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GOVERNMENT RELATIONS UPDATE

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DEP and County Conservation Districts Collaborating on Farm Inspection Details in Chesapeake Bay Watershed

In a briefing to the State Conservation Commission (SCC), Pennsylvania Department of Environmental Protection (DEP) officials will discuss details of the collaboration between DEP and county conservation districts to conduct farm inspections in the Chesapeake Bay watershed as part of the recently announced "Bay Reboot" strategy.

DEP announced the strategy in January. It was developed in conjunction with the Pennsylvania departments of Agriculture, and Conservation and Natural Resources, and the State Conservation Commission. The strategy relies on a mix of technical and financial assistance for farmers, improved technology, expanded data gathering, improved program coordination and capacity and - when necessary - stronger enforcement and compliance measures.

The Tom Wolf administration sought additional resources from the federal government, and has been working with farm organizations to assist in capturing on-the-farm data of best management practices throughout the bay watershed. Capturing this data is essential to Pennsylvania receiving full credit in the U. S. Environmental Protection Agency (EPA) model, which is used to measure progress toward pollution reduction goals.

DEP Secretary John Quigley and Veronica Kasi, program manager of DEP's newly formed Chesapeake Bay Program Office, will deliver the update to SCC members at their statewide meeting in Harrisburg and provide a timeline for implementation.

"With valuable feedback from our partners, DEP has developed a draft Standard Operating Procedure (SOP) and inspection report form for conservation district and agency staff to follow when completing field inspections as called for as part of the reboot strategy," Quigley said. "DEP will send pre-inspection letters to farmers to make them aware of the inspection program and afford them an opportunity to demonstrate compliance prior to a field inspection."

In December 2010, EPA developed a total maximum daily load (TMDL) for the Chesapeake

Bay in response to court orders and the federal Clean Water Act, which requires Pennsylvania to reduce annual discharges of nitrogen, phosphorous and sediment entering the bay watershed. These reductions are needed to meet water quality standards by 2025. The Bay Reboot strategy is a recognition by the Wolf administration that a "mid-course change in direction," or refocus of work, is necessary because Pennsylvania will not reach the goals as described in the current Watershed Implementation Plan (WIP).

Quigley said DEP also just finished pilot-testing the draft SOP this month in a few counties. The results of this pilot testing, along with other comments received from conservation district and agency staff, will be used to finalize this draft SOP, which can be found on DEP's website [here](#). Once finalized, DEP and conservation district staff will be provided with formal training before full implementation of the program in July.

County conservation district staff have had a role in compliance inspections under the Chapter 83 Nutrient Management and Chapter 102 Erosion & Sedimentation regulatory programs for decades. As part of the Bay Reboot strategy, conservation district staff will shift their focus from conducting 100 educational farm visits to conducting 50 farm inspections each year. The inspections will initially focus on ensuring farmers have implemented manure management and erosion and sedimentation plans as well as identifying any significant water quality problems.

"We want to make sure conservation district staff have all the tools and training they need to properly conduct these inspections while continuing their invaluable work of providing our farm community with compliance assistance," Quigley said. "This collaborative approach with input from all of our partners will be key to our success in improving our water quality."

The strategy centers around six elements:

- Put high-impact, low-cost Best Management Practices (BMPs) on the ground, and quantify undocumented BMPs in watersheds impaired by agriculture or stormwater.

- Improve reporting, record keeping and data systems to provide better and more accessible documentation.
- Address nutrient reduction by meeting EPA's goal of inspecting 10 percent of farms in the watershed, ensuring development and use of manure management and agricultural erosion and sediment control plans, and enforcement for non-compliance.
- Identify legislative, programmatic or regulatory changes to provide the additional tools and resources necessary to meet federal pollution reduction goals by 2025.
- Obtain additional resources for water quality improvement.
- Establish a Chesapeake Bay Office to coordinate the development, implementation and funding of the commonwealth's Chesapeake Bay efforts.

The draft Standard Operating Procedure (SOP) and related materials on Pennsylvania's Chesapeake Bay Program can be found [here](#).

Source: DEP Press Release, 5/10/2016

DEP Announces Training for Municipal Separate Storm Sewer Systems (MS4s)

On May 11, 2016, the Department of Environmental Protection (DEP) announced that training workshops will be held at six locations across the state this summer to assist new and existing Municipal Separate Storm Sewer Systems (MS4s) with changes to the MS4 NPDES General Permit, also referred to as a PAG-13.

A reissued PAG-13 General Permit is expected to become effective in March 2018, and NOIs are due from most MS4s in September 2017. Preparing applications will need to begin soon in order to meet this deadline.

The training also will be applicable to MS4s that will need to submit applications for individual MS4 NPDES permits. The official [Registration Form](#) and payment must be received by DEP via mail 30 days before each workshop begins. Seating is limited to 50 participants for each workshop, and there is a \$50 registration fee, which includes lunch.

The workshops are scheduled as follows:

- June 14-15 Uniontown
- June 21-22 Scranton
- June 28-29 Wyomissing
- July 19-20 Lewisburg
- TBA-July York Area
- TBA-July Cranberry Township Area

A separate announcement will be forthcoming for additional training workshops. These workshops will be held to help new and existing MS4 permittees understand how to prepare stormwater pollution plans that are required to be completed and submitted with the NOI or permit application.

To complete a registration form for one of the workshops, visit the DEP [website](#) or paste <http://www.dep.pa.gov/Business/Water/PointNonPointMgmt/StormwaterMgmt/Stormwater/Pages/default.aspx#training> into your browser.

Source: DEP Press Release, 5/11/2016

Tom Killion Sworn In As State Senator for 9th District

Tom Killion (R-9) was sworn into office as the state senator representing the 9th Senatorial District in Delaware and Chester counties during a ceremony today in the Senate Chamber of the State Capitol in Harrisburg.

Killion won a special election on April 26 to represent the citizens of the 9th Senatorial District. He was sworn into office by the Honorable Chad F. Kenney, President Judge of the Delaware County Court of Common Pleas.

Prior to his election to the Senate, Killion served as a state Representative for the 168th Legislative

District and was Chairman of the Delaware County Council. He also founded two local small businesses. A graduate of Penn State University, Senator Killion and his wife Eileen live in Middletown and have two adult daughters.

“I’m honored and excited to work hard and to represent my new district and ensure that state government is open and accountable,” Killion said. “My top priorities are to help create jobs and economic opportunities and improve our schools so children have the skills they need to succeed.”

Senate President Pro Tempore Joe Scarnati (R-25) said Killion’s experience in both the public and private sector will be an asset to the Senate.

“I congratulate Senator Killion on being selected by voters of the 9th Senatorial District to be their voice in Harrisburg. Tom’s continued commitment to fostering economic growth, creating family-sustaining jobs and implementing government reforms will be a great addition to the Senate,” Scarnati said. “With his background in both the private sector and public service, he will certainly bring great perspective to the table as we work through the 2016-17 state budget and the numerous other important issues facing our Commonwealth.”

Senate Majority Leader Jake Corman (R-34) said that as a small business owner and former member of the House Appropriations Committee, Killion will help to promote economic development and fiscal responsibility.

“With his depth of experience, Tom Killion is a welcome addition to the Senate. He brings with him a lifelong commitment to and enthusiasm for serving the people of the southeast as an advocate for issues such as open space and policies that create jobs especially opportunities for small businesses,” Corman said. “His election strengthens our majority and serves as confirmation that the Senate is moving Pennsylvania in the right direction.”

With Senator Killion’s swearing-in the Senate Republican majority has expanded to 31 members in the 50-seat chamber.

For more coverage of Senator Killion's swearing-in, go to www.senatorkillion.com.

Source: Senate Republican Communications, 5/11/2016

Senate Unanimously Approves Rafferty Bill to Increase Penalties for Home Invasions

Legislation sponsored by Senator John Rafferty (R-44) that would strengthen penalties for burglaries involving home invasions has been unanimously approved by the State Senate.

Rafferty said Senate Bill 1062 would change state law to reflect the seriousness of the violent crime of home invasions. The current burglary statute does not distinguish those burglaries where force or threat of force is used. His bill would create a sentencing enhancement to increase the recommended sentence for burglaries of homes when force or the threat of force is used.

"Home invasions go far beyond entering a home to steal property – they are violent acts that can leave permanent scars on those who are targeted in their own homes, where they should feel safest" Rafferty said. "This legislation would give judges the discretion to impose tougher sentences when perpetrators terrorize and inflict injury on homeowners."

The legislation was drafted with input from the District Attorney's Association and the Office of the Attorney General and has bipartisan support.

The bill now goes to the full House for consideration.

Source: Senator Rafferty Press Release, 5/10/2016

Countdown is on for DEP Mobile Inspections and Electronic Permitting

Since January 2015, DEP has embarked on a wide-ranging, Secretary-prioritized, internal modernization effort that will include improved business processes, a transition to new geolocation-based mobile solutions, paperless workflows, archive digitization, internal data-driven analytical research efforts, and greater data transparency.

The next milestone of this effort will be the introduction of an electronic permitting application, as well as the implementation of a mobile inspection application. These two initiatives, lead by DEP CIO Sean Crager, will be operating by Feb. 15, 2017, and their use will be expanded to other program areas following the initial rollout.

The pilot focus for electronic permitting will be the mining depute and the Bituminous Surface Mine Permit Application. DEP has identified over \$500,000 in Title V federal matching funds to build out the agency's first, full-service electronic permitting system. The goal will be to use this code for all of the agency's 700+ authorizations. DEP is currently developing this system in-house, and expects this system to increase productivity while saving money and providing better service for the regulated community.

By rolling out mobile inspections, DEP will end a double entry system where inspections are conducted with carbonless paper and then keyed into the central database later by the same inspector. We believe this investment will double an inspector's productivity. DEP is currently partnering with PennDOT's Mobile Application Team to build the app and leverage their backend infrastructure to support that capability. DEP will begin with an oil and gas inspection process as a pilot, with a goal of configuring the app for additional inspections in the near future. Up to 350 inspectors will be equipped with this technology by early 2018. This initiative is expected to save \$6.5 million over five years.

Wolf Administration Increases Zika Surveillance Plans; Risk of Contracting Virus in Commonwealth Currently Very Low

Pennsylvania Governor Tom Wolf announced his administration's plan to bolster surveillance, mitigation, and response efforts for Zika virus to better protect all residents in the commonwealth.

The Pennsylvania [Zika Virus Response Plan](#), developed by the Pennsylvania Departments of Health and Environmental Protection, outlines the phases of education, surveillance, and response activities that will occur for various levels of mosquito activity within the commonwealth as well as triggers based on the presence of Zika disease within our state. The phases range from the current situation of a moderate level of travel-associated cases to potential widespread local transmission by mosquitos. Pennsylvania has requested funds from the Centers for Disease Control and Prevention (CDC) to implement this plan.

"My administration is committed to ensuring the health and safety of all Pennsylvanians," said Governor Wolf. "We are continuing to work with our partners on the local, state, and federal levels to keep Pennsylvania safe. The roll-out of this plan is another proactive step in our collaborative strategy to protect our citizens and prevent the spread of the Zika virus."

"This Zika Virus Response Plan will better help us protect the health of the more than 12 million people who call Pennsylvania home," said Secretary of Health Karen Murphy. "Zika generally causes very mild symptoms and rarely leads to serious side effects in those who become ill with the virus. However, pregnant women and those of childbearing age are at greatest risk as Zika is known to potentially cause serious and even fatal birth defects in some babies born to women infected with the virus during pregnancy. This plan will help

ensure we have the measures in place to better inform and protect all of our residents."

The main goals of the Pennsylvania Zika Virus Response Plan are to:

- Enhance DOH surveillance for Zika cases in Pennsylvanians;
- Develop a plan that will enable DOH to test for the virus without using CDC laboratories;
- Enhance DEP vector surveillance and control of the *Aedes albopictus* and *Aedes aegypti* species of mosquitos; and
- Ensure collaboration between commonwealth agencies and partners to educate pregnant women and the general public about important Zika virus messages.

Currently, the only confirmed cases of Zika in Pennsylvania are in individuals who contracted the virus while visiting one of the [areas where the virus is actively spreading](#). At this time, no cases of Zika in Pennsylvania or in the continental U.S. have occurred as a result of locally acquired infections. Once warmer temperatures arrive in the commonwealth and remain in place throughout the summer months, the risk of limited local transmission of Zika virus by the type of mosquitos that potentially carry it will increase.

"DEP and our county partners are focused on monitoring for the presence of mosquitos potentially associated with Zika transmission and implementing control measures when necessary," said DEP Secretary John Quigley. "We are working very closely with the Department of Health to ensure the safety of our citizens."

Zika is a generally mild illness, and most individuals do not have any symptoms. When symptoms do occur, they can include fever, rash, joint or muscle pain, conjunctivitis (pink eye), or headache, and last from several days to one week.

Although the *Aedes aegypti* mosquito remains the primary carrier of the Zika virus, *Aedes albopictus* has also been implicated as a secondary carrier of this disease. While *Aedes aegypti* has not

been found in Pennsylvania since 2002, *Aedes albopictus* has been found throughout the major metropolitan areas of southern Pennsylvania. These species are different from ones DEP currently surveys and require different tactics. The new surveillance and control methods outlined in the plan that are needed to protect public health from this potential threat will require additional DEP resources.

The disease can also be transmitted sexually, as well as by blood transfusions. The CDC advises men who have traveled to the Zika-affected areas to wear condoms consistently and correctly during sex to avoid spreading the virus to their partners. This is especially important for men whose partners are pregnant women or women who are of childbearing age, as the Zika virus has been linked to potentially severe birth defects in babies born to women who had the illness during pregnancy.

The CDC also recommends that all pregnant women consider postponing travel to Zika-affected areas. Women who are pregnant, planning to become pregnant, or may be pregnant and must travel to these areas should first consult with their health care provider. Pregnant women who visit Zika-affected areas and develop symptoms within two weeks of returning home should contact their health care provider.

Because there currently is no vaccine or treatment for Zika, the best way to avoid contracting the virus is to prevent mosquito bites by:

- Using an insect repellent containing DEET;
- Wearing light-colored, lightweight, loose-fitting clothing that covers hands, arms, legs, and other exposed skin.
- Using physical barriers such as screens, closed doors and windows.

The *Aedes* types of mosquitos that can potentially transmit the Zika virus bite during the daytime. To control all mosquitos outside your home or business:

- Install or repair and use window and door screens.
- Once a week, empty and scrub, turn over, cover, or throw out any items that hold water like buckets, planters, toys, pools, birdbaths, flowerpot saucers, or trash containers. Mosquitos lay eggs near water.
- Use an outdoor flying insect spray where mosquitos rest – dark, humid areas like under patio furniture or under the carport or garage.
- Have clogged roof gutters cleaned every year, particularly if the leaves from surrounding trees have a tendency to plug up the drains. Roof gutters can produce millions of mosquitos each season.
- If you have a septic tank, repair cracks or gaps. Cover open vent or plumbing pipes with wire mesh that consists of holes smaller than an adult mosquito.

For more information, visit www.zika.pa.gov.

Source: Governor’s Press Office, 5/12/2016

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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.