
WUC

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



GOVERNMENT RELATIONS UPDATE

From Milliron & Goodman Government Relations, LLC.

200 North 3rd Street ♦ Suite 1500 ♦ Harrisburg, PA 17101 ♦ Phone: 717-232-5322 ♦ Cell: 717-574-3963 ♦
Erik A. Ross, Senior Associate ♦ www.millirongoodman.com

Harrisburg, PA

Erik@millirongoodman.com

May 20, 2019 -- Issue 1137

Stephens Introduces Legislation to Eliminate Water Surcharges for PFAS Removal

Rep. Todd Stephens (R-Montgomery) has introduced legislation to eliminate local surcharges that ratepayers are paying to remove PFAS from local drinking water supplies.

"The federal government is responsible for the contamination, yet local ratepayers and taxpayers have been bearing the costs to remove these harmful contaminants," Stephens said.

House Bill 1410

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=H&type=B&bn=1410> would redirect a portion of state tax revenue generated on and around the former Willow Grove Naval Air Station to a newly created municipal authority, which would use the funds to eliminate the local surcharges ratepayers have been paying for clean water; to remediate water contamination caused by the military installation; and for infrastructure to encourage redevelopment of the closed military installation.

In addition, the legislation would direct PENNVEST to develop a program to address PFAS water contamination in communities across the Commonwealth. PENNVEST funds sewer, storm

water and drinking water projects across Pennsylvania.

In 2006, the federal government closed several military bases around the country, including the Willow Grove Naval Air Station in Montgomery County. As a part of the process to transfer the land, the federal government discovered significant environmental issues, including contamination of the drinking water in some Montgomery and Bucks County communities caused by the use of firefighting foam at the military installation.

To protect public health, local communities worked to remove these contaminants from drinking water but had to impose additional charges on ratepayers to fund their efforts.

"The federal government polluted our water and our ratepayers are footing the bill to clean it up - this is completely unfair and must stop," explained Stephens. "My bill will fund the cleanup efforts so local ratepayers don't have to and will help provide the infrastructure necessary to return the land to productive use for our community."

Source: Rep. Stephens Press Release, 5/16/2019

Pennsylvania's Unemployment Rate at Record Low 3.8 Percent Unemployment Rate Lowest

since 1976, Total Nonfarm Jobs Hit Record High

On May 17, 2019, the Pennsylvania Department of Labor & Industry (L&I) released its employment situation report for April 2019.

Pennsylvania's unemployment rate decreased one-tenth of a percentage point to a record low 3.8 percent in April – the lowest rate since 1976. The national rate was down two-tenths of a percentage point from March to 3.6 percent. The Pennsylvania unemployment rate declined by one-half of a percentage point from April 2018.

The civilian labor force, the estimated number of Pennsylvania residents working or looking for work, declined for the first time in 2019. This was attributable to a large drop in the number of unemployed residents, which reached its lowest level in 18 years. Unemployment rested at 248,000 in April – only 4,000 above its record low. The number of employed Pennsylvanians rose by 3,000 to a record high of 6,222,000.

The estimated number of jobs in Pennsylvania, referred to as total nonfarm jobs, was up 9,400 from March to a record high of 6,056,100. Highlights from this month's jobs report include:

- Fifth consecutive gain as well as fifth consecutive record high.
- Total nonfarm jobs increased over the month in eight of the 11 industry supersectors.
- The largest volume change was in professional & business services, up 4,700.
- Professional & business services, education & health services and leisure & hospitality all rose to record high job levels.

Over the past 12 months, jobs increased by 58,300 in the commonwealth with gains in nine of the 11 supersectors. Education & health services had the largest volume 12-month gain.

Additional information is available on the L&I website at www.dli.pa.gov.

Note: The above data are seasonally adjusted. Seasonally adjusted data provide the most valid month-to-month comparison.

Source: PA Labor & Industry Press Release, 5/17/2019

House Committee Republicans Ask IRRC To Turn Down DEP Water Permit Fee Increases Made Necessary By Cuts In DEP's General Fund Budget

On May 14, Republicans on the House Environmental Resources and Energy Committee voted to **send a letter to the Independent Regulatory Review Commission** <https://drive.google.com/file/d/1KmvvXJ4PI2fZjuLu8uwA16k-pKSE5-cP/view> urging them to disapprove of a proposed EQB regulation increasing DEP's Water Quality/NPDES permit review fees made necessary by cuts in DEP's General Fund budget appropriation.

Rep. Greg Vitali (D-Delaware), Minority Chair of the Committee, said starving DEP of General Fund appropriations, then voting to block the proposed fee increase will do harm to DEP's mission of protecting the environment.

Rep. Daryl Metcalfe (R-Butler), Majority Chair, responded by saying Republicans were successful in blocking proposed tax increases by Gov. Wolf that would have led to DEP hiring more staff adding the proposed fee increases were not reasonable by anyone's definition.

DEP is proposing a total increase of \$6 million in Chapter 92a NPDES -- \$5 million -- and Chapter 91 Water Quality -- \$1 million -- permit fees. The NPDES permit fee increases would cover approximately 4,000 facilities and the Water Quality permit fees from 500 to 600 applicants annually.

Chapter 91 wastewater facility fees have not been increased since 1971 and NPDES permit fees were last increased in 2010.

Since 2007, DEP's Clean Water Program staff has been reduced by 25 percent due to cuts in state General Fund appropriations.

DEP believes 25 additional staff are necessary in the Bureau of Clean Water to adequately carry out its responsibilities.

The U.S. Environmental Protection Agency has told DEP several times
http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2018/December%202018/05_7-533_WQmandNPDESfees_Proposed/04_7-533_WQmandNPDESfees_Proposed_RAF.pdf
since 2010 the agency does not have adequate resources to carry out its federally mandated responsibilities for the NPDES Program, including the MS4 Stormwater Pollution Prevention Program.

The letter approved by Committee Republicans said:

“DEP is explicit about its intent to collect approximately eight million additional dollars annually from these fee increases to support its Clean Water Program. A clear reading of the language of the statute indicates that DEP should be collecting reasonable filing fees specifically for applications filed and permits issued. Thus, these fees should be correlated to the cost of processing the specific permits for which the fees are collected, not generally funding DEP's Clean Water Program.

“Funding for the rest of the Clean Water Program should and has come out of DEP's General Fund appropriation, and not out of fees levied on businesses and municipalities throughout the Commonwealth. It was not the intention of the General Assembly to fund DEP's Clean Water Program through application fees authorized by the Clean Streams Law.

“Another important consideration regarding statutory authorization of these increases is the word reasonable. Though what is reasonable is

certainly subjective, it is clear from the extreme percentage of the proposed increases that this regulation moves beyond reasonable by any definition.

“DEP is proposing exponential increases from existing fees, with the highest increase proposed being a 2,900 percent increase, an increase in the new WQM permit fee for major industrial waste treatment plants from \$500 to \$15,000.

“Instead of fulfilling government's role of supporting local Pennsylvanian businesses and communities, this regulation would hurt many of those who can least afford it.

“Though the regulation would apply universally, smaller businesses and municipalities with limited resources would be disproportionately impacted by these excessive increases should the proposed regulation take effect.

“We note, for example, that you have already received comments from many farm owners, particularly from those with small, family-owned farms, who will be severely impacted by the increase in CAFO fees.

“Finally, and perhaps the least palatable portion of this proposed regulation, is the proposal to adjust fees every two years based on changes to the U.S. Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation.

“Allowing fee increases to occur based on an index without going through the regulatory process circumvents the intent of the General Assembly to require that fee increases be set by regulation.

“This will also prevent the important step required by the Regulatory Review Act of public participation in the process by allowing future increases to happen out of the public's view, thus denying Pennsylvanians who will be impacted the ability to comment.”

[**Note:** DEP began working with the Water Resources Advisory Committee in March of 2016 to develop this fee package.]

[Since then, the House and Senate have had multiple opportunities to review the regulation as members of the Environmental Quality Board (twice), through the Independent Regulatory Review Commission review process (twice) and during the public comment period advertised in the PA Bulletin and sent to members and public meetings of the Water Resources Advisory Committee.]

Rep. Daryl Metcalfe (R-Butler) serves as Majority Chair of the House Environmental Committee and can be contacted by calling 717-783-1707 or sending email to: dmetcalf@pahousegop.com . Rep. Greg Vitali (D-Delaware) serves as Minority Chair and can be contacted by calling 717-787-7647 or sending email to: gvitali@pahouse.net .

Source: PA Environmental Digest, 5/20/2019

DEP Water Resources Advisory Committee to Discuss Science Behind the Need to Regulate Manganese, Draft Chesapeake Bay Implementation Plan

The DEP Water Resources Advisory Committee is scheduled to meet on May 23 to the scientific literature behind regulating manganese and the draft PA Chesapeake Bay Watershed Implementation Plan.

Also on the agenda is a presentation on the **Susquehanna and Juniata Rivers Aquatic Life Use Assessment** <http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/WRAC/2019/052319/SusquehannaAquaticLifeUse.pdf> and a discussion of the **proposed Triennial Review of Water Quality Standards regulation** http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/WRAC/2019/052319/04_7-

[534 TR17 DRAFT Final Annex WRAC-May23.pdf](#) .

Manganese

A last minute amendment to the **Administrative Code budget bill in 2017** <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=41370> directed the Environmental Quality Board 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 insure the standard is met at the point of intake for water suppliers (25 Pa Code Chapter 96.3). The amendment was done as a favor to the coal industry.

The 1 milligram/liter standard is 20 times the level of manganese that water suppliers are allowed to have in their water supplies, according to EPA's secondary maximum contaminant level. **Click here for more** <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=40536> .

Current science shows manganese is harmful to human health as a possible nervous system toxin with implications to early childhood development at levels that are less than the threshold levels that impact aquatic life.

The change sweeps away 28 years of environmental protection for Pennsylvania waterways impacted by the consequences of acid mine drainage, and imposes additional testing, monitoring and treatment at public water supply operations along these waterways.

Local government groups, drinking water suppliers and many other groups opposed the amendment. **Click here for more** <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=40742> .

In January of 2018, DEP published an **advance notice of proposed rulemaking** <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=42262> requesting information on changing the water quality standard.

DEP said it will use the information received to “evaluate the adequacy of the existing manganese water quality criterion when the point of compliance is moved to the location of an existing or planned surface potable water supply withdrawal.”

DEP consulted with the Small Water Systems Technical Assistance Center Board, the Agricultural Advisory Board and discussed the results of the information they received from the advanced notice with the **Water Resources Advisory Committee at its November 28 meeting**

<https://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/WRAC/Pages/Agendas-and-Handouts.aspx> .

The **presentation prepared for the May 23 meeting**

http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/WRAC/2019/052319/Manganese_Science.pdf reviews the scientific literature and information DEP has compiled on regulating manganese. A **list of literature reviewed** is also available <http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/WRAC/2019/052319/ManganeseLiterature%20Reviewed.pdf> .

DEP is proposing to bring a draft manganese regulation back to the Water Resources Advisory Committee at its next meeting on July 25 and make a presentation to the Agricultural Advisory Board on August 29.

[**Note:** On March 29 Senate President Pro Tempore Joe Scarnati (R-Jefferson) and Sen. Gene Yaw (R-Lycoming), Majority Chair of the Senate Environmental Resources and Energy Committee, **filed a petition on March 29**

<https://drive.google.com/file/d/1VA1h4pqNJfeN8IIRNf5YpWNHVaxz1Bv/view> asking Commonwealth Court for mandamus relief to compel DEP and the Environmental Quality Board to set a water quality standard for manganese as required by an October 2017 rider to an Administrative Code budget bill. **Click here for more**

<http://www.paenvironmentdigest.com/newsletter/de>

[fault.asp?NewsletterArticleID=46413&SubjectID=18](http://www.paenvironmentdigest.com/newsletter/de/fault.asp?NewsletterArticleID=46413&SubjectID=18)].

The meeting will be held in Room 105 of the Rachel Carson Building starting at 9:30.

For more information and available handouts, visit the **DEP Water Resources Advisory Committee webpage**

<https://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/WRAC/Pages/Agendas-and-Handouts.aspx>. Questions should be directed to Diane Wilson by calling 717-787-3730 or send email to: diawilson@pa.gov .

Source: PA Environmental Digest, 5/20/2019

USDA Encourages Rural Communities to Apply For Stormwater, Water Infrastructure Funding

On May 13, Triblive.com’s Stephen Huba reported <https://triblive.com/local/regional/usda-funds-available-to-communities-trying-solve-stormwater-runoff-problems/> the U.S. Department of Agriculture invited rural communities across the United States to **apply for grants and loans to upgrade and rebuild rural water infrastructure** <https://www.rd.usda.gov/programs-services/water-waste-disposal-loan-grant-program/pa> .

USDA is providing the funding through the Water and Waste Disposal Loan and Grant program. It can be used to finance drinking water, stormwater drainage (including green infrastructure that follows best management practices) and waste disposal systems for rural communities with 10,000 or fewer residents.

Eligible rural communities and water districts can apply online for funding to maintain, modernize or build water and wastewater systems.

On May 13, USDA awarded a grant to West Sunbury Borough Municipal Authority is receiving a \$256,000 loan and a \$369,000 grant to install

equipment and filters to upgrade the sewage treatment plant to meet state requirements.

The project will serve the borough of West Sunbury, portions of Clay Township and the Dassa McKinney Elementary School in Concord Township.

Applications are being accepted on a continuing basis for this funding.

Visit the **USDA/PA Water & Waste Disposal Loan & Grant Program in PA webpage** <https://www.rd.usda.gov/programs-services/water-waste-disposal-loan-grant-program/pa> for more information. Questions should be directed to Curt Coccodrille, State Director, 359 East Park Drive, Suite 4 in Harrisburg, call 717-237-2299 or **other program contacts** <https://www.rd.usda.gov/programs-services/water-waste-disposal-loan-grant-program/pa> .

Visit the USDA Rural Development/PA webpage <https://www.rd.usda.gov/pa> for information on other funding programs that benefit rural Pennsylvania like -- **Rural Energy for America Program for Renewable Energy and Energy Efficiency Improvements** <https://www.rd.usda.gov/programs-services/rural-energy-america-program-renewable-energy-systems-energy-efficiency/pa> .

Source: PA Environmental Digest, 5/20/2019

Auditor General DePasquale Calls for Pennsylvania to Act on Climate Change to Save Lives, Prepare for Higher Costs

On May 13, 2019, Auditor General Eugene DePasquale urged Pennsylvania to do more to prepare for the impacts of climate change due to a lack of meaningful action at the federal level.

“The climate crisis will impact public health and safety, disrupt our economy and create new burdens

on taxpayers,” DePasquale said at his third public hearing on the topic. “In light of how little serious work is being done about the crisis at the national level, states must make certain they’re prepared for these potentially devastating impacts.”

DePasquale is developing a special report on state government’s response to climate change and steps that can better prepare the state for the future, noting that the problem will impact health, transportation and other infrastructure, agriculture, forestry, and tourism – among other issues.

Today’s hearing was held at Widener University’s Commonwealth Law School. Witnesses scheduled to testify included:

- **John Dernbach**, Widener University Professor of Environmental Law and Sustainability
- **Randy Padfield**, Acting Director, Pennsylvania Emergency Management Agency (PEMA)
- **David Buono, Jr.**, Consumer Liaison, PA Insurance Department
- **John Brosious**, Deputy Director, Pennsylvania Municipal Authorities Association https://drive.google.com/file/d/1NHfJ-8FawcIcdWwOv0xG_OI7bx1zJID-/view
- **Dr. Rachel Levine**, Secretary, PA Department of Health
- **Allison Acevedo**, Office of Environmental Justice Director, Dept. of Environmental Protection (DEP)
- **Patricia Zapata**, Organizing Program Assistant, CASA

“I want our state to be ready for what the federal government’s own experts say is already happening and what is yet to come,” DePasquale added, referencing a federal report issued last fall.

That report said that in the Northeast region <https://nca2018.globalchange.gov/chapter/18/> , climate change poses threats to public health and safety from extreme heat and flooding; raises concerns about damage to aging power, water, sewer and transportation systems; and will impact rural communities, farming, forestry and tourism by altering ecosystems.

DePasquale's special report is expected to be complete this summer. Learn more about the Department of the Auditor General online at www.paauditor.gov.

Source: AG DePasquale Press Release, 5/13/2019

Clean Water and Drinking Water State Revolving Fund Programs; Federal Fiscal Year 2019 Intended Use Plans

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection have prepared the federal fiscal year (FY) 2019 Intended Use Plans (IUP).

These plans include a list of drinking water, wastewater treatment, nonpoint source and pollution abatement projects to be considered for a design and engineering or construction loan or grant from funds the commonwealth expects to receive from the federal FY 2019 Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) programs.

Source: PA Bulletin, 5/18/2019

<https://www.pabulletin.com/secure/data/vol49/49-20/771.html>

Pennsylvania's Draft Phase 3 Chesapeake Bay Watershed Implementation Plan

The Department of Environmental Protection opened for public comment the draft Phase 3 Chesapeake Bay Watershed Implementation Plan (WIP). The Phase 3 WIP specifies the steps the commonwealth will take through 2025 to meet local water pollution reduction goals in the Chesapeake Bay watershed as required by the Chesapeake Bay Total Maximum Daily Load.

Supporting documents can be found on the **department's website** [https://www.dep.pa.gov/Business/Water/Pennsylvania%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-\(Watershed-Implementation-Plans\).aspx](https://www.dep.pa.gov/Business/Water/Pennsylvania%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-(Watershed-Implementation-Plans).aspx). The final Countywide Action Plans for Lancaster, York, Adams and Franklin Counties can also be found on this **website** [https://www.dep.pa.gov/Business/Water/Pennsylvania%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-\(Watershed-Implementation-Plans\).aspx](https://www.dep.pa.gov/Business/Water/Pennsylvania%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-(Watershed-Implementation-Plans).aspx) for informational purposes only. Questions regarding the draft Phase 3 WIP can be e-mailed to RA-EPCheBay@pa.gov.

The department reminds interested persons that comments will be accepted through Friday, June 7, 2019. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are encouraged to submit comments using the department's **eComment tool**

<https://www.ahs.dep.pa.gov/eComment/> on the website or by e-mail to ecomment@pa.gov. Written comments can be mailed to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, PO Box 2063, Harrisburg, PA 17105-2063. Additional information can be found on the Pennsylvania Bulletin.

Source: PA Bulletin, 5/18/2019

<https://www.pabulletin.com/secure/data/vol49/49-20/758.html>

Wolf Administration Expands Routes for Clean-Fuel Drivers

Expanding routes for those who drive clean-fuel vehicles in Pennsylvania, the Department of Environmental Protection (DEP) and Department of Transportation (PennDOT) announced grants for electric vehicle (EV) charging stations and the designation of 500 more miles of highway as "Alternative Fuel

Corridors," with compressed natural gas (CNG) or EV charging stations readily accessible.

"Pennsylvanians are increasingly interested in protecting the environment and saving money by driving clean-fuel vehicles such as electric or compressed natural gas powered cars, buses, and trucks," said DEP Secretary Patrick McDonnell. "DEP is committed to supporting these consumer choices and helping the state reach its greenhouse gas emissions reduction goals through sustainable transportation initiatives."

Today, DEP announced the approval of two grants totaling \$660,000 to Giant Eagle, Inc., to install eight EV fast-charging stations for public use at four GetGo convenience stores in Allegheny, Butler, and Washington Counties in western Pennsylvania. When completed, the chargers are expected to eliminate 242 metric tons of carbon dioxide emissions annually.

The stations will continue increasing options for fast charging along Interstate 79, designated last year as an Alternative Fuel Corridor. The Federal Highway Administration (FHWA) permits states to designate highways as Alternative Fuel Corridors if they meet federal criteria for the availability of EV charging, CNG, propane, liquid natural gas, or hydrogen fuel stations.

PennDOT and DEP partnered to secure designations in April for about 560 more miles in eastern and central Pennsylvania. These highways have EV charging stations every 50 miles and CNG fueling stations every 150 miles. Stations are 5 miles or closer to the road.

"Pennsylvania is now a leading producer of natural gas, and the Alternative Fuel Corridor initiative aims to take advantage of this new, cleaner burning fuel source," said PennDOT Secretary Leslie S. Richards. "PennDOT is excited to support this program that will bring benefits for the state, transit agencies, and the public for years to come."

The following highways are newly designated as corridors for EV charging:

- Interstate 83 from New Cumberland to the Maryland border
- US Route 30/Interstate 676 from Gettysburg to the New Jersey border
- Interstate 70 from the Ohio border to the intersection with the Turnpike (New Stanton exit)

The following highways are newly designated as corridors for CNG:

- Interstate 81 from Carlisle to the New York border
- Interstate 78 from intersection with I-81 to Allentown
- US Route 30/Interstate 676 from York to the New Jersey border
- Interstate 70 from the Ohio border to the intersection with the Turnpike (New Stanton exit) and from the Turnpike Breezewood exit to the Maryland border

These latest routes, combined with those designated in 2016 and 2017, give Pennsylvania a total of 14 Alternative Fuel Corridors, covering 1,763 miles See **FHWA interactive maps** http://www.ahs.dep.pa.gov/NewsRoomPublic/Redirector.aspx?varURL=https://www.fhwa.dot.gov/environment/alternative_fuel_corridors/maps/ showing routes for each type of fuel.

Corridor designation allows roads to have additional signage indicating that specific types of alternative fuel stations are available. PennDOT is developing a signage package. The agencies will pursue opportunities for further corridor designations as alternative fuel stations increase.

Businesses and organizations are encouraged to learn more about DEP grant programs that support installation of EV charging, CNG, or other alternative fuel stations for fleet or public use. Find information at **Alternative Fuels Incentive Grants** <https://www.dep.pa.gov/Citizens/GrantsLoansRebates/Alternative-Fuels-Incentive-Grant/Pages/default.aspx> and **Driving PA Forward** <http://www.depgis.state.pa.us/DrivingPAForward/>.

Source: DEP Press Release, 5/16/2019

#####

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.