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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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## DEP Reignites Initiative to Improve Effectiveness, Consistency of Inspections, Compliance and Enforcement Activities

**T**he Pennsylvania Department of Environmental Protection (DEP) is restarting a process to improve statewide consistency in the way DEP conducts inspections of regulated entities and activities, ensures compliance with state and federal laws and regulations, and handles enforcement cases.

"The result of this process will be a general, inspection, compliance, and enforcement policy aimed at improving consistency for all our program-specific policies," said DEP Secretary John Quigley. "This foundation will help to ensure that our work across all programs is internally aligned, consistent, and in compliance with state and federal regulatory requirements."

In keeping with DEP's commitment to transparency, the process will include a public notice and comment period, anticipated to occur in the summer.

DEP first launched a compliance monitoring initiative in 2013, to evaluate compliance and enforcement policies and strategies, and update a 2004 internal policy on how the agency handles violations of law and Commonwealth regulations. Recommendations were drafted but never implemented.

This month, Secretary Quigley re-energized the initiative, starting with an internal review of DEP policies on inspections, compliance, and enforcement. The internal review is expected to be completed in May, followed by the public comment period.

Source: DEP Press Release, 4/5/2016

## EPA Set to Host Webinar on Disinfection Byproducts Regulatory Issues and Solutions on April 26

**I**n 2016, EPA's Office of Research and Development (ORD) and Office of Water (OW) will host monthly webinars to discuss challenges and treatment solutions for small drinking water and wastewater systems. On April

26, EPA will host a webinar on Disinfection Byproducts (DBPs) Regulatory Issues and Solutions from 2:00 p.m. to 3:00 p.m. Eastern Time. Michael Finn from the Office of Water will give a presentation on Stage 2 DBP regulatory review and implementation challenges, followed by a presentation by Jolyn Leslie from the Washington State Department of Health, on small system DBP challenges and solutions in Washington. A certificate for one continuing education contact hour will be offered for this webinar. Please indicate in the registration question if you are interested in receiving a certificate of attendance for the webinar.

Register [Here](#).

Source: Water Headlines from EPA

## EPA Shares State Water Agency Practices for Climate Change Adaptation

EPA, in collaboration with ACWA, ASWM, AND ASWM, has released [State Water Agency Practices for Climate Change Adaptation](#); an online tool for sharing innovative practices that state water agencies are currently implementing to reduce their vulnerability to climate-related impacts. These select state practices can serve as useful models for other state agencies seeking to make their water programs more resilient to climate change.

Learn [More](#).

Source: Water Headlines from EPA

## PennDOT Reminds Drivers to Focus Full Attention on the Road

The Pennsylvania Department of Transportation joins the National Highway Traffic Safety Administration in recognizing

April as National Distracted Driving Awareness Month, and reminds all motorists that driving is a skill that requires their undivided attention.

"Every time someone diverts their attention from the task of driving - even for a second - they are putting themselves and others at risk," said PennDOT Secretary Leslie S. Richards. "Driving is a skill that requires one hundred percent of your attention one hundred percent of the time."

Distracted driving is any action that draws attention away from the safe operation of a vehicle. There are three types of driver distractions: visual, causing drivers to take their eyes off the road; manual, causing drivers to take their hands off the wheel; and cognitive, causing drivers to take their mind off the road.

One dangerous activity that involves all three types of distraction - texting - has been addressed through the state's anti-texting law, which took effect in March 2012. The law prohibits text-based communication while driving, and makes texting while driving a primary offense carrying a \$50 fine.

According to PennDOT data, more than 14,800 crashes involved a distracted driver in Pennsylvania in 2015, with 66 deaths in those crashes. Over the past five years, over 11 percent of Pennsylvania crashes involved a driver distraction, resulting in more than 300 fatalities statewide.

To help avoid distractions while driving, PennDOT recommends that drivers follow these simple safety tips:

- Store or turn off cell phones while driving. If you must make an emergency call, safely pull over to the side of the road.
- If traveling alone, set your GPS, radio and temperature controls before beginning your trip.
- If traveling with pets, be sure that they are properly restrained. Better yet, leave them at home. Even a minor crash can result in a major injury to a pet if it is not properly restrained.
- Never operate your vehicle and attend to a child at the same time.
- If you drop an object while driving, leave it until you reach your destination or pull over safely to the side of the road before retrieving it.

For more information on distracted driving and the state's anti-texting law, visit [www.justdrivepa.org](http://www.justdrivepa.org) and look under "Traffic Safety Information."

Follow PennDOT on Twitter at [www.twitter.com/PennDOTNews](http://www.twitter.com/PennDOTNews).

Source: PennDOT Press Release, 4/7/2016

## **Rules and Regulations: Paper Billing Fees**

**T**he Pennsylvania Public Utility Commission, on October 22, 2015, adopted a final rulemaking order to amend existing regulations to prohibit tariff provisions that charge customers a fee to receive a paper bill.

On March 20, 2014, the Commission concluded an investigation into the practice of charging a paper billing invoice fee (PBIF), and issued an Order finding that imposing a separate line item charge to recover the costs 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 contact person for this proposed rulemaking is Terrence J. Buda, Assistant Counsel, Law Bureau, (717) 787-5000. Alternate formats of this document may be obtained by contacting the Regulatory Coordinator, Law Bureau, (717) 787-5000.

Source: PA Bulletin, 4/9/2016

## **PUC Marks ‘Safe Digging Month’ by Noting Importance of PA One Call and Advocating for Key Safety Enhancements**

**I**n conjunction with National Safe Digging Month, the Pennsylvania Public Utility Commission (PUC) reminded residents and businesses of the importance of dialing 8-1-1 before digging to help ensure the safety of their excavation projects. Additionally, Commissioners underscored the “remarkable” work of the Pennsylvania One Call System (PA One Call) and emphasized the need for key legislative enhancements aimed at reducing the number of “hits” on underground infrastructure and better safeguard workers and the general public.

“There are about 6,000 hits reported every year on underground facilities across Pennsylvania, which means that during the average work day, a pipeline or other utility infrastructure is struck once every 20 minutes,” said Commissioner John F. Coleman Jr., who has been a strong supporter of PA One Call and an advocate for safety improvements. “Every one of these incidents poses a danger to contractors, utility workers and nearby residents, along with the possibility of service interruptions, environmental damage and costly repairs to damaged lines.”

PA One Call alerts all utilities within an intended digging area and prompts them to mark where the facilities located on that property. Pennsylvanians can dial 8-1-1 to connect with the system, while non-Pennsylvania residents can dial 1-800-242-1776.

State law requires contractors and residents to contact PA One Call at least three business days prior to excavation, and the system transmits more than 6 million notifications per year – providing protection to more than 100,000 excavators and 3,600 critical facilities owners. For more information on the PA One Call program, visit [www.pa1call.org](http://www.pa1call.org).

In addition to urging all contractors and residents to call 8-1-1 prior to any excavation, the Commission encouraged members of the Pennsylvania General Assembly to take action on legislation intended to enhance safety efforts – removing exemptions from the current law that allow some underground lines to go unmarked, and to enhance enforcement as part of a comprehensive

effort to cut the number of incidents by 50 percent by the year 2020.

A recent [letter](#) to legislative leaders written by PUC Vice Chairman Andrew G. Place and signed by all five Commissioners underscored the serious safety concerns regarding exemptions to the PA One Call program – noting an explosion last year in Armstrong County that took the life of an equipment operator who was gravely burned when his excavator struck a natural gas pipeline that was not required to be marked.

In addition to removing exemptions from the PA One Call program, the PUC’s recommendations address the following concerns:

- Facility owners who do not join PA One Call;
- Excavators who do not call before digging;
- Facilities owners who do not respond when alerted of a project;
- Structural damages that are not reported; and
- Violations that are not currently being enforced.

“These improvements are supported by contractors, utilities, municipalities and other stakeholders,” Commission Coleman added, emphasizing that similar recommendations to enhance PA One Call are among the [key safety findings](#) of a February 2016 report by the Governor’s Pipeline Infrastructure Task Force.

Additionally, Coleman explained that exemptions in the PA One Call Law also jeopardize funding for pipeline safety programs in Pennsylvania – already resulting in the loss of nearly \$300,000 in federal grants and also threatening funding for future years, as long as the exemptions continue.

In a series of [statements](#) at today’s PUC public meeting, Chairman Gladys M. Brown, Vice Chairman Andrew G. Place and Commissioner Robert F. Powelson joined Commissioner Coleman’s call for action – including the transfer of enforcement authority for PA One Call to the PUC – noting that the PUC is better equipped than any other state agency to tackle that mission.

“We urge lawmakers to address this important issue as quickly as possible in order to avoid further

tragic incidents and to better safeguard the public,” Coleman said. “Overall, we believe these improvements will increase safety and drive down costs for all parties – including consumers, landowners, utilities and contractors – by helping to prevent damage and outages.”

Governor Wolf and leaders from numerous counties across Pennsylvania have proclaimed April to be [Pennsylvania One Call System Safe Digging Month](#), underscoring the invaluable nature of this service.

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](http://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, 4/7/2016

## Senate Local Government Committee to Consider Storm Water

**O**n Tuesday, April 12, 2016, the Senate Local Government Committee will meet at 10:30 a.m. in the Majority Caucus Room to consider:

[House Bill 1325](#) (Mustio-R) – amends the Second Class Township Code by authorizing a board of supervisors to enact and enforce storm water management ordinances and to assess fees for the purpose of funding the construction, maintenance and operation of storm water

management facilities, systems and management plans.

- *Amendment 06385 – restricts storm water fees assessed by a township to the amount necessary to meet the minimum requirements of the Federal Water Pollution Control Act and requires townships to consider and provide appropriate exemptions or credits for properties which have installed and are maintaining storm water facilities that meet best management practices and are approved or inspected by the township.*

[House Bill 1394](#) (Mustio-R) – amends Title 8 (Boroughs) by authorizing a borough to enact and enforce storm water management ordinances and to assess fees for the purpose of funding the construction, maintenance and operation of storm water management facilities, systems and management plans.

- *Amendment 06269 – restricts storm water fees assessed by a borough to the amount necessary to meet the minimum requirements of the Federal Water Pollution Control Act and requires boroughs to consider and provide appropriate exemptions or credits for properties which have installed and are maintaining storm water facilities that meet best management practices and are approved or inspected by the borough.*

[House Bill 1661](#) (Mustio-R) – amends the First Class Township Code by authorizing the board of commissioners to plan and construct storm water management plans and facilities, enact and enforce storm water management ordinances, and assess fees for the purpose of funding the construction, maintenance and operation of storm water management facilities, systems and management plans.

- *Amendment 06270 – restricts storm water fees assessed by a township to the amount necessary to meet the minimum requirements of the Federal Water Pollution Control Act and requires townships to consider and provide appropriate*

*exemptions or credits for properties which have installed and are maintaining storm water facilities that meet best management practices and are approved or inspected by the township.*

[Senate Bill 1038](#) (White-R) – amends Act 293 of 1921 by authorizing a judicial position on juvenile detention boards in counties of the third class.

**Source:** Senate Republican News, 4/8/2016

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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.***