
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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EPA Publishes Customer Assistance Program Compendium

EPA's Water Infrastructure and Resiliency Finance Center has published a compendium of utility customer assistance programs. The compendium includes information on the types of programs that have been implemented for specific segments of service areas that have difficulty paying water and sewer bills. These programs range from discount programs for specific customers (e.g., low income, elderly, disabled) to customers in short-term crisis situations (e.g., death of a family member, divorce) that are implemented through a donation program, variable rate structure, collaboration with a local social service agency, etc.

A webinar will be held highlighting utilities that are implementing these programs. EPA is collaborating with national water sector associations (NACWA, AWWA, WEF, NAWC, AMWA), the Environmental Financial Advisory Board (EFAB), and selected utilities on this effort.

Learn [More](#).

Source: Water Headlines from EPA, 4/20/2016

EPA Set to Host Transition to the Revised Total Coliform Rule (RTCR) Webinar on April 28

EPA will host a webinar to discuss the federal requirements to transition public water systems (PWSs) from the Total Coliform Rule (TCR) to the Revised Total Coliform Rule (RTCR). Presenters will address how PWSs must comply with applicable TCR requirements (e.g., repeat sampling, PN, CCR) on or after the RTCR effective date of April 1, 2016.

Presenters will also provide scenarios that demonstrate actions primacy agencies may use to return-to-compliance a PWS's TCR non-compliance.

The webinar will take place on April 28th from 1:00 pm to 2 pm Eastern Time.

Register [Here](#).

Source: Water Headlines from EPA, 4/20/2016

Governor Wolf Statement on Fiscal Code

On April 22, 2016, Governor Wolf released the following statement regarding the fiscal code:

"Over the past several days, I have worked with Republicans and Democrats in the legislature to finalize the 2015-2016 budget. I will let the fiscal code become law without my signature, and I look forward to working with the legislature in the coming weeks to address our challenges and meet the needs of distressed school districts so that they will remain solvent. As we enter 2016-2017, I look forward to coming together to reach a long-term solution to fix our deficit and to fund education at all levels. I remain adamant that we must take additional steps to restore the cuts from the previous administration.

"We still have a long way to go to restore the cuts to education at all levels, Pre-K through higher education.

"I am eager to get to work immediately with Republican and Democratic leaders to discuss a responsible 2016-2017 budget that is balanced, fixes the deficit, continues to make important investments in education and prevents Pennsylvania from going over a fiscal cliff that will have serious implications for our long-term future."

Source: Governor's Press Office, 4/2/2016

Governor Wolf Announces \$23.4 Million Investment in Water Infrastructure Projects in 6 Counties

On April 20, 2016, Governor Tom Wolf announced the investment of \$23.4 million for seven drinking water, wastewater and non-point source projects across six counties through the Pennsylvania Infrastructure Investment Authority (PENNVEST).

"The low-interest loans and grants awarded by the PENNVEST Board of Directors at today's meeting will help both large and small communities across the Commonwealth improve their drinking water and eliminate the contamination of their nearby streams and rivers", said Governor Wolf. "This much-needed assistance will make these efforts affordable for the thousands of people affected by these projects and will have a lasting effect on improving Pennsylvania's public health and water quality."

Of the \$23.4 million, \$17.7 million is allocated for low-interest loans and \$5.7 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

Cambria County

Nanty Glo Water Authority received a \$3.5 million loan to make a variety of improvements to its drinking water treatment plant, which is at the end of its useful life and consequently experiencing increasing operational costs and poorer water quality. These improvements will bring the plant into compliance with safe drinking water regulations.

Somerset County

Somerset Borough Municipal Authority received a \$1,806,000 loan to replace its old and leaking drinking water storage tank with a new tank. This will eliminate the water losses that the system is now experiencing due to the leaks from the old tank.

PENNVEST Wastewater Projects

Cambria County

Johnstown City received a \$3,026,925 grant to rehabilitate or, when slip lining is not possible, replace more than two miles of clay pipe in the in the Hornerstown and Industrial Park area of the City. This is part of a multi-phase effort that the City is undertaking to reduce infiltration and inflow into its sewage collection system that currently causes overflows of sewage during wet weather.

Washington County

Independence-Cross Creek Joint Sewer Authority received a \$5,598,640 loan to construct more than seven miles of sewage collection lines in order to provide service to areas of Cross Creek and Independence Townships where almost fifty percent of the household on-lot septic systems are malfunctioning and where there are also some wildcat sewers discharging untreated sewage directly into nearby streams.

Non-point Source Water Quality Improvement Projects

Bedford County

Everett Borough received a \$920,395 grant to make improvements to two stormwater retention ponds and replace an existing inadequate culvert in order to eliminate erosion and sediment contamination of the Raystown Branch of the Juniata River that occurs during wet weather.

Luzerne County

Courtdale Borough received a \$1,785,000 grant to install almost four miles of grassed swales, 2,500 feet of storm sewer pipe and make other improvements in order to eliminate major flooding and road washouts that occur during heavy rains.

Philadelphia County

Temple University received a \$6,747,933 loan to install green roofs, porous paving, rainwater harvesting cisterns, stormwater piping and make other improvements that will eliminate erosion and

sediment runoff into the existing combined sewer and stormwater systems that serve the University and surrounding residences in northcentral Philadelphia.

Source: Governor's Press Office, 4/20/2016

BLOG: Open Data Initiative Will Bring 21st Century Transparency to PA

In recent years, governments at the federal, state and local levels have adopted open data initiatives to increase transparency to citizens, spur innovation and economic opportunity, and demonstrate the effectiveness of state policies and programs.

Open data refers to data that is in a format that can be retrieved and meaningfully processed by a computer application, making it available to the public to use in any way they would like. Users can take that data and combine it with other data sets, analyze it using software programs, or create new applications.

Currently, Pennsylvania is [one of just 10 states](#) that do not have an open data portal. This week, Governor Wolf took [action](#) to bring Pennsylvania into the 21st century by directing the Office of Administration to create a central repository for open data and work with state agencies to publish data sets.

This new open data website will serve as a one-stop shop for commonwealth open data, eliminating the need for users to scour dozens of individual state agency websites for information.

We also plan to gather input from cities, universities and other stakeholders on the types of data that interest them in order to ensure that the data being published is valuable and useful to others.

This is just one more step in Governor Wolf's plan to make government more open and transparent. Earlier this year, the Wolf Administration launched [Governor's Goals](#), a new

website that introduces measurable goals to align to Governor Tom Wolf's three key priorities - Jobs that Pay, Schools that Teach, and Government that Works.

The beta launch of this website is the first phase in the implementation of Governor's Goals. Future iterations of the site will track the progress of these administrative goals and make the data used to measure the goals available to the public.

As one of 10 states without open data, we have a lot of catching up to do.

The Governor's executive order puts Pennsylvania in a position to be more open and transparent to the people we serve.

By: Julie Snyder, Director of Data and Digital Technology

Source: Governor's Press Office, 4/22/2016

Susquehanna River Basin Commission Announces a Review of Water Use by the Natural Gas Industry

The Susquehanna River Basin Commission (Commission) has released a new report that examines the activities of the Commission surrounding its management of water use by the natural gas industry from 2008-2013.

Following the initial development phase of the industry, the Commission considered it important to review and assess its activities from a water management perspective.

The primary objectives of the report are to 1) summarize the regulatory responses taken by the Commission to address this new and previously unfamiliar water use activity; 2) identify the water use characteristics of the industry operating within the Basin; and 3) assess how the Commission's programs are influencing natural gas industry water use.

"The primary concern related to water needs for hydraulic fracturing has not been conflict between the industry and other human water needs, but rather for impacts to the Basin's aquatic ecosystems," states Andrew Dehoff, P.E., Executive Director of the Commission. "The Commission undertook incremental policy and regulatory adaptations to successfully address the potential for conflict between the industry and the local aquatic ecosystems for the protection of sensitive habitats and the Basin's finite water resources."

Looking ahead, the Commission will use the observations made and conclusions drawn from the report to inform and direct its future efforts. Some challenges and opportunities that will be addressed by the Commission include future regulatory practices that encourage water delivery systems anchored in more sustainable areas of the Basin, enhancing water quality monitoring and assessment methods, and expanding the use of technology to enable Commission staff to work more effectively and communicate better with the general public and the regulated community.

For a copy of the full report or a summary of the report's findings, please visit the Commission's website at <http://www.srbc.net>.

The Susquehanna River Basin Commission is a federal/interstate governmental agency responsible for protecting and wisely managing the water resources within the 27,500 square-mile Susquehanna River Basin without regard to political boundaries. The Susquehanna rises and flows through New York, Pennsylvania, and Maryland into the Chesapeake Bay. For more information on the Commission, visit srbc.net or follow us on Twitter: @SRBCnews.

Source: SRBC Press Release, 4/18/2016

Independent Regulatory Review Commission Approves Oil and Gas Regulations

On April 21, 2016, the Independent Regulatory Review Council (IRRC) approved revisions to Pennsylvania's oil and gas drilling regulations, continuing on the process that modernizes and strengthens the "Environmental Protection Performance Standards at Oil and Gas Well Sites" (Chapters 78 and 78A) rulemaking. The regulations amend the environmental controls employed by both the conventional and unconventional industries to assure the protection of public health, safety, and the environment.

"I am pleased that IRRC moved these important regulatory updates closer to the finish line. The Chapter 78 and 78A regulations have been written with an unprecedented amount of public participation, including from the conventional and unconventional drilling industries," said Department of Environmental Protection (DEP) Secretary John Quigley. "This final regulatory package will improve protection of water resources, add public resources considerations, protect public health and safety, address landowner concerns, enhance transparency, and improve data management."

Among the changes to the current regulations:

- Improved protections of public resources: Operators must provide notice if drilling would be near school property and playgrounds, parks, forests, and other public resources.
- Strengthened water supply restoration standards: If oil and gas development degrades a water supply, the operator must restore or replace the supply with one that meets Safe Drinking Water Act standards or is as good as pre-drilling conditions if the water supply was better than the Drinking Water Act standards.
- Electronic filing: In order to more efficiently track well development and operations, and to provide better public access to drilling data, operators will be required to submit electronic forms rather than paper.

"These changes are the result of tens of thousands of comments from industry and Pennsylvania residents, and our experience with the industry. They represent a balanced and incremental approach," said Quigley.

The regulatory package will now be reviewed by the Legislature. After that, the regulations will be reviewed by the Attorney General's office before being published in the Pennsylvania Bulletin.

Source: DEP Press Release, 4/21/2016

Sen. Yaw Calls for Senate/House Disapproval Resolution on DEP Drilling Regulations

Sen. Gene Yaw (R-Lycoming), Majority Chair of the Senate Environmental Resources and Energy Committee, issued this statement Friday on the approval of DEP's drilling regulations by the Independent Regulatory Review Commission Thursday—

"I recognize that strong regulations are needed to allow for safe development of our natural resources.

However, the objections raised by both standing committees and two IRRC Commissioners to this rulemaking are warranted given the fact that the Department has circumvented state laws and a Supreme Court opinion in an effort to justify expanded provisions of the rulemaking that they are not authorized to enact.

"This administration has touted the development and use of natural gas, but then proposes industry crippling severance taxes and far-reaching regulations. The Department has not worked collaboratively with the General Assembly to address the valid concerns for this rulemaking. "Unfortunately, we are at a point where a disapproval resolution is necessary, which I will support."

A Senate/House concurrent resolution disapproving would have to be reported out of one of the Senate or House Environmental Committees within 14 days of receiving the IRRC order on the DEP drilling regulations.

The Senate and House would have 30 calendar days or 10 voting session days, whichever is longer, from the date the resolution is reported out of

Committee to pass the concurrent resolution disapproving the regulation and present it to the Governor for his action.

The Governor can then sign or veto the resolution. His veto is subject to being overridden by both the Senate and House by two-thirds vote.

On April 12, both Committees voted to disapprove the regulations, largely along party lines.

At that same meeting, the Senate Environmental Resources and Energy Committee reported out [Senate Bill 1011](#) (Hutchinson-R-Venango) that would kill DEP's final drilling regulations covering conventional oil and gas wells and starting the rulemaking process over.

The bill is now on the Senate Calendar awaiting a final vote.

The Senate returns to voting session on May 9 and will be in voting session on these days: May 9, 10, 11, 16, 17, 18 and June 6, 7, 8, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30.

The House returns to voting session on May 2 and will be in voting session on these days: May 2, 3, 4, 16, 17, 18, 23, 24, 25 and June 6, 7, 8, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30.

For more information on DEP's drilling regulations, visit the Oil and Gas Rulemaking [webpage](#).

Source: PA Environmental Digest, 4/25/2016

PA Supreme Court Denies Appeal Challenging DEP Drilling Regs

The PA Supreme Court Wednesday denied the appeal of Friday's Commonwealth Court decision denying a request by conventional oil and gas drillers to invalidate DEP's Chapter 78 (conventional) and Chapter 78a (unconventional) drilling regulations because they violated the provisions of a 2014 amendment to the Fiscal Code.

This action by the PA Supreme Court clears the way for the regulatory review process to continue and for the Independent Regulatory Review Commission to consider the regulations on April 21.

A copy of the PA Supreme Court's denial is available [online](#).

In his [written opinion](#), Commonwealth Court Judge Colins Friday said on the issue of violating the Fiscal Code, "All three Respondents [DEP, Environmental Quality Board and the IRRC] argue that regardless of whether PIPP's [PA Independent Petroleum Producers Association] assertions are accurate or legally meritorious, no relief can be granted to PIPP in this action because its claims are not ripe. The Court agrees."

A copy of the appeal notice is available [online](#).

Source: PA Environmental Digest, 4/25/2016

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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.