
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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Governor Wolf Statement on Martin Luther King, Jr. Day

On January 18, 2016, Governor Wolf will be attending a day of service event at Girard College and a bell ringing service at the Liberty Bell in honor of Martin Luther King, Jr. day. Governor Wolf released the following statement

“The vision of Dr. Martin Luther King, Jr., was one of peace, opportunity, and harmony. His message of nonviolence, optimism, and service continues to resonate today as we strive to reflect our highest ideals of fairness and equality in opportunity;

“Dr. King’s famous words, poignant in truth and eloquence, continue to speak for the silent voices of the world that seek to understand and exercise their full potential. Dr. King’s legacy remains a message of enduring truth, reminding us that life’s most urgent and persistent question is ‘What are you doing for others?’

“We must continue to pursue freedom, opportunity, and peace and embrace the history, culture, religion, and ability of all people as an essential part of our American identity. As we

gather on this day to commemorate the life and legacy of this extraordinary man, let us remember his words that call us to action in the fight against injustice and inequality. Let us pledge to use our lives, as he did, to make a difference in the world.”

<http://www.scribd.com/doc/295331909/Governor-Wolf-Proclamation-Martin-Luther-King-Jr-Day-2016>

Source: Governor’s Press Office, 1/18/2016

House Considered Budget Legislation, Says Topper

The House of Representatives convened in session to consider final pieces of legislation that would make up a full-year fiscally responsible budget. On January 11, 2016, the House considered legislation to provide much-needed funding to Penn State University (including the Pennsylvania College of Technology), the University of Pittsburgh, Temple University, Lincoln University and the University of Pennsylvania Veterinary School. The legislation allocating the revenue did not achieve the necessary two-thirds majority of votes.

On January 12, 2016, the House considered the Fiscal Code, [House Bill 1327](#). The Fiscal Code is a "road map for state spending," and is legislation that directs the spending levels approved in each budget.

Rep. Jesse Topper (R-Bedford/Fulton/Franklin) issued the following statement in response to the defeat of Senate Bills 912-916 and the consideration of the Fiscal Code:

"Legislation that would have allowed much-needed funding to Pennsylvania's universities failed, after near unanimous opposition of House Democrats, but I was happy to see some Democrats cross the aisle to support these measures.

This legislation required a two-thirds vote, which failed with the lack of strong bipartisan support. This is the second time that House Democrats have defeated legislation that would provide funding to benefit Pennsylvania's college students.

"These bills would have included 5 percent increases in funding for each of the universities. With the governor's line-item veto of nearly \$3 billion in state education funding and the House Democrats opposing higher education funding this week, money to support students of all ages across the Commonwealth is sitting in the Treasury.

"While I am disappointed in the lack of support from my colleagues across the aisle for higher education funding, the passage of the Fiscal Code is an important step forward for bringing an end to this budget impasse. I will continue to work hard to support a fiscally responsible budget that respects the taxpayers.

Source: Rep. Topper Press Release, 1/12/2016

DEP's 2015 Accomplishments Focused on Innovation to Help Restore the Capacity of the Agency that Protects

Pennsylvania's Air, Land, Water, and Public Health

Under the Wolf Administration, the Pennsylvania Department of Environmental Protection (DEP) has worked to use innovation to help restore the capacity and integrity of the agency that protects Pennsylvania's air, land, water, and public health.

DEP Secretary John Quigley is committed to collaboration, science, and transparency in meeting the agency's [mission](#). Over the past year, DEP has made major advances, even though DEP lost 14% of its staff complement over the last 10 years, with 671 fewer positions than 7 years ago. That is compared to a state government average of a 6% decrease in staff in that same time period. Modernizing the agency has also been a challenge; with the department's Information Technology budget 43% less in nominal terms than it was 11 years ago.

With modernization in mind, the department achieved the following successes in 2015:

Protecting public health and the environment

- DEP updated the performance standards for surface activities at conventional and unconventional oil and gas well sites to ensure additional protections to the environment, public health, and safety. This [rulemaking](#) represents the first update to rules governing surface activities associated with the development of oil and gas wells since 2001, and implements provisions of the 2012 Oil and Gas Act. After an unprecedented 12 public hearings, almost 28,000 public comments, and the creation of the Conventional Oil and Gas Advisory Committee (COGAC), the rules are on track for Spring 2016 adoption.
- DEP implemented monthly online production [reporting](#) for unconventional natural gas wells, to improve transparency in gas production that will be particularly useful for royalty owners and production forecasters. Production data was previously reported on a semi-annual basis.

- DEP worked with federal and state agencies, and stakeholders to develop a plan for a January 2016 launch to “reboot” Pennsylvania’s effort to restore local water quality and that of the Chesapeake Bay.
- DEP released a scientific assessment of the impacts of [climate disruption](#) on Pennsylvania. The report, prepared for DEP at the direction of the Pennsylvania General Assembly, finds that Pennsylvania has warmed 1.8°F in the past 110 years, and the warming will increase at an accelerated rate. By 2050, Pennsylvania will be 5.4°F warmer than it was in the year 2000. By 2050, Philadelphia’s climate will be similar to current-day Richmond, Virginia. Pittsburgh will be similar to current-day Washington, DC or Baltimore, Maryland.
- DEP commenced work on Pennsylvania’s [Clean Power Plan](#), with Secretary Quigley chairing 14 listening sessions as part of the effort to develop a made-for-Pennsylvania plan to achieve federal mandates. DEP was selected by the National Governors Association as one of four states to participate in a Policy Academy to help states examine cost-effective strategies for meeting the potential requirements of federal regulations to reduce carbon emissions from existing power plants.
- DEP advanced the Reasonably Available Control Technology (RACT) [regulation](#) to reduce Nitrous Oxide emissions from power plants through the Environmental Quality Board. Final action by the Independent Regulatory Review Commission is anticipated early in 2016.
- DEP successfully negotiated with Talen Energy the submission of a request to modify the air plan approval for the Brunner Island Power Plant, which is southeastern and south-central Pennsylvania’s largest emitter of nitrous oxide (NO_x), to establish an enforceable 50% reduction in the potential to emit NO_x emissions from the facility. The request for the modification was received by DEP on December 17, 2015.

Driven by science

- DEP facilitated a multi-year, multi-agency [study](#) to eliminate possible causes of young-of-year smallmouth bass mortality in the Susquehanna River. The study examined 14 possible causes, and identified 2 likely causes – endocrine disrupting compounds/herbicides and pathogens/parasites. The results of this research allow DEP to focus on identifying the sources of the likely causes and continue research into some of the candidate causes that provided uncertain results.
- DEP partnered with DCNR to create a statewide [seismic monitoring network](#). The new, joint effort will maintain a network of 30 real-time monitoring stations, most of which will be located on state park lands. In addition to the 30 fixed stations, 5 additional temporary stations will be available for rapid deployment to investigate seismic events in detail.
- DEP evaluated and redesigned a treatment method at Lancashire treatment plant in Cambria County within the West Branch Susquehanna River Basin, to lower costs while preserving effluent performance. The alternative strategy produces an effluent quality equal or better than the traditional method, with annual operational savings of more than \$200,000. This savings will help preserve assets in the Barnes and Tucker Treatment Trust to ensure the long-term treatment of the Lancashire No. 15 Mine Pool.

Committed to collaboration

- DEP convened Governor Tom Wolf’s [Pipeline Infrastructure Task Force](#), a collaborative task force to explore the burgeoning construction of as many as 25,000 miles of natural gas gathering lines and 5,000 miles of interstate natural gas pipelines. In early 2016, the multi-agency, multi-stakeholder task force will recommend practices that will create predictability in permitting while simultaneously reducing environmental and community impacts.

- DEP revived and renamed DEP [Office of Environmental Justice](#), to serve all residents of Pennsylvania, and improve partnerships with Environmental Justice community members and advocates in policy, planning and permitting processes. New staff are establishing a dialogue with communities that do not always have a voice in environmental issues, ensuring that their concerns are heard, and where possible addressed, by the agency.
- DEP developed a two-phase plan providing 83 Allegheny County Sanitary Authority customer municipalities an 18-month extension of consent orders that expired March 30. The first phase requires the customer municipalities to develop a source reduction study to reduce flows entering in the regional sewer collection system that includes consideration of green infrastructure.
- DEP launched the online [eComment](#) tool to enhance public participation in and transparency of regulatory process. Nearly 4,000 comments have been submitted to the system on issues like climate change, pipeline infrastructure, water management, and the federal Clean Power Plan.

As an innovator

- DEP completed assessment of Information Technology (IT) needs and developed a strategic plan to modernize IT, improve business processes, track performance metrics, transition to new geolocation-based mobile solutions, paperless workflows, archive digitization, internal data-driven analytical research efforts, and greater transparency to the public and regulated community.
- DEP began an assessment of systems and processes to enhance the scientific and technical capabilities of the agency.
- DEP conducted internal reviews of various agency policies to provide for more consistent statewide application.
- DEP began a multi-phase agency reorganization to better focus resources.

Source: DEP Press Release, 1/12/2016

EPA Survey Shows \$271 Billion Needed for Wastewater Infrastructure

EPA has released a survey showing that \$271 billion is needed to maintain and improve the nation's wastewater infrastructure, including the pipes that carry wastewater to treatment plants, the technology that treats the water, and methods for managing stormwater runoff. The Clean Watershed Needs Survey is a collaboration between EPA, states, the District of Columbia, Puerto Rico, and other U.S. territories. To be included in the survey, projects must include a description and location of a water quality-related public health problem, a site-specific solution, and detailed information on project cost.

"The only way to have clean and reliable water is to have infrastructure that is up to the task," said Joel Beauvais, EPA's Acting Deputy Assistant Administrator for Water. "Our nation has made tremendous progress in modernizing our treatment plants and pipes in recent decades, but this survey tells us that a great deal of work remains."

Read [more](#).

Source: Water Headlines from EPA, 1/13/2016

EPA Launches Visualize Your Water Challenge to Find Solutions to Nutrient Pollution

Nutrient pollution is one of America's most widespread and costly environmental problems. EPA, the U.S. Geological Survey, the U.S. Department of Education, the Great Lakes Observing System, and Esri have come together to launch the Visualize Your Water challenge. This Challenge seeks to engage the innovative spirit of high school students in the Great Lakes and Chesapeake Bay watershed states to

create compelling visualizations about nutrient pollution using GIS software and water quality data collected by federal, state, and local efforts. The Visualize Your Water Challenge will help students cultivate career-oriented skills and learn about local nutrient pollution issues while encouraging environmental stewardship. This Challenge continues the work of the Challenging Nutrients Coalition, a coalition of federal agencies and non-governmental organizations, to improve our ability to measure, understand and reduce nutrient pollution.

Read [more](#).

Source: Water Headlines from EPA, 1/13/2016

Oberlander Alerts CDL Holders, Permit Seekers of New Changes

To comply with federal regulations, a new state law is now in effect that may affect individuals who hold commercial driver licenses (CDL) or those who will be seeking them, said Rep. Donna Oberlander (R-Clarion/Armstrong/Forest). Many of the new changes went into effect Dec. 21.

Oberlander noted that the changes are a result of Act 49 of 2015, which was signed into law at the end of October.

“Many of the new provisions seek to enhance public and driver safety while making the process a bit simpler for those who are seeking to renew a CDL,” Oberlander said. “It’s important to be aware of these changes, especially if someone is new to the process.”

The new law affects both license and permit holders.

Most notably, all new CDL applicants and current holders required to renew or make any changes or upgrades to their CDL will need to do so in person. License holders are required to prove citizenship or legal presence in the form of a birth

certificate, passport, naturalization documents or current immigration documents in person. The requirement to prove citizenship or legal presence for permanent residents and citizens will only need to be done once as a notation will be made on the customer’s record confirming the verification was made and the date it was made.

Additionally, residency documents will be required initially, at renewal and any time an address change occurs. Proof of residency can be accomplished by providing tax records, lease agreements, mortgage documents, W-2 form, current weapons permit, current utility bills (water, gas, electric, cable, etc.), a letter from PennDOT or a current license.

Other significant changes highlighted are as follows:

- The time period for annual physical and vision examination requirements for school bus drivers has been extended from every 12 months to every 13 months.
- Codes used to describe CDL classifications, endorsements and restrictions will change, and a listing of the new codes is now on the Department of Transportation website at dmv.pa.gov.
- If a driver applicant wants to remove any of the restrictions on his or her current license, the applicant may not have to retake the complete skills tests. The state may administer a modified test which will include a knowledge test and skills test depending on the restriction to be removed. The applicant’s permit will reflect the needed testing.
- Any Commercial Learner’s Permit (CLP) issued on or after Dec. 21 will be valid for no more than 180 days. Additionally, if a permit expires or was renewed once and needs to be renewed again, all knowledge tests must be retaken.
- Training permits (a precursor to the learner’s permit) will no longer be issued to school bus drivers.

- The 15-day training period will be reset any time an endorsement or restriction removal is added to a permit, if it also requires a skills test. This includes existing CDL holders.
- A CLP will not be issued to anyone who does not hold a current and valid driver's license.

Source: Rep. Oberlander Press Release, 1/12/2016

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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.