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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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Mullery bill would require road repairs following underground work

Public utilities and municipal authorities would be required to restore a roadway to the same or better condition as when they start underground work, under legislation introduced this week by state Rep. Gerald Mullery.

"Whether commuting to work or driving kids to school, Pennsylvania drivers traveling on roadways that are unpaved or need repairs can sustain damage to their vehicles. At the same time, these conditions can lead to further deterioration of the roads in our communities," said Mullery, D-Luzerne.

Mullery said when a public utility or municipal authority conducts work on underground utilities beneath a roadway, there are no established criteria regarding repaving or repairing the road surface. Once the utility work is completed, roadways often remain unpaved or in disrepair for extended periods of time.

"In some cases, even after being repaved or repaired, the roads could be in worse condition than before the initial utility work commenced," he said. "My proposal would help Pennsylvania communities and their drivers avoid unnecessary costs for road repairs and vehicle damage."

To help alleviate the problem, Mullery's legislation would create the Utility Fair Share Roadway Repair Act and require contractors to restore a roadway to the same or better condition as when the work started. Any work must meet the satisfaction of either the secretary of Transportation or the municipal public works director, depending if the work was completed on a state or municipal road.

Mullery's bill (**H.B. 1604**)

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&ind=0&body=H&type=B&BN=1604>) was referred to the House Local Government Committee for consideration.

Source: Rep. Mullery Press Release, 6/12/2019

IRRC Submits Comments to the Environmental Quality Board

Comments are available on the IRRC website at: Environmental Quality Board #7-533

<http://www.irrc.state.pa.us/docs/3227/IRRC/3227%2006-13-19%20COMMENTS.pdf>: *Water Quality Management and National Pollution Discharge Elimination System Permit Application and Annual Fees*

The regulatory review process in Pennsylvania is a two-stage process. The submission of comments

on this regulation concludes IRRC's formal role at the proposed stage.

The promulgating agency is required to respond to all comments received on their proposed regulation when submitting the final regulation with or without changes to IRRC and the legislative standing committees.

Commissioners:

- Chairman George D. Bedwick
- Vice Chairman John F. Mizner, Esq.
- W. Russell Faber
- Murray Ufberg, Esq.
- Dennis A. Watson, Esq.

The Independent Regulatory Review Commission provides oversight and review of all proposed and existing rules and regulations issued by all departments, boards, commissions, agencies or other authorities of the Commonwealth, excluding the Legislature, Fish and Boat Commission, the Game Commission, and any court, political subdivision, or municipal or local authority. IRRC also acts as a clearinghouse for complaints, comments and other input regarding existing, proposed, final-form and final-omitted regulations.

For recent news and updates on Commission proceedings or information about IRRC, visit our website at <http://www.irrc.state.pa.us> and follow IRRC on Twitter: @PA_IRRC.

Source: IRRC Press Release, 6/13/2019

Joint Hearing to Explore Local Impacts of Stormwater Requirements

Rep. Daryl Metcalfe (R-Butler), chairman of the House Environmental Resources and Energy Committee, and Rep. Dan Moul (R-Adams), chairman of the House Local Government Committee, will hold a joint public hearing next week to explore the stormwater requirements of the federal Clean Water Act and the impact on local governments.

Complete hearing details are as follows:

WHEN: Wednesday, June 19, at 9 a.m.

WHERE: Room G-50 Irvis Office Building, State Capitol Complex, Harrisburg.

LIVESTREAM: Log on to <http://www.repmetcalfe.com/> or <http://www.repmoul.com/> beginning at **8:55 a.m. on Wednesday morning.**

Officials from many Pennsylvania communities have complained that the stormwater requirements administered by the Pennsylvania Department of Environmental Protection (DEP) under its Municipal Separate Storm Sewer System Program (MS4) are costly and overly burdensome to the municipalities required to implement them and the taxpayers who ultimately bear the cost.

The following individuals are scheduled to testify concerning their experience with the MS4 compliance process and the impact it has had on municipalities:

- Andrew Boni, Perry Township (Fayette County) supervisor, representing the Pennsylvania State Association of Township Supervisors.
- Mike Callahan, stormwater program manager, Derry Township Municipal Authority.
- Mayor Sherry Capello, City of Lebanon and Robin Getz, director of Public Works, City of Lebanon, representing the Pennsylvania Municipal League.
- Matt Quesenberry, Elk County commissioner, representing the County Commissioners Association of Pennsylvania.
- Jeffrey Stonehill, borough manager/director of utilities, Borough of Chambersburg, representing the PA State Association of Boroughs.

The DEP has also been invited to testify but has not confirmed.

Currently, 953 small, urbanized areas across the Commonwealth are being forced to comply with MS4 requirements. To do so they must prohibit non-storm water discharges, have erosion and sediment controls, apply strict post-construction

runoff controls from development and impose sanctions for non-compliance. These municipalities must also obtain a National Pollutant Discharge Elimination System (NPDES) permit to comply.

Source: Representatives Metcalfe and Moul Press Release, 6/13/2019

Senate Appropriations Reports out Costly Taxpayer Funded Chesapeake Bay Nutrient Reduction Procurement Bill

On June 10, the Senate Appropriations Committee amended and reported out the costly **Senate Bill 575** (Yaw-R-Lycoming) <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sInd=0&body=S&type=B&bn=575> would establish a taxpayer funded procurement program for nitrogen, phosphorus and sediment reductions needed to comply with the Chesapeake Bay Watershed pollution reduction goals.

The bill was amended to reduce the amount of funding available to cover the administrative costs of DEP from 5 percent to 2.5 percent and eliminated any administrative cost support for the PA Infrastructure Investment Authority. **The bill retains the \$20 million appropriations for the program.**

The bill is now on the Senate Calendar for action.

Background

As written, the bill would guarantee only large companies with access to lots of resources could take part in the complicated bidding process established in the bill. These companies typically promote higher cost bricks and mortar treatment solutions to deliver thousands of pounds of pollution reduction.

No small farmer, who could install much cheaper Best Management Practices in terms of cost per pound of pollution reduced through the

installation of proven green infrastructure, would bother to participate in bidding with all that upfront expense and paperwork.

If the only people who can bid in these complicated process are companies with the more expensive options, this process will guarantee it presents agencies with the choice of only picking more expensive options.

Last September, Matt Johnston of the University of Maryland Chesapeake Bay Program and Dr. Emily Trentacoste of the U.S. Geological Survey presented the PA Chesapeake Bay Watershed Planning Steering Committee with the **list of the top 11 most cost effective practices** <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=41067> to reduce nitrogen going to the Chesapeake Bay based on all this experience and data in the Chesapeake Bay Program (*page 73 of his presentation* <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=41067>).

The practices include alternative crops on farmland at \$1/pound of nitrogen reduced to exclusion fencing with grass buffers at \$6/pound. In between are -- less expensive to more -- water quality conservation plans, grass buffers on row crops, barnyard runoff control, water control structures, wetland restoration, forest buffers on row crops (\$2/pound), narrow buffers on row crops, narrow forest buffers on row crops and nutrient management on the land.

None of the top 11 most cost effective practices included bricks and mortar treatment solutions.

An existing, competitive Nutrient Credit Auction Program run by the PA Infrastructure Investment Authority resulted in nitrogen credit sales of \$2.25 per pound last September. The trouble is that the more expensive pollution reduction technology cannot compete in this program because their costs are too high.

A **Senate Fiscal Note and summary** is available <https://www.legis.state.pa.us/WU01/LI/BI/SFN/2019/0/SB0575P0930.pdf> .

Source: PA Environmental Digest, 6/17/2019

House Unanimously Passes Bill to Create Keystone Tree Fund for TreeVitalize, Riparian Buffer Grants

On June 11, the House unanimously voted to pass **House Bill 374** (Everett-R- Lycoming)

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?syear=2019&sInd=0&body=H&type=B&bn=374> establishing the Keystone Tree Fund to support tree planting programs by the Department of Conservation and Natural Resources.

The bill authorizes a voluntary \$3 checkoff on drivers and vehicle license applications to support a new Keystone Tree Fund to provide funding to **DCNR's TreeVitalize Program**

<https://www.dcnr.pa.gov/Communities/CommunityTreeManagement/Pages/default.aspx> (40 percent)

and for **Riparian Forest Buffer Grants**

<https://www.dcnr.pa.gov/Communities/CommunityTreeManagement/Pages/default.aspx> (60 percent).

The new Fund is intended to supplement the existing capacity of these programs.

The bill now goes to the Senate for consideration. A **House Fiscal Note and summary** is available

<https://www.legis.state.pa.us/WU01/LI/BI/FN/2019/0/HB0374P2062.pdf> .

A companion bill -- **Senate Bill 108** (Yaw-R- Lycoming)

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=S&type=B&bn=0108> -- is pending in the Senate Appropriations Committee.

Source: PA Environmental Digest, 6/17/2019

Auditor General DePasquale Thanks Susquehanna River Basin Commission for

Adopting His Audit Recommendations

Auditor General Eugene DePasquale today met with members of the Susquehanna River Basin Commission (SRBC) and thanked them for heeding the recommendations of his recent audit.

“Last November, I released a performance audit for the SRBC that identified a number of ways in which they could do a better job managing their operations and finances,” DePasquale said. “I’m very pleased to be here today to commend the commission for adopting my recommendations.”

The SRBC is a federal-interstate compact charged with preserving water supply and quality, managing drought and flood conditions, and preserving water-related recreational opportunities.

In addition to receiving state support, the fees charged by the SRBC ultimately impact the rates that many Pennsylvanians pay for municipal water and other services.

The SRBC’s membership includes representatives of Pennsylvania, Maryland, New York, and the federal government.

Review the **SRBC audit report** <https://www.paauditor.gov/Media/Default/Reports/SRBC%20Audit%20Report%2011-08-18.pdf> and learn more about the Department of the Auditor General online at www.paauditor.gov .

Source: AG DePasquale Press Release, 6/14/2019

Budget Season Inspires Extra Session Days

This week the House will be in session through Thursday, June 20. One day longer than traditional session weeks. House and Senate Appropriation committees along with leadership and the governor’s administration continue to discuss priorities and work toward a final budget. House Republicans remain committed

to growing the rainy day fund, successfully funding our legislative priorities this session, and ensuring any increase in education funding is noticed in the classrooms.

Live web streams of House session and the majority of committee meetings are available at <http://www.pahousegop.com/>.

Source: Rep. Cutler Press Release, 6/14/2019

Stephens Bill to Eliminate Local Water Surcharges Passes Committee

Legislation sponsored by Rep. Todd Stephens (R-Montgomery) to eliminate local surcharges that ratepayers are paying to remove PFAS from local drinking water supplies has passed the House Commerce Committee.

“This was a problem created by the federal government,” Stephens said. “Local ratepayers should not be bearing the costs to remove these contaminants.”

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 from the reuse of the former Willow Grove Naval Air Station and some land surrounding it 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.

In removing contaminants from drinking water, local governments had to impose additional charges on ratepayers to fund their efforts.

House Bill 1410 now moves to the whole House for a vote.

“I urge my colleagues to move quickly on this bill to protect our ratepayers,” Stephens said.

Source: Representative Todd Stephens Press Release, 6/11/2019

Mastriano Takes Oath, Declines Taxpayer-funded Pension

On June 10, 2019, Senator Doug Mastriano (R-33) took the official oath of office and will begin serving his first term in the Pennsylvania Senate representing residents of Adams, Franklin, Cumberland and York counties.

“The citizens of the 33rd District can count on me to fight for them and to defend the conservative values of south-central Pennsylvania,” said Mastriano, a retired U.S. Army Colonel and combat veteran.

After 30 years on active duty, Mastriano retired from the U.S Army in November 2017. He was commissioned in 1986, served along the Iron Curtain, witnessed the end of Cold War, served in Operation Desert Storm to liberate Kuwait and was deployed three times to Afghanistan.

“As a soldier, I faced the Soviets, the Iraqi Guard and the Taliban,” said Mastriano. “I will not have trouble standing up to those who want to waste taxpayer money, limit the Second Amendment or void the rights of the unborn.”

Mastriano has been plain-spoken about his convictions, including his belief in limited government. He has declined the taxpayer-funded pension and plans to propose a “Taxpayer Bill of Rights” to limit state spending.

“We should protect our people from excessive taxes and regulations. It's time to say ‘no’ to more government spending, taxes and regulations,” said Mastriano. “I’ll vote against new taxes, period – we pay enough. I’ll fight to get the government off of our backs and out of our wallets.”

Mastriano was joined by his wife Rebecca, son Josiah and friends at today’s swearing-in ceremony. Additional information about the swearing-in ceremony, including photos and video, is available on Senator Mastriano’s website (www.SenatorMastriano.com).

“I’m pleased to welcome a new member who is committed to fiscal responsibility and government accountability,” said Senate President Pro Tempore Joe Scarnati (R-25). “Senator Mastriano has spent his career defending our nation. The Senate is fortunate to have a public servant of his caliber join us as we work together to make Pennsylvania a stronger state.”

Senate Majority Leader Jake Corman added: “We are pleased to welcome to our caucus an individual who has such an impressive background in serving his community and defending our nation. Senator Mastriano’s commitment to public service at all levels and his passion for ensuring that government works for people will make him a valued addition to our caucus.”

Mastriano is an award winning author, has a Ph.D. in history, four master’s degrees, and was a professor at the U.S. Army War College in Carlisle, PA. He is an active member of his church and resides near Caledonia State Park, in Fayetteville.

Source: Senator Mastriano Press Release, 6/10/2019

Senator Joe Pittman Takes Oath of Office

Even as State Senator Joe Pittman was formally sworn into office on June 10, 2019 during a ceremony in the Senate Chamber of the Pennsylvania State Capitol in Harrisburg, the celebration was subdued as he mourned the passing of a member of his staff who died in a tragic traffic accident on Friday (June 7). Click [here](https://pasen.wistia.com/medias/6vv11ytnal) <https://pasen.wistia.com/medias/6vv11ytnal> for video of the swearing-in ceremony.

Brian Henry Swatt, an Indiana University of Pennsylvania student and recent addition to Senator Pittman’s Indiana District Office staff, died after his car went over an embankment at the intersection of Route 268 (East Brady Road) and Butler Road in East Franklin Township, Armstrong County. Video <https://pasen.wistia.com/medias/4dtjz14b64> of a moment of silence and tribute to Swatt in the Senate Chamber.

“It’s very overwhelming to be given the faith of the people to serve them,” said Senator Pittman. “Today is a very emotional day for a lot of reasons. The 41st Senatorial District elected a team ready to fight for them. Over the weekend we lost a critical member of our team whom we loved and respected. We are shaken and hurting, but committed more than ever to fight for our District and Brian Henry Swatt will be with us every step of the way.”

Born and raised in Hillsdale, Indiana County, by his parents John and Mary Ann (Yevchak), Senator Pittman was elected in a May 21 special election to complete the unexpired term of Senator Don White, who retired on February 28 after 18 years of service.

Senator Pittman served as White’s Chief of Staff throughout his tenure in office. In that role, he developed strong working relationships with members of the General Assembly, legislative staff and officials across a number of state agencies. He also worked closely with county and local governments and civic organizations to foster and promote economic development and infrastructure improvement efforts to enhance the quality of life for the region.

Senate President Pro Tempore Joe Scarnati (R-25) and Senate Majority Leader Jake Corman (R-

34) welcomed Senator Pittman, saying his experience makes him a valued new member of the Chamber.

“I’m confident that Senator Pittman will represent his district in the same way as his predecessor Senator Don White, with dignity, humility and good old fashioned common sense,” said Senator Scarnati. “As a result of his years of service to the district, Senator Pittman knows the issues, understands the challenges and is immensely qualified to take on this new role.”

“Because of his in-depth knowledge of state government and the district he represents, Senator Pittman will be able to hit the ground running and serve his constituents effectively,” said Senator Corman. “I’m confident he will fill the shoes of his mentor and a distinguished public official, Senator Don White, from who Joe has learned so much.

Senator Pittman said that his first efforts in office will be working to ensure the passage of a responsible state budget for the upcoming fiscal year.

“I think our priorities have to be addressing the real issues that real people face,” Senator Pittman said. “First and foremost is our budget. The most important thing that we as a legislature do is adopt a budget. Constitutionally, we are supposed to adopt the budget by June 30. We do have a revenue surplus. We have to be very wise in how we use it. We have to make sure that we prepare for the next ‘rainy day’ that will inevitably occur.”

Senator Pittman stressed that regulatory reform is also one of his top priorities.

“We have to promote policies that encourage economic growth and development. We have to cut regulations. People are tired of the government putting its nose in their business. We must work on regulatory reform. We have to make sure this budget is something that makes sense and give the taxpayers what they expect out of their state government.”

A 1995 graduate of Purchase Line High School, Senator Pittman was appointed to its school board and served until his graduation from Penn State

University with a Bachelor’s Degree in Political Science in December 1998.

Senator Pittman is a life member of the NRA, member of the Indiana County Republican Committee, Ford City Sportsmen’s Association and the Indiana-Franklin Lodge #313.

He serves on the Purchase Line Red Dragon Foundation, which provides scholarships to Purchase Line graduates. He is a board member of the United Way of Indiana and chaired its 2018 annual campaign, helping to raise over \$726,000 to benefit various community-based programs.

Senator Pittman and his wife Gina (DiMaio) have four children: Joe Jr., Sam and twin girls Rosie and Frannie. They are members of the St. Thomas More University Parish in Indiana.

The 41st Senatorial District includes all of Armstrong and Indiana counties; part of Butler County (Allegheny, Buffalo, Clearfield, Clinton, Concord, Donegal, Fairview, Jefferson, Middlesex, Oakland, Parker, Summit, Venango, Washington and Winfield townships and the boroughs of Bruin, Cherry Valley, Chicora, East Butler, Eau Claire, Fairview, Karns City, Petrolia and Saxonburg) and part of Westmoreland county (Bell, Loyalhanna, Upper Burrell and Washington townships and the boroughs of Avonmore, Export, Murrysville and Oklahoma).

Source: Senator Pittman Press Release, 6/10/2019

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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.