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# **LEGISLATIVE UPDATE**

**SPRING JOINT MEETING**

**APRIL 7, 2016**

**PA SECTION SOUTHEAST DISTRICT AND  
WWOAP EASTERN SECTION**



**Presented By: Serena A. DiMagno  
WWOAP Legislative and Regulatory Affairs Committee Chairman**

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# 2016 - PA General Assembly Schedule

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## SENATE SCHEDULE

APRIL 4, 5, 6, 11, 12, 13

MAY 9, 10, 11, 16, 17, 18

JUNE 6, 7, 8, 13, 14, 15, 20, 21, 22,  
23, 24, 25, 26, 27, 28, 29, 30

## HOUSE SCHEDULE

4, 5, 6, 11, 12, 13

2, 3, 4, 16, 17, 18, 23, 24, 25

6, 7, 8, 13, 14, 15, 20, 21, 22.  
23, 24, 25, 26, 27, 28, 29, 30

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## PA General Assembly – Budget FY 15-16

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- The state budget 9-month impasse ended on March 23<sup>rd</sup>, 2016.
  - Governor Wolf backed away from vetoing the Republican \$30 billion budget with a no-new taxes spending package.
  - Governor Wolf has allowed the package to become law following significant pressure from Democratic lawmakers concerned about schools being closed if funding was not restored by passing the budget.
  - The Governor still insists that crucial state services could face cutbacks next year without a tax increase to wipe out a long-term deficit.
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## Budget FY16-17

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- Governor Wolf introduced his \$32.7 billion budget plan on February 9, 2016. The budget plan includes a \$1.6 billion mandatory spending increase or a 7.8% increase in spending.
  - Budget hearings have been held and now all sides need to negotiate a new, election year budget before the start of the fiscal year on July 1.
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## New Legislative Activity – Lead Bills

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- Democratic Senators are co-sponsoring a five-bill package regarding lead:
  - Senate Bill 1173 (Yudichak) – would create a task force to study the scope of the lead issue; including an accounting of the age of the state’s housing stock, pipelines, school buildings and day care centers. It would also study the best practices and make recommendations.
  - Senate Bill 1174 (Haywood) – would require every school building to be tested (water, paint and soil) for lead before a school year begins. Test results would be sent to parents of every enrolled child and posted on school district websites.

## New Legislative Activity – Lead Bills – Cont'd.

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- If a school tests at lead levels higher than the Centers for Disease Control's (CDC) acceptable amount, it would be required to submit a remediation plan to the state Department of Education.
- Senate Bill 1175 (Kitchen) – would require lead testing (water, paint and soil) in day care centers licensed by the PA Department of Human Services (DHS). DHS would be prohibited from issuing a license to a day care operator if lead levels are higher than CDC recommended levels.

## New Legislative Activity – Lead Bills – Cont'd.

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- Senate Bill 1176 (Fontana) – would require any agreement of sale for real property in the Commonwealth to include an option to have the water tested for lead.
- Senate Bill 1177 (Hughes) – would create a “SuperFund for Lead Abatement” that could be used by schools, day care centers, and other organizations to defray lead remediation costs.

Lead bills are also being introduced by House

Legislators:

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## New Legislative Activity – Lead Bills – Cont'd.

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- House Bill 1917 (Cruz) – would require children under 6 to be tested for elevated lead levels in their blood. CDC recommends children be tested at the age of 1, 2, and again at age 6.
  - House Bill 1918 (Cruz) – would amend the Safe Drinking Water Act to require more frequent testing for lead in water. Under current law, water is tested every three years at a reduced number of sample sites after the initial sites pass. This legislation would require testing to be done annually at the reduced number of sample sites and a complete test from all sample sites every three years.
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## New Legislative Activity – Lead Bills – Cont'd.

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- House Bill 1919 (Schlossberg) – would require lessors of residential dwellings built before 1978 to inspect dwellings for the presence of lead-based paint and hazardous conditions such as chipping paint when those dwellings become vacant or prior to new occupancy. Lessors must also disclose all information regarding levels of lead and inspection results, and provide those findings to a lessee prior to occupancy.

# Holdover Legislative Activity – Water Well Construction Standards

- APPROXIMATELY 20,000 NEW WATER WELLS ARE DRILLED EACH YEAR IN PA.
- ONLY PENNSYLVANIA AND ALASKA ARE THE ONLY TWO STATES WITHOUT WATER WELL CONSTRUCTION STANDARDS
- HOUSE BILL 48 (GODSHALL-R)/HOUSE BILL 81 (HARPER-R), BOTH REINTRODUCED REPRESENTATIVE RON MILLER'S LEGISLATION IN 2015 ESTABLISHING WATER WELL CONSTRUCTION AND DECOMMISSIONING STANDARDS ALONG THE LINES OF EXISTING COUNTY STANDARDS FOR PRIVATE WELLS
- REPRESENTATIVE GODSHALL'S BILL AMENDS TITLE 27 (ENVIRONMENTAL RESOURCES) TO ESTABLISH MINIMUM STANDARDS FOR WATER WELL CONSTRUCTION AND THE DECOMMISSIONING OF ABANDONED WATER WELLS.
- REPRESENTATIVE HARPER'S BILL INTRODUCED THE EARLIER VERSION THAT INCLUDED PA DEP FINES AND ENFORCEMENT
- HOUSE CONSUMERS AFFAIRS REPORTED HB 48, AS AMENDED ON JUNE 24, 2015; THE BILL IS CURRENTLY ON THE HOUSE CALENDAR AWAITING RECONSIDERATION
- **THIS BILL DOES NOT AFFECT PUBLIC WATER SUPPLIERS; HOWEVER, PUBLIC WATER SUPPLIERS MAY SHARE AN AQUIFER WITH PRIVATE WATER WELLS THAT IF IMPROPERLY CONSTRUCTED COULD CONTAMINATE THAT AQUIFER.**

## Holdover Legislative Activity – PA One Call – HB 445

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- REPRESENTATIVE MATTHEW BAKER (R-BRADFORD/TIOGA) INTRODUCED H. B. 445 WHICH TRANSFERS ENFORCEMENT AUTHORITY FROM THE DEPARTMENT OF LABOR AND INDUSTRY (L&I) TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION (PUC).
  - THE CURRENT PA ONE CALL LAW SUNSETS AT THE END OF 2016.
  - HB 445 WOULD EXTEND THE SUNSET DATE FROM 2016 TO DECEMBER 31, 2021.
  - AT LEAST AN EXTENSION OF THE SUNSET DATE NEEDS TO OCCUR
  - THE PUBLIC UTILITY COMMISSION (PUC) IS STILL PUSHING FOR PASSAGE OF HB 445.
  - THE PUC ALSO WANTS ALL OF THE CURRENT EXEMPTIONS REMOVED (INCLUDING GATHERING LINES FOR OIL AND GAS).
  - **NEW DEVELOPMENT** – LABOR AND INDUSTRY SECRETARY KATHY MANDERINO TOLD THE APPROPRIATION COMMITTEES DURING BUDGET HEARINGS THAT SHE WANTS TO KEEP ONE CALL UNDER LABOR AND INDUSTRY.
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# Holdover Legislative Activity – House Bill 382

## Public Private Partnership (P3)

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- ORIGINALLY INTRODUCED BY REPRESENTATIVE EVANKOVICH- (R) TO AMEND TITLE 62 (PROCUREMENT) PROVIDING FOR LOCAL AGENCY PUBLIC-PRIVATE-PARTNERSHIPS (P3) FOR WATER AND SEWER PROJECTS
  - THE BILL WAS REFERRED TO THE HOUSE STATE GOVERNMENT COMMITTEE IN FEBRUARY, 2015; THE HOPE IS THAT NOW THAT THE BUDGET ISSUES ARE RESOLVED THIS BILL WILL MOVE OUT OF COMMITTEE TO FULL CONSIDERATION
  - PROVIDES FOR THE MANNER IN WHICH A PRIVATE ENTITY MAY REQUEST CONSIDERATION OF A PROPOSED P3 AGREEMENT FOR AN ELIGIBLE PROJECT
  - A LOCAL AGENCY MAY ALSO SOLICIT PROPOSALS FOR A P3 FOR AN ELIGIBLE PROJECT
  - ESTABLISHES EVALUATION AND SELECTION CRITERIA FOR A LOCAL AGENCY TO REVIEW A P3 AND PROVIDES FOR FINAL APPROVAL OF CONTRACTS AND FEES
  - THE BILL ALLOWS FOR SERVICE CONTRACTS AND REQUIRES NOTIFICATION TO EACH AFFECTED LOCAL JURISDICTION BY THE LOCAL AGENCY AND REQUIRES A 30-DAY COMMENT PERIOD ON THE PROPOSED P3 AGREEMENT REGARDING COMPATIBILITY WITH LOCAL ORDINANCES AND REQUIREMENTS
  - THE BILL SPECIFICALLY EXCLUDES P3 PROJECTS FROM THE REQUIREMENTS OF THE PA SEPARATION ACT AND OTHER ASSOCIATED LOCAL GOVERNMENT STATUTES
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## Holdover Legislative Activity – Lead Free Act

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SB 1254 INTRODUCED BY YUDICHAK-(D) WAS SIGNED INTO LAW AS ACT 55 OF 2014 ON JUNE 10, 2014

**UPDATE – DUE TO THE FLINT MICHIGAN ISSUE, THERE IS RELUCTANCE TO OPEN THIS STATUTE BECAUSE IT WILL RESULT IN NUMEROUS BAD AMENDMENTS**

- PA DEP HAD PREPARED AMENDMENTS TO SB 1254 TO FURTHER COMPLY WITH THE FEDERAL LEAD FREE ACT (FOR INSTANCE, EXEMPTING FIRE HYDRANTS) BUT SB 1254 PASSED BEFORE THE PA DEP AMENDMENTS COULD BE OFFERED
  - THEREFORE, ACT 55 WILL NEED TO BE FURTHER AMENDED TO ADD EXCEPTIONS FOR FIRE HYDRANTS AND NON-POTABLE PLUMBING TO BE CONSISTENT WITH THE FEDERAL SDWA
  - ALSO, THE PUBLIC NOTIFICATION SECTIONS NEED TO BE UPDATED TO BE CONSISTENT WITH BOTH THE FEDERAL AND PA SDWA
  - PA IS NOT IN IMMEDIATE DANGER OF NONCOMPLIANCE SINCE EPA IS ALLOWING STATES ENFORCEMENT DISCRETION AND ALLOWING STATES THE OPPORTUNITY TO AMEND THEIR LAW TO COMPLY WITH FEDERAL LAW
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# Holdover Legislative Activity- PA WARN – Title 35 (Health and Safety Re-Write)

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PENNSYLVANIA WATER/WASTEWATER AGENCY RESPONSE NETWORK (PAWARN) IS A STATEWIDE NETWORK OF WATER AND WASTEWATER “UTILITIES HELPING UTILITIES” TO PREPARE FOR NATURAL OR HUMAN-CAUSED EMERGENCIES. PA WARN HAS PROVIDED ASSISTANCE TO UTILITIES IN NEED BY:

- LOANING GENERATORS
  - DELIVERING WATER BUFFALOES
  - PROVIDING PUMPS FOR FLOODED SYSTEMS
  - PROVIDING SEWAGE BY-PASS PUMPS
  - VALVE TURNING ASSISTANCE INCLUDING TRUCKS
  - PROVIDING CLAMPS FOR REPAIRS
- PA WARN IS SEEKING CLARIFICATION IN THE TITLE 35 RE-WRITE THAT THE HOUSE EMERGENCY PREPAREDNESS COMMITTEE STAFF IS CURRENTLY WORKING ON
  - HAVING WATER AND WASTEWATER SYSTEMS COVERED UNDER TITLE 35 WOULD PROVIDE LIABILITY PROTECTION FOR THE PA WARN MEMBERS WHEN REQUESTED ASSISTANCE BY STATE, COUNTY, OR LOCAL EMERGENCY MANAGEMENT AGENCIES WHEN PROVIDING RESOURCES TO NON-PA WARN OR NON-UTILITY ENTITIES SUCH AS BOROUGHES, TOWNSHIPS, PRISONS, ETC.
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## Holdover Legislative Activity- PA WARN – Title 35 (Health and Safety Re-Write)

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- PA WARN ASSOCIATION MEMBERS WOULD ALSO BE REGISTERED AS “DULY ENROLLED VOLUNTEERS” TO RECEIVE IMMUNITY PROTECTIONS.
  - PEMA IS STILL CONSIDERING IMMUNITY FOR THE COMPANY WHO MAY HAVE ALSO LENT EQUIPMENT.
  - **UPDATE:** BOTH THE HOUSE AND SENATE ARE WORKING WITH THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY (PEMA) ON A DRAFT BILL TO RE-WRITE TITLE 35. NAWC HAS DRAFTED A PROPOSED AMENDMENT AND IS AWAITING REVIEW BY PEMA.
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# Holdover Legislative Activity- HB 1737– Safe Pharmaceutical Disposal

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- BACKGROUND – EPA RECOMMENDS THAT HOUSEHOLD PHARMACEUTICALS COLLECTED DURING A TAKE-BACK PROGRAM OR EVENT BE INCINERATED. EPA PREFERS THAT THE COLLECTED HOUSEHOLD PHARMACEUTICALS BE SENT TO A PERMITTED HAZARDOUS WASTE COMBUSTOR, BUT WHEN THAT IS NOT FEASIBLE, AT A MINIMUM THE PHARMACEUTICALS SHOULD BE SENT TO A LARGE OR SMALL MUNICIPAL WASTE COMBUSTOR.
  - HOWEVER, UNDER ACT 190 OF 1996 PHARMACEUTICALS COLLECTED IN PENNSYLVANIA BY SUCH PROGRAMS ARE DEFINED AS HAZARDOUS WASTE AND THEREFORE CANNOT BE SENT FOR DESTRUCTION TO PENNSYLVANIA INDUSTRIAL FURNACES, SUCH AS WASTE-TO-ENERGY PLANTS.
  - REPRESENTATIVE MAHER INTRODUCED HB 1737 TO AMEND ACT 190 OF 1996 ALLOWING THAT EXPIRED OR UNWANTED PRESCRIPTION DRUGS AND OVER-THE-COUNTER PHARMACEUTICAL PRODUCTS GENERATED BY HOUSEHOLDS AND COLLECTED AS PART OF A REGISTERED COLLECTION EVENT MAY BE DESTROYED THROUGH INDUSTRIAL FURNACES, RESOURCE RECOVERY FACILITIES OR ANY OTHER FACILITY THAT RENDERS THE DRUGS AND PHARMACEUTICAL PRODUCTS NON-RETRIEVABLE.
  - REPRESENTATIVE MAHER IS WORKING ON AN AMENDMENT THAT WOULD EXEMPT THESE FACILITIES FROM HAVING TO REGISTER WITH PA DEP PRIOR TO COMMENCING A COLLECTION PROGRAM (HOSPITALS, PHARMACIES, LAW ENFORCEMENT AGENCIES AND RESOURCE RECOVERY FACILITIES. AND, THAT AIR QUALITY PERMITS CONTINUE TO BE MET.
  - HB 1737 WAS REPORTED FROM THE HOUSE ENVIRONMENTAL AND RESOURCES AND ENERGY COMMITTEE ON DECEMBER 18, 2015 AND REMAINS ON THE HOUSE CALENDAR.
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# FEDERAL ACTIVITY – EPA Drought Response and Recovery Guide Released

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- THE GUIDE INCLUDES BEST PRACTICES AND CUSTOMIZABLE WORKSHEETS, FOCUSES ON SHORT-TERM AND EMERGENCY DROUGHT MITIGATION ACTIONS THAT SUPPORT LONG-TERM RESILIENCE TO DROUGHT.
- ACCOMPANYING THE GUIDE IS:
  - AN INTERACTIVE [DROUGHT CASE STUDY MAP](#).
  - A MULTIMEDIA GEOPLATFORM WEBSITE DOCUMENTING IN BOTH VIDEO AND WRITTEN FORM THE UNIQUE STORIES OF SEVEN UTILITIES IN CALIFORNIA, TEXAS, GEORGIA, NEW MEXICO, KANSAS, AND OKLAHOMA WHICH HAVE RESPONDED SUCCESSFULLY TO EXTREME DROUGHT CONDITIONS
  - THE CASE STUDIES MAP GEOPLATFORM ALSO FEATURES THREE ADDITIONAL VIDEOS DESCRIBING HOW UTILITIES ADDRESSED SPECIFIC DROUGHT CHALLENGES INCLUDING;
    - REDUCING CUSTOMER DEMAND
    - MANAGING WATER SUPPLIES
    - PARTNERSHIPS

DOWNLOAD THE GUIDE AT:

[HTTP://WWW.EPA.GOV/WATERUTILITYRESPONSE/DROUGHT-RESPONSE-AND-RECOVERY-WATER-UTILITIES](http://www.epa.gov/waterutilityresponse/drought-response-and-recovery-water-utilities)

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## Speaker Contact Information

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**SERENA A. DIMAGNO**

SSM GROUP, INC.

WWOAP LEGISLATIVE/REGULATORY CHAIRMAN

[SADIMAGNO@AOL.COM](mailto:SADIMAGNO@AOL.COM)

[SERENA.DIMAGNO@SSMGROUP.COM](mailto:SERENA.DIMAGNO@SSMGROUP.COM)

717-379-0084

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