sustained Excellence Award winners, Partners of the Year, and Excellence Award winners at the WaterSmart Innovations Conference and Exposition in Las Vegas, Nevada.

Read [more](#).

Source: Water Headlines from EPA, 10/21/2015

Webinar on November 3 on Winter O&M for Green Infrastructure

EPA will host a webcast on Nov. 3 from 1-2:30 p.m. Eastern titled "Winter O&M for Green Infrastructure." Operations and maintenance (O&M) is critical to green infrastructure's long-term effectiveness. Wet weather in colder climates often presents maintenance challenges -- from snow, sediment and salt to storage and drainage.

This webcast will feature presentations from Tom Ballestero from the University of New Hampshire Stormwater Center, and Brooke Asleson from the Minnesota Pollution Control Agency.

Register [here](#).

Source: Water Headlines from EPA, 10/21/2015

PUC Finalizes Paper Billing Fee Rulemaking

On October 22, 2015, the Pennsylvania Public Utility Commission (PUC) approved a Final Rulemaking Order prohibiting public utilities from charging customers a separate fee to receive a paper utility bill.

The Commissioners voted 5-0 to approve a joint [motion](#) by Chairman Gladys M. Brown and Vice Chairman John F. Coleman Jr.

The rulemaking follows a March 20, 2014, [Order](#) resolving a Commission investigation into the practice of paper invoice charges in the telecommunications industry. The Commission concluded that the expense of creating and providing a bill to each utility customer traditionally has been included in the operating expenses of the utility, and that imposing a separate charge to provide for the provision of monthly paper bills is not consistent with the Public Utility Code, Commission regulations, long-standing precedent and well-established practices of Pennsylvania public utilities.

The Commission also concluded that failing to provide customers with the option of an itemized, monthly paper bill - free of charge - constitutes unreasonable and inadequate service, under the Public Utility Code.

Finally, the Commission concluded that charging consumers for a paper bill adversely impacted universal service and the obligation to ensure that services are provided in a nondiscriminatory fashion given the disproportionate impact to low-income and elderly consumers.

On Dec. 4, 2014, the Commission issued a Proposed Rulemaking [Order](#) to amend existing regulations for all fixed public utility industries. The proposed rulemaking was published in the Pennsylvania Bulletin on March 14, 2015, with comments to be filed within 30 days.

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. L-2014-2411278

Source: PUC Press Release, 10/22/2015

Republican Plan would Weaken Public Health and Safety for Political Gain

On October 20, 2015, House Democratic leaders denounced a vote made by House Republicans attempting an end run on state regulations that protect public health, safety and more.

The House voted on legislation that would add lengthy delays to the nonpartisan Independent Regulatory Review Commission process of

finalizing regulations proposed by state government agencies.

Under the bill ([H.B. 965](#)), the chairmen of standing committees could potentially bring the regulatory process to a halt by using a provision that prohibits IRRC from acting on a proposed regulation for a specified number of calendar days or “legislative” days, whichever is longer.

Because of Republican majorities in the House and Senate, all committee chairmen are Republicans.

House Democratic Leader Frank Dermody, D-Allegheny/Westmoreland, said the timing of the bill is significant.

“Changing IRRC and ‘reforming’ the regulatory process only seems to interest Republicans when a Democrat moves into the governor’s office,” Dermody said.

“A similar push was made when Governor Ed Rendell was in office. No significant attempt was made during Governor Tom Corbett’s time in office but now, yet again, Republicans want to revisit IRRC.

“This legislation is a dangerous abuse of power that has no place in the checks and balance system that separates us from dictatorships,” Dermody said.

House Democratic Whip Mike Hanna, D-Clinton/Centre, said the legislation isn’t the first time Republicans have abused the regulatory review process in favor of their own interests.

In 2008, the legislature passed and Rendell signed a law that banned unfair mandatory overtime for health care workers in order to better protect patients from medical mistakes caused by overworked, overtired health practitioners. Regulations were promulgated and ready for review as Rendell left office but the incoming Corbett administration revoked them, leaving IRRC with nothing to ratify and the Department of Labor and Industry floundering to ensure compliance with the law.

Hanna said a recent audit of the mandatory overtime law revealed that the Department of Labor and Industry during Corbett’s term in office failed to adequately respond to health care complaints or to develop regulations giving the agency the legal authority to enforce the overtime act.

“There are real consequences for what can rightfully be considered retribution for losing total partisan control,” Hanna said. “It is disturbing at best to see Republican lawmakers eager to politicize the regulatory and rulemaking process, a process that is supposed to be free of politics.

“As with the state budget, Republican leaders seem willing to drown Harrisburg in Washington-style gridlock in order to block the constructive things Governor Wolf is trying to do, such as seeking to strengthen requirements for drilling operators to clean up spills, identify underground hazards and protect water supplies.”

According to Hanna, the bill also would impede public understanding of the rationale for many regulations by prohibiting state agencies from providing statements of need for proposed regulations published in the Pennsylvania Bulletin. He said those statements are an important step in notifying the public and affected groups of the need for the regulation and what the state is trying to accomplish.

The Democratic leaders said IRRC, as an independent panel, is largely insulated from political pressure when considering final regulations. It reviews proposed regulations to make sure agencies like DEP have the statutory authority to enact the regulation and whether the regulations comply with legislative intent. It also considers economic impact, public health and safety, reasonableness and impact on business.

“Throughout the regulatory review process, IRRC accepts complaints, comments and other input from lawmakers and the public,” Dermody said. “There is a fair opportunity for all Pennsylvanians to have their voice heard. The process works as it’s supposed to. This legislation is a so-called solution in search of a problem.”

Source: House Democratic Caucus, 10/20/2015

Governor Wolf Announces \$51.7 Million Investment in Water Infrastructure Projects in 8 Counties

On October 21, 2015, Governor Tom Wolf announced the investment of \$51.7 million for ten drinking water, wastewater and non-point source projects across eight counties through the Pennsylvania Infrastructure Investment Authority (PENNVEST).

“Today the PENNVEST Board of Directors made another significant investment in much needed environmental improvement across the Commonwealth”, said Governor Wolf. “Abundant clean water is critical to the health of both our fellow Pennsylvanians and the economy of this great Commonwealth. Today is a bright day for both our people and our businesses as we strive for a better Pennsylvania for us and for generations to come.”

Of the \$51.7 million, \$31.0 million is allocated for low-interest loans and \$20.7 million is awarded through grants.

The funding comes from a combination of state funds approved by voters, federal grants to PENNVEST from the Environmental Protection Agency and recycled loan repayments from previous PENNVEST funding awards. Funds for the projects are disbursed after bills for work are paid and receipts are submitted to PENNVEST.

For more information, visit www.pennvest.state.pa.us or call 717-783-6798.

A list of project summaries follows.

PENNVEST Drinking Water Projects

Armstrong County

Manor Township Joint Municipal

Authority received an \$8.5 million loan to construct a new water treatment plant that will replace the authority’s existing 58 year-old plant that cannot produce enough safe drinking water to meet peak demand and is otherwise in very poor condition.

Schuylkill County

- Mahanoy Township Authority received a \$2.8 million loan to rehabilitate the authority’s unsafe reservoir dam, make improvements to a deteriorated spillway and install modern water meters for customers throughout the authority’s distribution system.
- Schuylkill County Municipal Authority received a \$489,950 loan and a \$3,210,050 grant to extend a drinking water distribution line to the Village of Newtown in Reilly Township, where homes are served by private drinking water wells that are subject to contamination from minerals in the soil as well as nearby malfunctioning on-lot septic systems.

PENNVEST Wastewater Projects

Armstrong County

West Hills Area Water Pollution Control Authority received a \$6,603,500 loan to construct various sewage treatment system modifications in order to eliminate discharges of untreated sewage into the Allegheny River that occur during wet weather.

Bedford County

East Providence Township Municipal Authority received a \$375,000 loan and a \$3,785,000 grant to make various improvements to its existing wastewater treatment plant that will improve the quality of its wastewater discharges and bring the plant into compliance with regulatory requirements.

Cambria County

Johnstown City received a \$10.9 million grant to construct more than six miles of sewage collection lines and related facilities in order to eliminate

discharges of untreated sewage into the Conemaugh River that occur during wet weather.

Clearfield County

Curwensville Municipal Authority received a \$2.5 million grant to rehabilitate more than two miles of sewage collection lines that are currently subject to water infiltration and inflows during wet weather and, as a result, discharge untreated waste water into publicly accessible areas.

Somerset County

Windber Borough received a \$1,197,000 loan to construct more than a mile of sewage collection lines along with 35 manholes and other facilities in order to eliminate the discharge of untreated sewage into publicly accessible areas that occurs during wet weather.

Washington County

Peters Township Sanitary Authority received an \$11 million loan to construct a new wastewater treatment plant that will replace the authority's existing outdated and deteriorated treatment plant that is subject to wet weather overflows and discharges untreated wastewater into Cannonsburg Lake.

Non-point Source Water Quality Improvement Projects

Lancaster County

Elmer M. King received a \$385,490 grant to construct a new manure storage facility and other improvements on a dairy operation where there is uncontrolled manure runoff from the existing concrete cattle lot. Also, there is currently no manure storage capacity, which results in manure spreading during winter and other times of the year when the soil is relatively impervious. All of these conditions currently cause manure and the nutrients it contains to run off into Octoraro Creek and ultimately the Chesapeake Bay.

Source: Governor's Press Office, 10/21/2015

Senate Approves Pileggi Bill to Strengthen Open Records Law

Legislation to strengthen Pennsylvania's Open Records law, sponsored by Senator Pileggi (R-9), was unanimously approved by the Senate on October 21, 2015.

[Senate Bill 411](#) clarifies and improves the Open Records Law based on experiences and court decisions since the law went into effect in 2008. The bill makes over 30 changes to the law, including limiting inmate access in requesting government records; which, today, make up over 40 percent of the workload of the Office of Open Records (OOR); handling commercial requestors; and, clarifying that volunteer fire companies are not government agencies and should not be treated as such under the law.

"Seven years ago, the General Assembly enacted a completely rewritten Open Records Law for Pennsylvania," said Senator Pileggi, the author of Act 3 of 2008. "That law provided the public with access to tens of thousands of government documents that would not have been available under the previous law. Senate Bill 411 seeks to improve the Open Records Law by building on what we have learned over the past seven years, responding to decisions by the courts and the Office of Open Records, and with input from both those who request records and the agencies who respond to those requests."

An amendment added to the bill, sponsored by Senator John Blake (D-22), requires state-related universities to create accessible online databases to include budget, revenue and expense-related information.

"It's important to take up reforms to the Right-to-Know Law in this legislative session," Sen. Blake said. Expanding the law's coverage regarding reporting and transparency for our four state-related universities is essential and long overdue."

"Senate Bill 411 will improve the Right-to-Know Law for both requesters and agencies," said

Erik Arneson, Executive Director for the Office of Open Records. "I fully support Senator Pileggi's efforts to provide the most effective and efficient way to make records available to the public. I believe any remaining concerns can be addressed as the bill continues to move through the General Assembly."

Senate Bill 411 is supported by the Pennsylvania State Association of Township Supervisors, the County Commissioners Association of Pennsylvania, the Pennsylvania State Association of Boroughs, the Pennsylvania District Attorneys Association, the Pennsylvania Public Utility Commission, the Southeastern Pennsylvania Transportation Authority and the Pennsylvania Office of Open Records.

The bill now moves to the House for consideration.

More information about state issues is available at Senator Pileggi's [website](#), on [Facebook](#), or on Twitter at twitter.com/SenatorPileggi.

Senator Blake's [website](#) or on [Facebook](#).

Source: Senator Pileggi Press Release, 10/23/2015

Bipartisan bill to Improve Government Transparency Wins Unanimous House OK

The state House of Representatives has unanimously passed legislation drafted by Rep. Brandon Neuman, D-Washington, and Rep. Bryan Cutler, R-Lancaster, designed to improve government transparency by enabling the state Ethics Commission to more fully address lobbying violations.

"Transparency is a key to gaining public trust, and [House Bill 1348](#) would improve transparency of those who work to influence state government," Neuman said. "The bill earned bipartisan support and updates as well as stiffens penalties for those not heeding Pennsylvania's lobbying disclosure law."

H.B. 1348 would **increase fines and penalties for violations of the Lobbying Disclosure Act**. It would increase the maximum penalty imposed by the Ethics Commission to \$4,000 from the current fine of \$2,000.

The bill also would increase the maximum administrative penalty that may be imposed for negligent failure to report under current law from \$50 a day, to \$50 for the first 10 days, \$100 for each late day after the first 10 late days and \$200 for each late day after the initial 20-day period.

"It is imperative that lobbyists continue to be ethical," Cutler said. "We must have the ability to protect the integrity of the law-making process. With the passage of this bill, we are one step closer to ensuring the highest trustworthiness and credibility in the commonwealth."

The bill also would improve the current electronic filing system for lobbyists. It would require all filings to be posted on the Department of State's publicly accessible website within seven days of receipt. Currently, lobbyists do not receive an electronic receipt after they file, but the bill would require that they be provided email proof or a time-stamped receipt.

The legislation is now awaiting consideration by the state Senate's State Government Committee.

Source: Rep. Neuman Press Release, 10/22/2015

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