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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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Governor Wolf Budget Update Remarks

Governor Wolf gave the following budget update. Remarks as prepared:

“We still have a budget plan. It is a compromise and it is the product of a lot of good people working across the aisle to get it done.

“This is not over. We still need a budget. And we need it now. The Senate Republicans led on this – but it was a bi-partisan effort. They delivered a budget –full year budget – that made wise investments in our schools and that was truly balanced.

“We cannot slide back on our commitment to our schools. We cannot slide back on our commitment to a truly balanced budget. We cannot slide back on our commitment to a full year budget. Let me be clear. A stop gap is not the answer. We need a full year budget.

“Let’s get back to work. All of us. Let’s get this done now.”

Source: Governor’s Press Office, 12/19/2015

Endocrine Disruptors and Pathogens and Parasites Likely Causes for Smallmouth Bass Population Decline in Susquehanna River

Based on a multi-agency, multi-year study of one of the most complex river systems in Pennsylvania, the two most likely causes for the population decline of smallmouth bass in the Susquehanna River are endocrine-disrupting compounds and herbicides; and pathogens and parasites.

The Pennsylvania Department of Environmental Protection (DEP) and the Pennsylvania Fish and Boat Commission (PFBC), along with nearly 50 participants and 6 partner agencies, released the findings today that narrow the likely causes from an initial field of 14 candidate causes to those two. More research into these causes is needed, but evidence collected during the study points to these likely sources more than any other candidate causes.

Following a smallmouth bass population crash in 2005, and additional observed maladies, such as tumors and lesions on smallmouth bass, the team used ground-breaking monitoring strategies to collect more than 30,000 water quality records annually, along with review of existing research to isolate the possible causes keeping young-of-the-year (YOY) smallmouth bass from growing to adulthood.

The panel of experts was challenged by the fact that the Susquehanna River is a complex system in which the tributaries at times don't mix for more than 40 miles. "What looks like just one body of water acts like five unique rivers, all with different characteristics," said John Quigley, DEP Secretary. The Juniata, West Branch, and main stem each tend to run in their own isolated lanes in the riverbed, with the smaller tributaries hugging both shorelines.

Collaborating scientists began the study in 2014, using a scientific protocol known as CADDIS (Causal Analysis/Diagnosis Decision Information System). Of the 14 initial candidate causes identified by the workgroup, only two were determined to be likely causes of the poor recruitment: Endocrine disrupting compounds/herbicides, and pathogens and parasites.

"We appreciate the assistance of the U.S. EPA, DEP and our other partners in the evaluation of many possible stressors to the smallmouth bass population using the CADDIS processes" said Executive Director of the Pennsylvania Fish and Boat Commission John Arway. "The health of the smallmouth bass in the Susquehanna River continues to be compromised and this analysis rules out certain causes, prioritizes other uncertain causes for further study and most importantly identifies likely causes which can be targeted for action."

The original potential causes included high flows, pH and dissolved oxygen (deemed unlikely as a result of this study), as well as invasive species, habitat, and algal blooms (deemed uncertain).

The next step is to focus on identifying the sources of the endocrine-disrupting compounds and herbicides, and what is causing the increased prevalence and lethality of the pathogens and

parasites in smallmouth bass, including monitoring in the tributaries of the Susquehanna.

The U.S. Environmental Protection Agency (EPA) developed CADDIS to help agencies conduct causal assessments in aquatic systems. This scientific panel represents DEP, PFBC, the Susquehanna River Basin Commission (SRBC), the United States Geological Survey (USGS), United States Fish and Wildlife Service (USFWS), Susquehanna River Heartland Coalition for Environmental Studies and nearly 50 staff from federal and state agencies and partner organizations.

"This study does not identify a single smoking gun," said Quigley "But it does point the way toward likely causes, which we will continue to pursue. On top of that, through this study, DEP staff developed new approaches to monitoring this complex system, dramatically increasing our water quality monitoring capacity in the Susquehanna River, and providing tools that we can use to ensure fishable, drinkable water statewide."

"The Susquehanna River's smallmouth bass fishery once attracted anglers from all over the world," said Arway. "I am confident that the results from the CADDIS study along with the continued commitment by DEP to identify the causes and reduce the sources will provide for the recovery and return of that once world class recreational fishery."

Details of the study, a webinar to present the findings of the study, and the full report can be found [here](#) .

Source: DEP Press Release, 12/14/2015

White House Announces Public-Private Innovation Strategy to Build a Sustainable Water Future

On December 15 the White House announced a new public-private water innovation strategy. This strategy includes an aggressive two-part approach by EPA and other federal agencies to address the impacts of climate

change on the use and supply of the nation's water resources and calls on private sector and other stakeholder groups to help significantly scale up research and investment in water efficiency solutions. The Administration's new water innovation strategy calls for:

- Boosting water sustainability and long-term water security by increasing use of water-efficient and -reuse technologies.
- Promoting and investing in breakthrough research and development that will reduce the price, energy costs, and emissions requirements of new water supply technology to achieve "pipe parity" in the next decade.

The strategy was announced at a [Roundtable on Water Innovation](#) held to engage with industry and public leaders to start building broader consensus on a path forward. The roundtable provided an opportunity for leaders from industry, academia, and federal, state, and local governments to discuss how an aggressive innovation agenda can help America meet the challenge of a constrained water supply and increase the resilience of businesses and communities in regions that will be affected by increasingly severe and lengthy droughts.

Read [more](#).

Source: Water Headlines from EPA, 12/16/2015

New EPA Computer Training Helps Water and Wastewater Utilities Build Resilience

EPA's new [Water/Wastewater All-Hazard Boot Camp Training](#) is a comprehensive computer-based course incorporates emergency planning, response, and recovery activities into an all-hazard management program for water utilities. The training covers several topics including: identifying and funding potential hazard mitigation projects, developing and updating an Emergency Response Plan (ERP), coordinating

mutual aid and assistance during emergencies, conducting damage assessments, and many more.

The training features clickable displays, testimonials from water utility professionals, knowledge checks, and recommendations for additional tools and resources to build all-hazards resilience. Many states have already pre-approved the course for continuing education hours for both water and wastewater personnel.

Source: Water Headlines from EPA, 12/16/2015

PUC Selects Commissioner Andrew G. Place as Vice Chairman; Chairman Brown Thanks John Coleman for Service as Vice Chairman

Pennsylvania Public Utility Commission (PUC) Chairman Gladys M. Brown announced the Commissioners' selection of Andrew G. Place as Vice Chairman, effective Jan. 1. He will replace John F. Coleman Jr., who has served as Vice Chairman since 2011 and will remain as a Commissioner with a term expiring April 1, 2017.

"I just want to take this opportunity to thank Vice Chairman Coleman for his diligent service and commitment to the Commission over these past five years," said Chairman Brown. "We have voted to select as our Vice Chairman Commissioner Andrew Place. Let me add my congratulations to Commissioner Place, who came to the Commission just a few months ago and now has the new challenge of being the Vice Chairman beginning in 2016. I know he is up to the challenge."

Place joined the Commission on Oct. 1, 2015. Hailing from Greene County, he was nominated as a Commissioner by Gov. Tom Wolf on May 15 and confirmed unanimously by the Senate on Sept. 30. His five-year term expires in 2020.

"When you look back over the past five years, it's really extraordinary the things that we have addressed as a Commission. I have really enjoyed

the role of Vice Chairman, but it is time for a change," said Coleman. "I am truly looking forward to passing the role of Vice Chairman to Commissioner Place. I think many of you who know him know that he is a very, very capable guy, and I'm sure that he will serve us all very well as Vice Chairman of the Commission."

Place said, "I certainly, absolutely appreciate the privilege and honor of serving, and I look forward to the challenges. My great gratitude [goes] to Vice Chairman Coleman, who, among others on the Commission, has been extraordinary in [his] guidance getting me up to speed on the issues as we've seen them."

Prior to his appointment to the Commission, Place was the corporate director for energy and environmental policy at EQT Corporation, where he focused on the economic, social and environmental balance inherent in energy policy choices. He also worked to establish the Center for Sustainable Shale Development and has served roles at the Pennsylvania's Department of Environmental Protection. Additionally, Place was a research fellow at Carnegie Mellon University's Department of Engineering and Public Policy and has taught at the University as an adjunct professor.

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, 12/17/2015

CNX Gas Co. Will Pay DEP and Fish and Boat Commission More Than \$450,000 for Water Withdrawal Violations in Washington County

In a joint action, the Department of Environmental Protection (DEP) and the Pennsylvania Fish and Boat Commission (PFBC) have signed a consent assessment and settlement agreement (CASA) with CNX Gas Company LLC (CNX) to settle violations of the state's Oil and Gas Act and the Fish and Boat Code. As a result of the agreement, CNX will pay \$345,750 to DEP and \$105,000 to PFBC.

"Protecting the waters of the Commonwealth is a core function of both DEP and the PFBC and this agreement underscores the fact that, together, we take this responsibility very seriously, said Eric Gustafson, manager for Oil and Gas Operations in the Southwest Oil and Gas District Office." "We expect that operators will follow their WMP's and draw-down permits to the letter. DEP appreciates the assistance provided by the PFBC in resolving this case."

PFBC Executive Director John Arway added that "water is one of our most precious public resources, which must be protected and responsibly managed. DEP water management plans are engineered to ensure that water is allocated in proper amounts so that all water users can appropriately share the abundant supplies provided by our Commonwealth's streams, rivers and lakes. Non-compliance with the plans and permits could result in harm to other water users like aquatic life and public water supplies."

CNX did not adhere to its approved plan, and DEP determined it exceeded its approved daily withdrawal limits from a reservoir in North Franklin Township, Washington County on 43 days between October 23, 2011 and June 8, 2013.

In order for oil and gas operators to remove water from water sources in Pennsylvania for the drilling or stimulation of any unconventional natural gas well, a Water Management Plan (WMP) must be approved by DEP. The WMP designates the sources to be used, the peak daily withdrawal limits and the instantaneous withdrawal rates (how quickly water can be removed from the stream) to prevent impacts to the waterway. A number of different sources can be included in the WMP.

CNX obtained a draw-down permit from PFBC that set further limits on how much water could be removed from the reservoir in order to protect aquatic life and dam stability. However, on 164 days between October 21, 2013 and December 23, 2014, during the restricted time period, CNX withdrew water from the reservoir contrary to the restrictions in their WMP and "draw down" permit. This water withdrawal resulted in low water levels within the reservoir, drying out the shallow shoreline areas of the reservoir and the surrounding forested wetlands.

In addition, the company failed to keep proper records relating to water withdrawals and reservoir levels.

CNX has instituted changes in their procedures to ensure that water withdrawal reporting is accurate and that WMPs are followed exactly.

For more information, visit www.dep.pa.gov and www.fishandboat.com.

Source: DEP Press Release, 12/17/2015

DEP: Board and Committee Meeting Schedules for 2016

The Department of Environmental Protection published a list of 2016 meetings of advisory boards and committees associated with the Department. The complete list is contained in the Pennsylvania Bulletin.

Source: PA Bulletin, [12/18/2015](http://www.pabulletin.com)

Brown's Bill to Financially Assist PA Dam Owners Passes Committee

On December 18, 2015, the House Environmental Resources and Energy Committee voted in favor of House Bill 1712, legislation sponsored by Rep. Rosemary M. Brown (R-Monroe/Pike) to establish the freestanding Private Dam Financial Assurance Act. This bill addresses an issue that was originally brought to Brown's attention by residents of the 189th District.

Under the Dam Safety and Water Encroachment Act and the Pennsylvania Code, private dam owners are required to have a financial responsibility tool in place by Jan. 8, 2016, in the event their dam would need to be breached. The average cost of breaching a dam is estimated at \$170,000, Brown added.

"I have been working with private dam owners and the Department of Environmental Protection to help private dam owners meet the January 2016 requirement," Brown said. "That's what this bill is all about."

It has been difficult for many private dam owners to obtain bonds based on the makeup of their organizations, which often include homeowners' associations or their financial status. Financial institutions do not consider these organizations to be stable to offer bonds.

"I have received a lot of input from dam owners across the state who have been unable to obtain these bonds," Brown said. "This bill would establish the Financial Assurance Program, which would provide financial assurance for the private owners of regulated dams in order to meet the financial obligations imposed under the Dam Safety and Encroachment Act."

The program would be self-funded, with dam owners paying a one-time \$1,000 registration fee, in addition to a 1 percent annual fee of the bond amount required by DEP, Brown explained. Additionally, once this fund reaches \$1.5 million, loans may be authorized for repairs.

In Pennsylvania, there are approximately 3,378 regulated dams, and nearly 404 of them are privately owned. A high portion of these dams are owned by the state or municipalities, some are owned by mining companies, and others are privately owned, Brown noted. The bill has been sent to the full House for its consideration.

For more information about this legislation, or any state-related issue, contact Brown's district office in East Stroudsburg located at 143 Seven Bridge Road, by calling 570-420-8301. Information can also be found online at RepBrown.com or Facebook.com/RepRosemaryBrown.

Source: Representative Rosemary M. Brown, 12/19/2015

DEP Announces Major Reorganization of Water Management, Other Responsibilities

DEP Secretary John Quigley announced a major reorganization of DEP's water management responsibilities to provide additional protection of Pennsylvania's water resources. Under this new structure, the current Water Management deputate has been split into a regulatory focused deputate, and a resources and planning deputate.

The Office of Water Management has been renamed the Office of Water Programs. Dana Aunkst, who most recently served as the Deputy Secretary for Field Operations, has been appointed Deputy Secretary for this Office.

Kelly Heffner has been appointed Special Deputy Secretary for Water Resources Planning. Kelly most recently served as the Deputy Secretary for Water Management.

The renamed Office of Water Programs will be comprised of the Bureau of Waterways Engineering and Wetlands, the Bureau of Safe Drinking Water, and the Bureau of Clean Water (formerly named the

Bureau of Point and Non-Point Source Management).

In addition, we have created a dedicated Chesapeake Bay Office. DEP has also established a TMDL and Stream Restoration Division in the Bureau of Clean Water, which will be comprised of staff from the Bureau of Clean Water and the former Bureau of Conservation and Restoration. Additional changes within this deputate include renaming the Bureau of Clean Water's Planning and Conservation Division to the Planning and Permitting Division; and renaming the Bureau of Safe Drinking Water's Planning and Conservation Division to the Permits Division.

Heffner will take the lead on water resource planning and partner outreach efforts, overseeing the Compacts and Commission Office (formerly the Interstate Waters Office), and a Planning and Conservation Division, which include staff from the former Bureau of Conservation and Restoration as well as the Bureau of Safe Drinking Water. This division will coordinate efforts with county conservation districts.

The acid mine drainage abatement and stream restoration function is being reassigned to the Bureau of Abandoned Mine Reclamation, in a newly created Acid Mine Drainage Division.

The Bureau of Abandoned Mine Reclamation is located in the Active and Abandoned Mine Operations deputate.

Although DEP is dissolving the Bureau of Conservation and Restoration, no staff positions have been lost through this reorganization. All staff members have been reassigned.

As part of this restructuring, the six regional offices in Field Operations will, until further notice, report directly to John Stefanko, Executive Deputy Secretary for Programs.

Elsewhere in the department, the Office of Environmental Advocate is renamed the Environmental Justice Office; and the Local Government Liaison Office is being moved to the Legislative Office.

These changes are effective immediately, and are part of Secretary Quigley’s ongoing work to ensure that our organizational structure continues to meet our operational needs.

A copy of DEP’s new organization chart is available [online](#).

Source: PA Environmental Digest, 12/21/2015

Joint Conservation Committee Issues Green Paper on High-Hazard Dams In PA

The Joint Legislative Air and Water Pollution Control and Conservation Committee Monday issued another in its series of Green Papers, this one on [high-hazard unsafe dams](#) in Pennsylvania.

The Green Paper was prompted by a recent decision by Gov. Wolf to approve a 5-year funding plan to fix up to 10 high-hazard, unsafe dams managed by the Fish and Boat Commission.

The monograph provides an overview of high-hazard, unsafe dams in the state and how the state regulates and funds their repair.

Click [Here](#) to read the Green Paper. Click [Here](#) for a list of Green Papers available on other issues.

Sen. Scott Hutchinson (R-Venango) serves as Chair of the Committee.

Source: PA Environmental Digest, 12/21/2015

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