

# WUC

Water Utility Council of the  
PA-Section, American Water  
Works Association (PA-AWWA)



## GOVERNMENT RELATIONS UPDATE

From Milliron & Goodman Government Relations, LLC.

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### PUC Marks ‘Fix a Leak Week’; Highlights Importance Safe Drinking Water

On March 14, 2019, the Pennsylvania Public Utility Commission (PUC) highlighted the importance of safe drinking water, along with the role of water efficiency and conservation efforts, in conjunction with National “Fix a Leak Week,” which is March 18-24, 2019.

The annual **Fix a Leak campaign** [https://www3.epa.gov/watersense/our\\_water/fix\\_a\\_leak.html](https://www3.epa.gov/watersense/our_water/fix_a_leak.html) challenges households across the country to check their fixtures for leaks and consider the environmental and economic impact of wasted water.

“Household leaks nationwide waste nearly 1-trillion gallons of water per year – enough water to supply every family in Pennsylvania for more than two full years,” said PUC Vice Chair David W. Sweet.

According to the **U.S. Environmental Protection Agency** <https://www3.epa.gov/watersense/pubs/fixleak.html> (EPA), an estimated 10 percent of all homes have leaks that waste 90 gallons or more per day, and the average household leaks can waste more than 10,000 gallons of water every year. Leaks

nationwide equal the annual household water use of more than 11 million homes.

As part of Fix a Leak Week, Pennsylvanians are encouraged to identify and fix leaks around their homes. The PUC and EPA offer the following tips:

- Review your water usage during a colder month, such as January or February. If a family of four exceeds 12,000 gallons per month, there are serious leaks.
- Check your water meter before and after a two-hour period when no water is being used. If the meter changes at all, you probably have a leak.
- Identify toilet leaks by placing a drop of food coloring in the toilet tank. If any color shows up in the bowl after 10 minutes, you have a leak. (Be sure to flush immediately after the experiment to avoid staining the tank.)
- Examine faucet gaskets and pipe fittings for any water on the outside of the pipe to check for surface leaks.

More tips for finding leaks and saving water are available on the **EPA’s WaterSense website** [https://www3.epa.gov/watersense/our\\_water/fix\\_a\\_leak.html](https://www3.epa.gov/watersense/our_water/fix_a_leak.html).

The Pennsylvania Public Utility Commission balances the needs of consumers and utilities; ensures safe and reliable utility service at reasonable rates; protects the public interest;

educates consumers to make independent and informed utility choices; furthers economic development; and fosters new technologies and competitive markets in an environmentally sound manner.

For recent news releases and video of select Commission proceedings or more information about the PUC, visit our website at <http://www.puc.pa.gov/>. Follow the PUC on Twitter – @PA\_PUC for all things utility. “Like” Pennsylvania Public Utility Commission on Facebook for easy access to information on utility issues.

**Source:** PUC Press Release, 3/14/2019

## **PUC: Final Supplemental Implementation Order for Section 1329**

**T**he Public Utility Commission issued a Final Supplemental Implementation Order with the stated intent to improve the quality of valuations, ensure that the adjudication process is both fair and efficient, and, ultimately, reduce litigation surrounding Section 1329 determinations.

**Source:** Pennsylvania Bulletin, 3/16/2019  
<https://www.pabulletin.com/secure/data/vol49/49-11/410.html>

## **Wolf Administration Explores Lead Exposure Prevention and Remediation Initiative**

**O**n March 14, 2019, Governor Tom Wolf announced that the Department of Human Services (DHS) is exploring the possibility of using Medicaid funds to pay for primary prevention measures that focus on identifying and reducing the sources of environmental childhood lead exposure.

“It’s wise for Pennsylvania to consider opportunities to leverage Medicaid funds to combat the detrimental impacts of lead,” Gov. Wolf said. “If it’s approved by the federal government, this proposal could benefit thousands of Pennsylvania’s children who have been exposed to lead or are suffering from lead poisoning, as well as potentially lower health care spending for treating lead-related health problems.”

Pennsylvania submitted a concept paper to the Centers of Medicaid & Medicaid Services (CMS), asking them to consider a demonstration to test the effectiveness of using Medicaid funds for primary prevention measures on lead sources such as lead-based paint, dust, and water sources and increase remediation efforts in lead-contaminated housing and child-care facilities across Pennsylvania.

According to the California Environmental Health Tracking Program, Pennsylvania is sixth in the nation in the percent of children with lead poisoning. The dangers of lead are widely known. Lead poisoning in childhood is a cause of learning and behavior problems that persist for a lifetime.

“Not all communities have the resources to help all children with elevated blood lead levels address the source of exposure or prevent continued exposure,” DHS Sec. Teresa Miller said. “This project could help prevent lead exposure and alleviate the cost of remediation in lead-contaminated housing and child-care facilities across the commonwealth.”

Lead exposure often does not manifest in physical symptoms, but may result in long-term neurological damage, especially if the exposure occurs during the critical stages of brain development in early childhood. Lead in a child’s body can slow growth and development, damage the brain and nervous system, cause hearing, speech, learning and behavior problems.

Pennsylvania’s Medical Assistance or Medicaid program has long had a central role in helping tackle lead poisoning. Medicaid sets the standard for frequency of lead screening for program beneficiaries, incentivizes screening in its managed care system through provider pay for performance incentives, and pays for environmental lead

investigations to identify the sources of the lead exposure in children with elevated blood lead levels.

The program also bears the financial consequences of lead exposure, paying for the comprehensive physical and behavioral health services that are available to children who have been exposed.

The proposal requests that CMS consider the possibility of a specialized benefit package under Section 1115 of the Social Security Act, which gives the Secretary of Health and Human Services authority to approve experimental, pilot, or demonstration projects that promote the objectives of Medicaid and the Children's Health Insurance Program (CHIP). Acceptance of the proposal would indicate that CMS is willing consider an 1115 waiver application for this type of benefit package. Upon approval of an 1115 waiver, this demonstration would allow Pennsylvania to test the effectiveness of preventive environmental lead inspection and increased remediation efforts in lowering lead poisoning rates and related spending for services to Medicaid recipients. The demonstration would be available statewide but targeted at children with a high risk of having elevated blood lead levels across the commonwealth.

This proposal is one of several initiatives the Wolf Administration has in place or is exploring to combat the pervasive effects of lead exposure among children in Pennsylvania. The Pennsylvania Department of Health's Bureau of Family Health offers a toll-free Lead Information Line (1-800-440-LEAD) to respond to caller questions and provide electronic materials about lead poisoning and other environmental hazards.

Also, the health department oversees the Lead Surveillance Program, which tracks and monitors childhood lead activity through the Pennsylvania National Electronic Disease Surveillance System (PA-NEDSS). PA-NEDSS is a web-based application system that receives all lead reports on Pennsylvania's children. Through PA-NEDSS, the Division of Child and Adult Health Services can identify possible high-risk areas, locate areas of

under-testing and identify other potential service need.

Find out more about Pennsylvania's continual progress in reducing childhood lead poisoning [here](https://www.health.pa.gov/topics/disease/Lead%20Poisoning/Pages/Lead%20poisoning.aspx) <https://www.health.pa.gov/topics/disease/Lead%20Poisoning/Pages/Lead%20poisoning.aspx>.

For more information on the Medicaid program, visit [here](http://www.dhs.pa.gov/citizens/healthcaremedicalassistance/index.htm) <http://www.dhs.pa.gov/citizens/healthcaremedicalassistance/index.htm>.

**Source:** Governor Wolf's Press Office, 3/14/2019

## **Choose Clean Water Coalition Pushing For More Chesapeake Bay Cleanup Funding**

**O**n March 13, more than 100 members of the Choose Clean Water Coalition met with their members of Congress to discuss increased support for the Chesapeake Bay restoration effort.

The Coalition, made up of more than 230 nonprofit organizations across the Chesapeake Bay watershed, is requesting that Congress increase funding for the Chesapeake Bay, specifically \$90 million for the Environmental Protection Agency Chesapeake Bay Program, up from \$73 million. Over the past two years, both of the President's proposed budgets have called for a reduction or elimination of funding for the Environmental Protection Agency's Chesapeake Bay Program.

Both times, the Coalition, in partnership with members of the Chesapeake watershed delegation in Congress, have worked to successfully restore funding, as it results in millions of dollars in support for projects that are improving communities and protecting local waterways in every state in the region and the District of Columbia.

“For the past two years, our Coalition has focused on restoring the critical \$73 million in funding for the Chesapeake, which was eliminated

in the president’s budget for 2018 and cut by 90 percent in 2019,” said Chante Coleman, director of the Choose Clean Water Coalition. “With the leadership of our strong Chesapeake congressional delegation, we have successfully protected this funding, but now we have to focus on what the Chesapeake cleanup needs to get over the finish line knowing that we face new and growing challenges.”

When the Chesapeake Bay Blueprint was created in 2010, it was estimated that the Conowingo Dam would trap pollution through 2025.

However, last year, new research determined that the reservoir behind the dam was actually full, and as a result more pollution was entering the Chesapeake Bay than had been originally accounted for.

Now it is estimated that the Chesapeake Bay cleanup will need to reduce an additional 6 million pounds of nitrogen every year to mitigate water quality impacts from Conowingo.

Also, the Chesapeake Bay region saw record amounts of rainfall this past year, resulting in increased flooding and runoff into local streams. These major rainfall events are only expected to increase with climate change, which will require on-the-ground pollution and flood reducing projects to adapt to new pressures.

“This is a critical investment in clean water, targeted directly at improving water quality in local rivers, streams, and the Chesapeake Bay. The majority of the Chesapeake Bay Program budget goes directly toward matching public and private investments in reducing pollution. The Bay Program is the glue that holds the state/federal partnership together. And it’s working. Over time, the dead zone is getting smaller, Bay grasses are increasing, and local economies are improving. But the Bay is far from saved,” said Chesapeake Bay Foundation President William C. Baker. “State and federal efforts must be accelerated. This additional funding is critical to finishing the job.”

In addition to increased funding for the Chesapeake Bay Program, the Coalition is also asking congress for a 50 percent increase in funding for the Chesapeake Bay Gateways and Trails

Program, to fully fund the 2018 federal Farm Bill’s conservation programs to ensure responsible farms in the Chesapeake region remain economically viable.

The Coalition is also requesting that Congress not ignore clean water issues when they put together a Federal Infrastructure Spending Package.

The Coalition recommends tripling the funding for the Clean Water State Revolving Fund to \$5 billion to be included in such an Infrastructure Package. This Fund provides low interest loans for sewage treatment and stormwater control upgrades and retrofits for local governments and ratepayers in every state.

For more information, visit the Choose Clean Water Coalition website at <https://www.choosecleanwater.org/>.

For more on Chesapeake Bay-related issues in Pennsylvania, visit the Chesapeake Bay Foundation-PA webpage at <https://www.cbf.org/about-cbf/locations/pennsylvania/>.

**Source:** PA Environmental Digest, 3/18/2019

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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.***