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# **LEGISLATIVE/REGULATORY UPDATE**

**FALL JOINT MEETING**

**OCTOBER 5, 2017**

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



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

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## Legislative Update

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### House Bill 798 (Davis-D)

- Amends Title 66 (Public Utilities) to place municipal water and sewer authorities under the jurisdiction of the Public Utility Commission (PUC).
    - Under current law, PUC does not generally have jurisdiction over municipal authorities, this bill would amend the definition of public utility under Title 66 to include municipal corporations that provide water and sewage services, thereby requiring PUC to regulate them.
    - The bill sponsor's primary concern is consumer protection for customers to ensure reliable utility service at reasonable rates.
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## Legislative Update

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### House Bill 798 – cont'd.

- Public Hearing was held 9-25-17.
  - Currently in House Consumers Affairs Committee.
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## Legislative Update

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### House Bill 1490 (Turzai-R)

- Amends Title 66 (Public Utilities) to place cities of the second class (Pittsburgh) beginning January 1, 2018, under the jurisdiction of the Public Utility Commission (PUC). This bill is intended to place the Pittsburgh Water and Sewer Authority under the oversight of the PUC.
  - Passed the House 195-0, 6/8/2017.
  - In Senate Re-Referred to Appropriations 6/29/17.
  - Laid on Table, 9/19/2017.
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## Legislative Update

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### Senate Bill 639 (Fontana-D)

- Amends the Pennsylvania Infrastructure Investment Authority (PennVest) Act further providing for definitions and providing for additional use of funds for financial assistance.
  - “Project” is amended to include private lateral sewer lines and private lateral water lines.
  - A government unit may use financial assistance received under this act for the improvement, extension, repair or rehabilitation of private lateral sewer lines connected to public sewer systems or private lateral water lines connected to public water systems where it is determined to benefit the public
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## Legislative Update

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### Senate Bill 639 (cont'd.)

- system.
  - Under the Pennsylvania Infrastructure Investment Authority Act (Act 16 of 1988) a “Governmental Unit” is defined as follows: Any agency of the Commonwealth or any county, municipality or school district, or any agency, instrumentality, authority or corporation thereof, or any public body having local or regional jurisdiction or power.
  - Passed Senate 50-0, 6/21/2017, In House Environmental Resources, 6/27/2017.
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# Legislative Update

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## Budget Status

- Legislators are back in session this week to complete a revenue plan to pay for the budget.
  - The Governor allowed the General Appropriations bill (House Bill 218) to become law without his signature on July 11, 2017. The bill provides for the expenses of the PA Executive, Legislative and Judicial Departments, the public debt and for the public schools for the fiscal year July 1, 2017 to June 30, 2018.
  - PA DEP's General Fund budget is \$147.7 million, slightly less than last year's \$148.3 million. But, it is 40% LESS than it was in 2002-2003 - \$245.6 million.
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## Legislative Update

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### Budget Status (Cont'd.)

- The state budget is not complete until there is a revenue plan to pay for it.
  - The budget spend number is just below \$32 billion, and the state expects \$31.3 billion in revenues, leaving a \$700 million shortfall. That shortfall combined with the \$1.5 billion deficit in FY 2016-2017, leaves a total \$2.2 billion budget deficit to fill.
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## Legislative Update

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### Administrative Code - Manganese

- The Senate passed the Administrative Code bill (House Bill 118) with a provision that directs the Environmental Quality Board (EQB) to adopt a proposed manganese standard within 90 days that includes the 1 milligram/liter manganese standard established under 25 Pa Code Chapter 93.7 and insures the standard is met at the point of intake for water suppliers (25 Pa Code Chapter 96.3).
- Since 1989, 25 Pa Code Chapter 96.3 required all water quality standards to be met at the point of discharge so that the water does not contain

## Legislative Update

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### Administrative Code – Manganese (cont'd)

- substances “in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life” or that “produce color, tastes, odors, turbidity or settle to form deposits.”
  - The provision included in the bill was made at the request of the Coal Alliance because of concerns about coal producers being able to meet the standard for manganese at the point of discharge from coal mining and reclamation operations.
  - This provision will shift the burden for reducing manganese in our water sources from the coal
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## Legislative Update

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### Administrative Code – Manganese (cont'd)

- Industry to drinking water suppliers. The 1 milligram/liter proposed standard is **20 times** the level of manganese that is allowed in public water supplies (0.05 mg/l).
  - In December, 2016 EPA published a rule requiring water suppliers to start monitoring carefully for manganese starting in 2018. The results of that monitoring will be the basis for EPA to determine if there is a need to set a primary MCL for manganese. Currently manganese is regulated as a secondary MCL. However, in PA secondary MCLs are regulated as primary MCLs.
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## Regulatory Affairs Update

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- Chapter 109-General Update and Fee Package::
    - The Proposed Rulemaking was adopted by the EQB on May 17, 2017 and published in the PA Bulletin with a 30-day comment period that ended **September 25, 2017**.
    - Comments may be viewed using PA DEP's eComment system at <http://ahs.dep.pa.gov/eComment>
    - IRRC (Independent Regulatory Review Commission) must submit its comments, recommendations, and objections within 30 days of the close of the public comment period – **October 25, 2017**.
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## Regulatory Affairs Update

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- Chapter 109-General Update and Fee Package (cont'd.)
  - PA DEP has indicated that they expect to come back to EQB with a Final-Form Rule in early Spring, 2018.
  - If approved by EQB, PA DEP anticipates a Final-Form Rule to be published in the PA Bulletin in early Summer, 2018.

## Regulatory Affairs Update

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- Disinfection Requirements Rule:

- Public Comment period ended on April 19, 2016.
  - PA DEP reviewed the public comments and data provided by the water industry and presented a Draft Final-Form Rulemaking to the Small Water Systems Technical Advisory Committee (TAC) on July 13, 2017 and received formal comments from TAC at its August 24, 2017 meeting.
  - PA DEP intends to come back with a Final-Form Rulemaking to EQB in November, 2017.
  - If approved by EQB the rulemaking package will go to IRRC for approval prior to being published in the PA Bulletin as a final rule, (early 2018?).
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## Regulatory Affairs Update

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### • Disinfection Requirements Rule (Cont'd.)

- Key provisions:

- Entry Point = 0.20 mg/l

- Continuously monitor and record residual disinfectant at entry point

- Record lowest value for each day; and

- The number of periods each day less than 0.20 mg/l

- Residual in the Distribution System = 0.2 mg/l; note: 0.15 mg/l = compliance

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## Regulatory Affairs Update

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### Rulemaking Petition: Maximum Contaminant Level for Perfluorooctanoic Acid (PFOA) (25 Pa.Code Chapter 109)

On August 15, 2017, the EQB accepted a rulemaking petition that requires PA DEP staff to study PFOA and make a formal recommendation to the EQB about whether a regulation should be set, and if so, the level of the MCL. The petition recommended an MCL not to exceed six parts per trillion. Part of the evaluation will include an assessment of PA DEP's ability to set a drinking water standard if it is determined that one is needed. PA DEP is anticipating making a recommendation on PFOA by June, 2018.

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## Speaker Contact Information

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**SERENA A. DIMAGNO**

**SPOTTS, STEVENS AND MCCOY (SSM)**

WWOAP LEGISLATIVE/REGULATORY CHAIRMAN

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

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

CELL PHONE: 717-379-0084

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