

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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NAWC-PA Honors Senator Robert M. “Tommy” Tomlinson for Dedication to Safe Drinking Water

On May 7, 2019, the National Association of Water Companies (NAWC), Pennsylvania Chapter recognized Robert M. “Tommy” Tomlinson, state Senator (R-Bucks), with its James McGirr Kelly Award for Excellence. The NAWC honored Tomlinson during its awards luncheon at the Pennsylvania Chapter’s Annual Meeting in Harrisburg.



Sen. Tomlinson (left) receives James McGirr Kelly Award from John D. Hollenbach (right), Chairman, National Association of Water Companies, PA Chapter

The James McGirr Kelly Award for Excellence is the highest honor bestowed by the NAWC, Pennsylvania Chapter. The industry association presents the award each year to a resident of Pennsylvania who most exemplifies dedication to promoting the availability of safe drinking water in the Commonwealth.

“This award reflects our industry’s sincere gratitude to Senator Tomlinson for his years of dedicated public service and advocacy for policies that promote the availability of safe and reliable water and wastewater service for all Pennsylvanians,” said NAWC Pennsylvania Chapter Chairman John Hollenbach.

The Senator serves as Chairman of the Senate Consumer Protection and Professional Licensure Committee, which works to protect the rights of Pennsylvania consumers and ensures that individuals in regulated professions adhere to the highest standards. During his time as Chairman, Tomlinson has encouraged regulators and public utilities to adopt “best practices” to accelerate the replacement and upgrading of utility infrastructure to provide safe and reliable service.

“Throughout his career, Tomlinson has been a leader and has earned the admiration of his colleagues and the respect of regulators and the regulated community in Pennsylvania,” Hollenbach said. “Tomlinson’s support and advocacy for accelerated infrastructure replacement, alternative ratemaking, and the replacement of customer-owned lead water service lines or damaged

wastewater laterals has maintained the water and wastewater industry's momentum, unified our efforts to improve quality of life, reinforced our responsibility to care for our common environment, and created jobs that stimulated the economy."

"I am extremely honored to receive the James McGirr Kelly Award for Excellence from the Pennsylvania Chapter of the National Association of Water Companies," Tomlinson said. "As the only public utility you consume, water is always of special importance to me as a legislator. Pennsylvania continues to be ahead of the curve when it comes to the regulation of water and wastewater utilities, and I'm proud to have played a small part in maintaining and advancing that reputation."

The NAWC Pennsylvania Chapter's Annual Meeting coincides with "Drinking Water Week" in Pennsylvania, which was established more than 40 years ago to call attention to water as a precious natural resource. Many of us take for granted the instantaneous availability 24 hours a day of a safe and reliable drinking water service provided by viable community drinking water systems.

Therefore, the Pennsylvania Senate (Senate Resolution 92) and House of Representatives (House Resolution 271) adopted identical resolutions last week designating May 5-11, 2019, as "Drinking Water Week" in Pennsylvania to heighten awareness of drinking water treatment, monitoring, distribution and related costs and urge all residents of this Commonwealth to protect our watersheds, conserve our precious drinking water supply and preserve its superior quality.

The NAWC (www.nawc.org) represents all aspects of the private water service industry including ownership of regulated drinking water and wastewater utilities and the many forms of public-private partnerships and management contract arrangements. The Pennsylvania Chapter consists of five member companies that provide safe and adequate drinking water service to over 3.1 million Pennsylvanians in 492 communities in 39 counties. In addition, three member companies provide wastewater service to approximately 195,000 Pennsylvanians in 34 communities across nine counties.

Source: NAWC-PA Press Release, 5/7/2019

Senator Yaw, Members of Task Force on Lead Exposure Discuss Legislative Report and Recommendations

On May 7, 2019, state Sen. Gene Yaw (R-23) joined legislative members of the Task Force on Lead Exposure to discuss legislative recommendations that were part of the 'Lead Exposure Risks and Response in Pennsylvania: Report of the Advisory Committee and Task Force on Lead Exposure.' The legislative members of the task force included Sen. John Yudichak, Sen. Lisa Baker, Sen. Wayne Fontana, Sen. Judy Schwank, and Sen. Pat Stefano.

Yaw noted during the press conference that he will soon introduce legislation requiring all school drinking water systems to be tested for lead contamination.

"Lead contamination in schools and in public drinking water supplies is a real threat across our state and our nation," said Sen. Yaw. "It's unfortunate that schools, a place where our children spend much of their time, can have unsafe levels of lead in their water supply. The bill is one more step we can take to protect our children and school employees from potential health hazards."

The advisory committee and task force made the following recommendations, several of which are being addressed through legislation announced today:

- Require universal blood screenings for children;
- Mandate inspections/certifications of child-care facilities with vulnerable populations;
- Ensure safe housing is available to families through a residential rental property certification program;
- Establish a statewide rental housing registry;

- Establish a lead abatement grant program to assist property owners in conducting lead abatement;
- Establish an inter-agency council to coordinate implementation of lead prevention programs and policies among the relevant state agencies;
- Require all school drinking water systems to be inspected and certified;
- Clarify plumbing system lead ban;
- Permit municipal authorities operating public drinking water system to replace lateral lead service lines;
- Require lead service line replacements and restrict partial lead water service line replacements;
- Adopt the Uniform Property Maintenance Code; and
- Provide guidance on private well construction.

The Advisory Committee and Task Force on Lead Exposure was formed after legislation sponsored by Sen. Yudichak, Senate Resolution 33, was approved in 2017. The Joint State Government Commission released the report in April. The **report** is available online at <http://jsg.legis.state.pa.us/>

For more state-related news and information visit Senator Yaw's website at <http://www.senatorgeneyaw.com/>.

Source: Senator Yaw Press Release, 5/7/2019

Senator Hughes says legislators must work together to enact recommendations of Advisory Committee and Task Force Report on Lead Exposure

Senator Vincent J. Hughes (D-Philadelphia/Montgomery) stood with legislative members of the Task Force on Lead Exposure for a press conference to discuss the legislative recommendations that were part of 'Lead

Exposure Risks and Response in Pennsylvania: Report of the Advisory Committee and Task Force on Lead Exposure. 'Senator Hughes, a longtime advocate for lead testing, remediation and clean ups across the state, said the following in response to the report:

"We're here in a bipartisan fashion to aggressively provide real solutions to help thousands of homes, schools, childcare facilities and water sources," Sen. Hughes said. "I think we can bring something significant home before we leave here at the end of June. I'm prepared to stand with everyone and move this issue forward. It is our responsibility to fix this for the people of Pennsylvania."

The advisory committee and task force made the following **recommendations** <http://jsg.legis.state.pa.us/resources/documents/ftp/documents/LEAD%20ONE%20PAGE%20SUMM%204.29.19.pdf>, several of which are being addressed through legislation announced at today's press conference:

- Require universal blood screenings for children; Mandate inspections/certifications of child-care facilities with vulnerable populations;
- Ensure safe housing is available to families through a residential rental property certification program;
- Establish a statewide rental housing registry;
- Establish a lead abatement grant program to assist property owners in conducting lead abatement;
- Establish an interagency council to coordinate implementation of lead prevention programs and policies among the relevant state agencies;
- Require all school drinking water systems to be inspected and certified;
- Clarify plumbing system lead ban;
- Permit municipal authorities operating public drinking water system to replace lateral lead service lines;
- Require lead service line replacements and restrict partial lead water service line replacements;
- Adopt the Uniform Property Maintenance Code; and
- Provide guidance on private well construction.

Source: Senator Hughes Press Release, 5/7/2019

PUC to Livestream May 14th Damage Prevention Committee Meeting

The Pennsylvania Public Utility Commission (PUC) will livestream a meeting of the Damage Prevention Committee (DPC) on **Tuesday, May 14, 2019, at 9 a.m.** in Hearing Room 1 of the Commonwealth Keystone Building, Harrisburg.

To view the livestream, visit the PUC's **website** http://www.puc.pa.gov/about_puc/live_streaming_video.aspx. The **agenda** http://www.puc.pa.gov/transport/gassafe/pdf/DPC_Agendas/2019/DPC051419.pdf also is available on the PUC's website.

Digging Safety – PA One Call

Every year, underground lines across the state are struck more than 6,000 times – which means that during the average workday a pipeline or other vital utility system is hit every 20 minutes. While underground lines are often “out of sight and out of mind,” every hit poses a risk to the contractors and homeowners who are doing the digging; to utility workers and emergency responders who are mobilized when lines are struck; and to bystanders who live, work or travel near the locations of the incidents.

State law requires contractors and residents to contact PA One Call <http://www.palcall.org/> at least three business days prior to excavation – triggering alerts to all utilities within an intended digging area and prompting utilities to mark where their facilities are located. Pennsylvanians can dial 8-1-1 to connect with the One Call system, while out-of-state residents or businesses can call 1-800-242-1776.

About the DPC

The DPC is part of the PUC's independent Bureau of Investigation and Enforcement, which also includes the Pipeline Safety Division.

Modeled after successful programs in other states, the focus of the committee http://www.puc.pa.gov/utility_industry/transportation/pipeline_safety/pa_one_call_enforcement.aspx is a reduction in the number of “hits” on underground utilities.

The DPC meets regularly to review alleged violations of the Act and makes determinations as to the appropriate response including, but not limited to, the issuance of warning letters or administrative penalties. The committee holds public meetings in Hearing Room 1 of the Commonwealth Keystone Building, Harrisburg, and each meeting is livestreamed on the PUC's **website** http://www.puc.pa.gov/about_puc/live_streaming_video.aspx, and **summaries of actions taken at those meetings** http://www.puc.pa.gov/utility_industry/transportation/pa_one_call_enforcement/dpc_agendas_Actions.aspx are also posted online.

Creation of the committee was authorized by **Act 50 of 2017** http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=3918, which enhances Pennsylvania's Underground Utility Line Protection Act – also known as the “One Call Law.”

About the Bureau of Investigation & Enforcement

As the independent investigation and enforcement bureau of the PUC, I&E enforces state and federal pipeline safety and motor carrier safety laws and regulations and represents the public interest in ratemaking and service matters before the PUC's Office of Administrative Law Judge. I&E has the authority to bring enforcement action, seek emergency orders from the Commission or take other steps to ensure public safety.

Source: PUC Press Release, 5/8/2019

Extension of National Pollutant Discharge Elimination System General Permit for Wet Weather

Overflow Discharges from Combined Sewer Systems

Under The Clean Streams Law, DEP, by this notice, extends for 12 months the availability of the current National Pollutant Discharge Elimination System (NPDES) General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (PAG-06).

The existing PAG-06 general permit in effect at this time will expire on May 31, 2019. Persons who are currently operating under the PAG-06 general permit may continue to operate until May 31, 2020. The department is extending the availability of this permit to adequately complete preparation of the renewal of the PAG-06 general permit. During the period of administrative extension, no new coverage under the PAG-06 general permit may be authorized by the department. Questions regarding the PAG-06 general permit for wet weather overflow discharges from combined sewer systems can be directed to Sean M. Furjanic, PE, at sefurjanic@pa.gov or (717) 787-2137.

Source: Pennsylvania Bulletin, 5/11/2019
<https://www.pabulletin.com/secure/data/vol49/49-19/699.html>

EQB Meeting Cancellation

The May 22, 2019, meeting of the Environmental Quality Board is **cancelled**. The next regular meeting of the board is tentatively scheduled for Tuesday, June 18, 2019, at 9 a.m. in the Rachel Carson State Office Building, Harrisburg.

Questions concerning the board's next scheduled meeting may be directed to Laura Edinger at ledinger@pa.gov or (717) 783-8727. The agenda and meeting materials for all board meetings will be available on the Department of Environmental Protection's **website** <https://www.dep.pa.gov/PublicParticipation/EnvironmentalQuality/Pages/default.aspx>.

Source: Pennsylvania Bulletin, 5/11/2019
<https://www.pabulletin.com/secure/data/vol49/49-19/725.html>

May 22 DEP Citizens Advisory Council Meeting Focuses on Draft PA Chesapeake Bay Watershed Implementation Plan

DEP's Citizens Advisory Council is scheduled to meet on May 22 to hear a presentation on Pennsylvania's **draft Chesapeake Bay Watershed Implementation Plan** <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=46349> by Veronica Kasi, Director of DEP's Chesapeake Bay Program Office.

The Plan describes how Pennsylvania intends to move forward and accelerate progress towards meeting the nutrient reduction targets established by the Chesapeake Bay Partnership for the improvement of local water quality and the restoration of the Chesapeake Bay with the goal of having all practices in place by 2025.

The draft Plan estimates an additional \$1.5 billion in funding and 144 new staff would be needed over the next 6 years to achieve the Chesapeake Bay pollution reduction goals.

More specifically, the draft Plan recommends providing funding for 4 priority programs -- Agricultural Compliance - \$33.1 million, Soil Health - \$32.9 million, Grass Buffers - \$9.2 million and Forested Buffers - \$41.4 for a total of \$116.6 million of the \$257 million annual obligation. The draft Plan recommends an increase in state agency staff from 32 to 80 and for external agency staff from 93 to 189 for a total of 144 new staff.

If the draft Plan is implemented as proposed, there will be a reduction of 22.57 million pounds of nitrogen [the goal is 34 million pounds] and an 824,000 pound reduction of phosphorus [the goal is 760,000 pounds].

The Plan says Pennsylvania will achieve the other needed reductions “... through the completion of the remaining Countywide Action Plans and the remaining priority initiatives described in Section 2 that have not yet been quantified.”

With just the existing programs and resources, Pennsylvania would miss the 2025 nitrogen reduction goal by at least 19 years (2044). DEP is accepting public comments on the draft Plan through June 7.

Click [here](#)

http://files.dep.state.pa.us/PublicParticipation/Citizens%20Advisory%20Council/CACPortalFiles/Meetings/2019_05/PADEP-Phase3-WIP-Summary-PPT_start.pdf to view a copy of the Bay Plan presentation.

The meeting will be held in Room 105 of the Rachel Carson Building in Harrisburg starting at 10:00. A Call-In option is available: 267-332-8737, 52478877#

The next scheduled meeting of the Council is on June 18.

For more information and available handouts, visit DEP’s Citizens Advisory Council webpage <https://www.dep.pa.gov/PublicParticipation/CitizensAdvisoryCouncil/Meetings/Pages/default.aspx>. Questions should be directed to Keith Salador, Executive Director, 717-787-8171 or send email to: ksalador@pa.gov.

Source: PA Environmental Digest, 5/13/2019

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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.