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# WUC

Water Utility Council of the  
PA-Section, American Water  
Works Association (PA-AWWA)



## GOVERNMENT RELATIONS UPDATE

### From Gmerek Government Relations, Inc.

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*PA- Section, American Water Works Association  
National Association of Water Companies  
Water Works Operators' Association of Pennsylvania*

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## EQB Proposed Rulemaking: Disinfection Requirements Rule

The Environmental Quality Board (EQB) proposed to amend Chapter 109 (relating to safe drinking water). The proposed amendments include minor clarifications to the Stage 2 Disinfectants/Disinfection Byproducts Rule, Long Term 2 Enhanced Surface Water Treatment Rule and the Lead and Copper Rule Short-Term Revisions to obtain or maintain primacy.

Additionally, the EQB is seeking comment on whether other provisions of the proposed rulemaking should be deferred and may be submitted to Lisa D. Daniels, Director, Bureau of Safe Drinking Water, PO Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, (717) 787-9633; or William Cumings, Assistant Counsel, Bureau of Regulatory Counsel, PO Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060.

The proposed rulemaking is available electronically through the Department of Environmental Protection's website. This proposed

rulemaking will go into effect upon final-form publication in the Pennsylvania Bulletin.

### Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Board. Comments, suggestions or objections must be **received by the Board by April 19, 2016**. In addition to the submission of comments, interested persons may also submit a summary of their comments to the Board. **The summary may not exceed one page in length and must also be received by the Board by April 19, 2016**. The one-page summary will be distributed to the Board and available publicly prior to the meeting when the final-form rulemaking will be considered.

Comments including the submission of a one-page summary of comments may be submitted to the Board online, by e-mail, by mail or express mail as follows. If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt. Comments submitted by facsimile will not be accepted.

Comments may be submitted to the Board by accessing eComment at <http://www.ahs.dep.pa.gov/eComment> . Comments may be submitted to the Board by e-mail at [RegComments@pa.gov](mailto:RegComments@pa.gov) . A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.

Written comments should be mailed to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

### **Public Hearings**

The Board will hold three public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held at 1 p.m. on the following dates:

#### **March 28, 2016**

Department of Environmental Protection  
Southcentral Regional Office  
Susquehanna Room  
909 Elmerton Avenue  
Harrisburg, PA 17110

#### **April 5, 2016**

Department of Environmental Protection  
Southeast Regional Office  
Delaware and Schuylkill Conference Rooms  
2 East Main Street  
Norristown, PA 19401

#### **April 7, 2016**

Department of Environmental Protection  
Southwest Regional Office  
Building 500  
Waterfront Conference Rooms A and B  
400 Waterfront Drive  
Pittsburgh, PA 15222

**Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at**

**least 1 week in advance of the hearing to reserve a time to present testimony.** Oral testimony is limited to 5 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Source: PA Bulletin, [2/20/2016](#)

## **EQB Meeting Cancellation**

**T**he March 15, 2016, meeting of the Environmental Quality Board has been cancelled.

The next regular meeting is scheduled for Tuesday, April 19, 2016, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg. The agenda and meeting materials for the April 19, 2016, meeting will be available on the Department of Environmental Protection's website (select "Public Participation," then "Environmental Quality Board (EQB)," then "2016 Meetings").

Questions concerning the next scheduled meeting may be directed to Laura Edinger, (717) 783-8727 or [ledinger@pa.gov](mailto:ledinger@pa.gov) .

Source: PA Bulletin, [2/20/2016](#)

## **Cancellation of Small Water Systems Technical Assistance Center (TAC) Board Meeting**

**T**he Department of Environmental Protection (DEP) cancelled the February 23, 2016, meeting of the Small Water Systems Technical Assistance Center Board.

The next meeting is scheduled for Wednesday, March 16, 2016, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg.

Questions concerning the cancellation of the February 23, 2016, meeting or the March 16, 2016, meeting may be directed to Dawn Hissner, Bureau of Safe Drinking Water, (717) 772-2189 or [dhissner@pa.gov](mailto:dhissner@pa.gov). The agenda and meeting materials will be available through the Public Participation tab on the DEP's website.

Source: PA Bulletin, [2/20/2016](#)

## EPA Releases Online Mapping Tool to Help Protect Drinking Water Sources

On February 19, 2016, the U.S. Environmental Protection Agency released DWMAPS - the Drinking Water Mapping Application to Protect Source Waters. This robust, online mapping tool provides the public, water system operators, state programs, and federal agencies with critical information to help them safeguard the sources of America's drinking water.

DWMAPS allows users to learn about their watershed and understand more about their water supplier. DWMAPS also lets users see if sources of their drinking water are polluted and if there are possible sources of pollution that could affect their communities' water supply. DWMAPS can even guide users to ways they can get involved in protecting drinking water sources in their community.

"A key part of having safe drinking water is protecting the sources - the streams, rivers, and lakes where utilities withdraw water," said EPA Administrator Gina McCarthy. "DWMAPS is the latest example of how EPA is using technology and digital tools to better protect public health and the environment.

Utilities and state drinking water program managers can also use DWMAPS with their own state and local data. It allows them to identify potential sources of contamination in their locations, find data to support source water assessments and plans to manage potential sources

of contamination and evaluate accidental spills and releases. DWMAPS also integrates drinking water protection activities with other environmental programs at the federal, state, and local levels.

DWMAPS can provide users with information to update source water assessments and prioritize source water protection in any location or watershed in the country. Specifically, DWMAPS helps users to:

- Identify potential sources of contamination in locations defined by users;
- Find data to support source water assessments and plans to manage potential sources of contamination;
- Evaluate accidental spills and releases, identifying where emergency response resources for accidental releases must be readily available; and
- Promote integration of drinking water protection activities with other environmental programs at the EPA, state, and local levels.

The mapping system will not display the locations of Public Water System facility intakes, but it does contain a wide variety of data useful to the protection of drinking water sources. EPA developed DWMAPS in consultation with EPA regional drinking water programs, state drinking water regulators, and public water systems. Visit [www.epa.gov/sourcewaterprotection/dwmaps](http://www.epa.gov/sourcewaterprotection/dwmaps)

Source: EPA Press Release, 2/19/2016

## DEP Offers Grants to Support Alternative Fuel Transportation Projects in Pennsylvania

The Pennsylvania Department of Environmental Protection (DEP) is encouraging Pennsylvanian business and community leaders to be better caretakers of the environment by offering incentives for the purchase

and use of alternative fuels and alternative fuel vehicles. DEP's Alternative Fuels Incentive Grant (AFIG) Program offers funding for innovative, advanced fuel and vehicle technology projects for cleaner alternative transportation within the commonwealth.

"The use of alternative fuels and deployment of advanced alternative transportation technologies is a key component to making Pennsylvania the country's energy leader in the use of domestic alternative fuels - and in cleaning the air we breathe and protecting our climate," said DEP Secretary John Quigley.

The AFIG Program will assist school districts, municipal authorities, nonprofits, corporations, LLCs, and partnerships registered to do business in Pennsylvania in offsetting the costs of implementing alternative fuel using transportation projects. The Alternative Fuels Incentive Grant Program is funded by annual gross receipts tax on utilities.

DEP is offering grants in the following project categories:

- Vehicle Retrofit or Purchase - To offset the incremental cost of purchasing alternative fuel vehicles or retrofitting existing vehicles to operate on alternative fuels.
- Alternative Fuel Refueling Infrastructure - To assist in the costs to purchase and install refueling equipment for fleet or home-based refueling.
- Biofuel Use - To support a portion of the cost to purchase high content biofuels.
- Innovative Technology - To support research, training, development, and demonstration of new alternative fuels and alternative fuel vehicles.

New this year, and in response to feedback from prior applicants, the AFIG program will remain open to receive applications throughout 2016. Applications will only be accepted online through the eGrants System. Hardcopy applications will not be accepted.

For more information and to further assist potential applicants, DEP is hosting two webinars: March 7, 2016 from 1:00-2:00 p.m., and March 8, 2016 from 11:00 a.m. -12:00 p.m. to review key elements of this grant program.

To register for the March 7th webinar, click [here](#) or copy and paste the following link into the browser:

<https://copa.webex.com/copa/onstage/g.php?MTID=eccfd55f094d096513ef50e6d015154d8>

To register for the March 8th webinar, click [here](#) or copy and paste the following link into the browser:

<https://copa.webex.com/copa/onstage/g.php?MTID=ed6b759a2a89ce9ada36d5d5b3395a70c>

Individuals are not eligible to apply for the AFIG program. The Alternative Fuel Rebate Program offers rebates to Pennsylvania residents to assist with the cost of purchasing an alternative fuel vehicle. For more information on that program, click [here](#).

For program guidelines, application instructions, and more information on the Alternative Fuels Incentive Grant Program, click [here](#).

**Source:** DEP Press Release, 2/18/2016

## **Pipeline Infrastructure Task Force Presents Report, Top 12 Recommendations to Governor Tom Wolf**

**I**n its report to Governor Tom Wolf, the Pipeline Infrastructure Task Force identified a dozen top recommendations, along with a broader set of 184 suggestions, to help Pennsylvania achieve responsible development of natural gas pipeline infrastructure in the Commonwealth.

The task force presented the recommendations in six major categories, designed to drive wider public discussion on the critical, complex, and interrelated environmental and community issues that

Pennsylvania faces in the development of the infrastructure needed to transport gas to market.

The Governor created the task force to identify best practices for pipeline siting, permitting and safety. Pipeline infrastructure development is governed by a complicated matrix of federal and state laws and regulations, county plans, and local ordinances. Multiple agencies are involved in permitting and overseeing siting, construction, operation, and maintenance of infrastructure.

In the next decade, Pennsylvania will undergo a substantial pipeline infrastructure build-out to transport gas and related byproducts from thousands of wells throughout the state. With that growth in mind, Governor Wolf asked the task force to develop recommendations to:

- Amplify and engage in meaningful public participation
- Develop long-term operations and maintenance plans to ensure pipeline safety and integrity
- Employ construction methods that reduce environmental and community impact
- Maximize opportunities for predictable and efficient permitting
- Plan, site and route pipelines in ways to avoid or reduce environmental and community impacts
- Enhance workforce/economic development

Chaired by Department of Environmental Protection (DEP) Secretary John Quigley, the 48 task force members and more than 100 additional volunteers serving in 12 workgroups have been meeting since July 2015. The task force voted on all 184 recommendations, identifying the top two recommendations in each category.

Over the coming months, recommendations that fall within the purview of Commonwealth agencies will be further assessed and evaluated for possible implementation. Industry and other agencies are encouraged to do the same for recommendations that lie within their purviews, said Quigley.

“This report should start a larger conversation in Pennsylvania. It will be a success if it touches off a sustained debate and promotes collaboration between communities, the gas industry, pipeline builders, landowners, and other stakeholders,” said Quigley. “This infrastructure build-out will impact every county in the state, so it’s imperative that Pennsylvanians and the industries that want to do business here engage in this conversation constructively.”

The top two recommendations under each category that resulted from that voting process:

- Amplify and engage in meaningful public participation
  - Establish early coordination with local landowners and lessors
  - Educate landowners on pipeline development issues
- Develop long-term operations and maintenance plans to ensure pipeline safety and integrity
  - Train emergency responders
  - Enhance emergency response training for responder agencies
- Employ construction methods that reduce environmental impact
  - Minimize impacts of stream crossings
  - Use best available combination of technologies to protect exceptional value and high quality waters
- Maximize opportunities for predictable and efficient permitting
  - Ensure adequate agency staffing for reviewing pipeline infrastructure projects
  - Implement electronic permit submissions for chapters 102 and 105
- Plan, site and route pipelines to avoid/reduce environmental and community impacts

- Expand PA1Call for all classes of pipelines
- Identify barriers to sharing rights-of-ways
- Enhance workforce/economic development
  - Attract military veterans to the energy workforce
  - Enhance science, technology, engineering, and math (STEM) education

For more information on the report, and the full set of recommendations, click [here](#).

Source: DEP Press Release, 2/18/2016

## Ortitay Bill Would Erase Expired, Job-Killing Tax from Tax Code

Rep. Jason Ortityay (R-Washington/Allegheny) recently introduced legislation, [House Bill 1839](#), to formally remove language regarding the now expired Capital Stock and Foreign Franchise Tax (CSFT) from the state tax code. Before it expired in 2015, the CSFT was imposed on corporations with capital stock, joint-stock associations, limited liability companies, business trusts, and other companies doing business within Pennsylvania.

"Prior to its elimination, we were the only state in the nation that assessed and collected both a business asset tax and a Corporate Net Income tax," Ortityay said. "It was double taxation that did nothing to incentivize job growth or economic expansion in the Commonwealth."

Under the CSFT, domestic corporations were subject to the capital stock tax while foreign corporations were subject to the foreign franchise tax on capital stock apportioned to Pennsylvania. The capital stock tax for domestic firms was imposed on the corporation's capital stock value. The foreign franchise tax was a tax on the privilege of doing business in Pennsylvania, and was imposed on the capital stock value attributable to Pennsylvania.

"In order to eliminate any disagreement regarding whether the code's current expiration language does enough to eliminate this tax once-and-for-all, I believe it is important to completely remove it from the tax code," Ortityay said.

Originally set to expire in 2009 following a phase-out plan adopted by the state legislature in 2000, the CSFT was officially expired on Dec. 31, 2015.

The expiration was delayed on five different occasions when the phase-out schedule was altered in 2002, 2003, 2009 and 2011 and 2013.

Prior to its elimination, The CSFT was imposed on corporations also paying the states Corporate Net Income Tax (CNIT), which at 9.99% is currently the second highest CNIT in the country.

Source: Rep. Ortityay Press Release, 2/17/2016

## SRBC Announces Workshops To Assist Small Water Suppliers April 5, May 17

The Susquehanna River Basin Commission will hold a workshop on Developing Aquifer Testing Plans and Groundwater Withdrawal Applications on two dates, April 5 and May 17.

The day-long workshops will be held at the Commission's Conference Center located at 4423 N. Front Street, Harrisburg, PA 17110. One purpose of this Commission-developed workshop is to provide guidance to small public water suppliers and their consultants on how to best evaluate their groundwater resources in accordance with the Commission's aquifer testing process.

The Commission depends upon the quality of these evaluations for making sound decisions for the sustainable development, use, and protection of the groundwater resources of the Basin.

"The Commission is pleased to be able to provide this valuable training that will assist small

water suppliers in completing high quality evaluations,” comments Andrew Dehoff, Executive Director of the Commission. He added, “It is our belief that workshop attendees will walk away with the knowledge and tools necessary to quickly and efficiently navigate the Commission’s review and approval process.”

The workshops are being offered free of charge.

Each workshop will contain six hours of instruction and certificates of attendance will be available for those who are seeking continuing education credits. Each workshop is limited to the first 60 participants who complete registration.

The workshops have been made possible through a partnership with the Department of Environmental Protection as part of the Public Water Supply Assistance Program.

For more information on the workshops, please contact Brent Bauman, P.G., at 717-238-0423 ext. 1235, or by sending email to: [pwsap@srbc.net](mailto:pwsap@srbc.net). For additional information or to register for either workshop, visit SRBC’s [Public Water Supply Assistance Program](#).

For more information on programs, initiatives and meetings, visit the Susquehanna River Basin Commission [website](#) or [Follow SRBC on Twitter](#).

Source: PA Environmental Digest, 2/22/2016

## House Committees To Hold Information Meeting On Chesapeake Bay Strategy Feb. 29

The House Environmental Resources and Energy and Agriculture and Rural Affairs Committees will hold an informational meeting on the Wolf Administration’s Chesapeake Bay Reboot Strategy on February 29.

“Pennsylvania is one of several states in the Chesapeake Bay watershed, and as such, we have obligations to reduce nitrogen, phosphorus and

sediment entering the Bay,” said Rep. John Maher (R-Allegheny), Majority Chair of the House Environmental Committee. “To date, we have met milestones for phosphorus, but are still lagging in our goals for nitrogen and sediment.

“As a result, through collaboration among the Departments of Agriculture, Environmental Protection and Conservation and Natural Resources, the Administration has developed what they are calling a “reboot” of our existing Chesapeake Bay restoration strategy,” said Rep. Maher. It is this strategy the Committees will review at their meeting.

Among those expected to offer comments before the Committee are: DEP Secretary John Quigley, Agriculture Secretary Russell Redding, Richard Roush, Dean of Penn State’s College of Agricultural Sciences, Chris Thompson, Lancaster County Conservation District on behalf of the PA Association of County Conservation Districts and Denise Coleman, State Conservationist, USDA Natural Resources Conservation Service.

The meeting will be held in Room 60 East Wing starting at Noon.

Rep. John Maher (R-Allegheny) serves as Majority Chair of the House Environmental Committee and can be contacted by sending email to: [jmaher@pahousegop.com](mailto:jmaher@pahousegop.com). Rep. Greg Vitali (D-Delaware) serves as Minority Chair and can be contacted by sending email to: [gvitali@pahouse.net](mailto:gvitali@pahouse.net). Rep. Martin Causer (R-Cameron) serves as Majority Chair of the House Agriculture Committee and can be contacted by sending email to: [mcauser@pahousegop.com](mailto:mcauser@pahousegop.com). Rep. Mike Carroll (D-Luzerne) serves as Minority Chair and can be contacted by sending email to: [mcarroll@pahouse.net](mailto:mcarroll@pahouse.net).

Source: PA Environmental Digest, 2/22/2016

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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.*