
LEGISLATIVE/REGULATORY UPDATE

FALL JOINT MEETING

OCTOBER 13, 2016

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



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

Regulatory Affairs Update

- Revised Total Coliform Rule (RTCR) – Final Rule Published in the PA Bulletin –September 24, 2016:
 - <http://pa.bulletin.com/secure/data/vol46/46-39/1640.html>
 - Title 25 – Environmental Protection
 - Environmental Quality Board
 - 25 PA.Code Chapter 109
 - Safe Drinking Water, Revised Total Coliform
 - 46 PA B.6005

Regulatory Affairs Update

- Revised Total Coliform Rule – Continued:
 - PA DEP will no longer be conducting system assessments; a water system will be required to conduct its own assessment should an assessment be required due to failure to meet the RTCR.
 - PA DEP will be seeking persons who are qualified and interested in conducting assessments for water systems that do not have qualified personnel to do so.

Regulatory Affairs Update

- Disinfection Requirements Rule:

- The draft regulatory package will not be submitted until early spring.
 - PA DEP requested water systems to provide chlorine residual data which some systems have submitted.
 - PA DEP has been collecting samples in selected water systems.
 - PA DEP is currently evaluating the submitted and collected chlorine residual data in order to establish a disinfection limit in the distribution system.
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Regulatory Affairs Update

- Part 3 Revisions to Chapter 109:
 - The draft regulatory package is expected to be presented at the November 14, 2016 TAC Board Meeting.
 - The Part 3 Revisions to Chapter 109 were separated from the RTCR and the Disinfection Requirements Rule by the EQB in order to move the RTCR forward and to allow the water industry time to sufficiently comment on the Disinfection Requirements Rule, as well as changes proposed to Chapter 109 in the Part 3 Revisions.
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Regulatory Affairs Update

- Susquehanna River Basin Commission - Proposed Consumptive Use Mitigation Rulemaking:
 - The amendments include application requirements and standards for the review of regulatory projects; modifying the rules concerning mitigation of consumptive water use; providing for the registration of grandfathered projects; and revising requirements for hearings and enforcement actions.
 - An informational webinar explaining the proposed rulemaking will be held October 17, 2016. Register with SRBC for the Webinar.
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Regulatory Affairs Update

- Susquehanna River Basin Commission - Proposed Consumptive Use Mitigation Rulemaking:
 - Public Hearings on the proposed rulemaking and policy will be held:
 - November 3 – Harrisburg – 2 p.m. to 5 p.m. at the Pennsylvania State Capitol, East Wing, Room 8E-B, Commonwealth Avenue, Harrisburg, PA 17120
 - November 9 – Binghamton – 7 p.m. to 9 p.m. at the Double Tree by Hilton Hotel, South Riverside Room, 225 Water Street, Binghamton, NY 13901

Regulatory Affairs Update

- Susquehanna River Basin Commission - Public Hearings - Continued:
 - November 10 – Williamsport – 7 p.m. to 10 p.m. at the Holiday Inn Williamsport, Gallery Room, 100 Pine Street, Williamsport, PA 17701
 - December 8 – Annapolis – 1 p.m. to 3 p.m. at the Lowes Annapolis Hotel, Powerhouse Point Lookout, 126 West Street, Annapolis, MD 21401.
 - Written Comments on the rulemaking may be submitted on or before January 30, 2017 by mail to Jason E. Oyler, Esq. General Counsel , SRBC, 4423 N. Front St., Harrisburg, PA 17110-1788 or by email to regcomments@srbc.net
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Legislative Update:

2016 - PA General Assembly Schedule

SENATE SCHEDULE

HOUSE SCHEDULE

OCTOBER 17, 18, 19, 24, 26

13 (NV), 17, 18, 19, 24, 25, 26

NOVEMBER 16

14, 15

NOTE:

TWO-YEAR LEGISLATIVE SESSION ENDS SINE DIE (WITH NO DATE APPOINTED FOR THE LEGISLATURE TO RE-ASSEMBLE).

Legislative Activity – Senate Bill 1323- Argall (R)

- SB 1323 would make it a felony for Unmanned Aerial Vehicles (UAVs) (drones) to fly over critical facilities which include correctional facilities, power generation facilities, public safety or emergency operation facilities, military installations, hospitals, government-owned property, airports and heliports, refineries, chemical plants, and nuclear power plants.
 - Critical facilities also include water and wastewater facilities and water distribution or conveyance systems.
 - Drone operators would be subject to a second misdemeanor charge and a fine up to \$5,000 for a first offense.
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Legislative Activity – Senate Bill 1323- continued

- Each subsequent offense would be a first degree misdemeanor offense and a fine up to \$10,000.
- SB 1323 is currently on the Senate calendar for consideration.

Legislative Activity – Senate Bill 1235- Baker (R)

- On September 27th, the Senate passed SB 1235 and the bill will now proceed to the House for consideration.
 - Senate Bill 1235 amends the Underground Utility Line Protection Law (PA ONE CALL) by extending the sunset provision by 5 years from December 31, 2016 to December 31, 2021.
 - Transfers oversight to the PUC from the PA Department of Labor and Industry
 - Places duties on facilities owners to maintain records of notice to the ONE CALL SYSTEM, verify where underground utility lines run in certain circumstances, report violations, and participate in ONE CALL's member mapping system.
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Legislative Activity – Senate Bill 1235- continued

- A Damage Prevention Committee, including representatives from utilities, municipalities, authorities, and excavators would be established to review PUC findings and recommendations, issue warning letters, and make informal determinations.
 - The Senate did not offer the technical amendments which were recommended by the House Consumer Affairs Committee; when the House considers this bill, the technical amendments will need to be considered.
 - SB 1235 passed by a vote of 34-14.
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Legislative Activity – Senate Resolution 385

- The Senate Environmental Resources and Energy Committee reported out Senate Resolution 385 introduced by Senator Brooks (R).
 - Directs the Joint State Government Commission to conduct a study to analyze and identify which environmental laws and regulations of the Commonwealth have more stringent standards than Federal law requires.
 - An Amendment by Senator Yudichak (D) extends the deadline for the report from 12 months to 18 months. The Amendment was unanimously adopted by the Committee.
 - The Resolution is now before the full Senate for consideration.

Legislative Activity – Municipal Debt Reform Bills

- On September 29th, the Senate passed a series of bills designed to prevent a repeat of the debt problems created by former Harrisburg Mayor Reed's aggressive use of bond financing for pet projects and budgetary needs. The financing actions were executed by municipal authorities that were essentially rubber stamps for the mayor's activities.
 - Harrisburg was left with a \$300 million-plus debt load as a result.
 - The bills require:
 - A performance bond or equivalent security must cover 100% of the construction cost for any major public works project entered into by local government entities.
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Legislative Activity – Municipal Debt Reform Bills

- Prohibit one government body from charging a fee to another to provide a guarantee of bonds.
- Build more transparency throughout the bond process, including clarifications that any proceeds from bond issues or similar borrowings can only be used for the original, specified purpose.
- Clarify that no borrowing can include more than one year of “working capital” or funds intended to keep certain revenue generating entities afloat through a start-up period.

Legislative Activity – Municipal Debt Reform Bills

- Provide new enforcement provisions for willful violations of the state's debt act, and adds members of municipal authorities to the list of public officials covered by the state's Ethics Act.
- Require state review of local government borrowings before final votes by local officials. Filings would be made to the state Department of Community and Economic Development.
- The Municipal Debt Reform bill package needs to be considered by the House.

Legislative Activity – Lead Bills

- Senate Bill 16 – Yudichak (D) is the only lead bill that might move forward in this legislative session.
- Senate Bill 16 would create a task force to review the lead issues and provide recommendations for new laws governing lead.

Legislative Issues – For Next Session

- Water Well Construction Standards
 - P3 – Public Private Partnerships – New bill creating a pilot program for P3s
 - Safe Pharmaceutical Disposal
 - PA WARN Title 35 Health and Safety Re-Write
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Federal Legislative Activity

- Safe Drinking Water Act Amendments of 2016 -Introduced in the house energy and commerce committee to update federal safe drinking water act; first revision in 20 years – House Resolution 6116, Rep. Pallone.
 - EPA would be required within 2 years to update regulations to improve notification and understandability in consumer confidence reports.
 - Sets deadlines for EPA to develop federal standards for lead, perchlorate, perfluorinated compounds and algal toxins.
 - A Summary is available at the House Committee on Energy and Commerce website.
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Federal Legislative Activity

- In the last week of September, U.S. Congressman Boyle, Democrat representative from Northeast Philadelphia, introduced House Resolution 6125:
 - To create an “enforceable, nationwide primary drinking water standard for PFCs including perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA).
 - These chemicals have been found in Warminster, Warrington, and Horsham and in private drinking water wells in Bucks and Montgomery Counties.
 - Calls for the US EPA to adopt a maximum contaminant goal and create a drinking water standard within two years.
 - HR 6125 is co-sponsored by Rep. Fitzpatrick (R), and Rep. Meehan (R).
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EPA Update

- EPA has released a new document to help control Legionella growth in plumbing:
 - Technologies for Legionella Control in Premise Plumbing Systems.
 - Summarizes the scientific literature on controlling Legionella growth in plumbing found in buildings and facilities.
 - <https://epa.gov/ground-water-and-drinking-water/technologies-legionella-control-premise-plumbing-systems>
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EPA Update

- EPA is sponsoring a Free Webinar:
 - Preparedness Resources for Water Utilities
 - Wednesday, November 9, 2016 - 1 p.m. to 2 p.m. EST
 - Register on line at the EPA website: www.epa.gov
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EPA Update

- EPA has released an updated online climate change risk assessment tool that allows water and wastewater utilities in designing adaptation plans based on the types of threats confronting their communities:
 - EPA's Climate Resilience Evaluation and Awareness Tool (CREAT)
 - <https://www.epa.gov/cru/build-climate-resilience-your-utility>
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EPA Update

- EPA has extensive information regarding the Water Infrastructure Finance and Innovation Act (WIFIA) Program at:
 - <https://epa.gov/wifia/learn-about-wifia-program#information>
 - EPA will be hosting Free Webinars in December to review the WIFIA Program
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EPA Update

- EPA has issued a new Document: Guidance for Designing Communications Systems for Water Quality Surveillance and Response Systems.
 - Online water quality and enhanced security monitoring components require that data be transmitted from remote monitoring locations to a control center using a wired or wireless data communication system.
 - The Guidance Document describes the overall process for identifying available communications technologies, establishing evaluation criteria, comparing alternatives, and selecting a technology or technologies.
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EPA Update

- The Document: Guidance for Designing Communications Systems for Water Quality Surveillance and Response Systems can be downloaded for free at:
 - https://www.wpa.gov/sites/production/files/2016-09/documents/srs_communications_guidance_061016.pdf
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Speaker Contact Information

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