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# 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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### DEP Announces State Plan to Improve Water Quality in the Chesapeake Bay Watershed

On August 27, 2019, the Department of Environmental Protection (DEP) announced the final state plan to promote the long-term viability of farming, outdoor recreation, and other economic sectors; protect public health and water supplies; and help communities reduce flooding by improving local water quality in 43 counties in the Chesapeake Bay Watershed.

"We're addressing an enormous area, spanning over 15,000 miles of impaired streams, 33,000 farms, and 350 municipalities. But success lies at the community level, with projects put in place at backyards, farms, towns, and businesses to reduce pollutants in local streams and rivers," said DEP Secretary Patrick McDonnell. "More local partners than ever before are committed to protecting these invaluable local natural resources. It's crucial that their hard work receive significant support. Our plan presents a framework and actions for that support."

Called "*Healthy Waters, Healthy Communities*,"  
[https://www.dep.pa.gov/Business/Water/Pennsylvania%E2%80%99s%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-\(Watershed-Implementation-Plans\).aspx](https://www.dep.pa.gov/Business/Water/Pennsylvania%E2%80%99s%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-(Watershed-Implementation-Plans).aspx) the plan is

Pennsylvania's Phase 3 Chesapeake Bay Watershed Implementation Plan to reduce nitrogen, phosphorus, and sediment in local streams and rivers mandated by the U.S. Environmental Protection Agency.

Over 1,000 Pennsylvanians-farmers, foresters, academics, local municipal and community leaders, environmental advocates, and state government agencies-contributed their expertise. A steering committee led by DEP, the Department of Agriculture, and the Department of Conservation and Natural Resources (DCNR) coordinated the planning process. The committee will transition into an action team to ensure implementation.

Recognizing the need for new targeted funding, Governor Wolf proposed, and the General Assembly passed, the **2019 Pennsylvania Farm Bill** [https://www.governor.pa.gov/newsroom/governor-wolfs-vision-for-longtime-prosperity-for-pennsylvania-agriculture-comes-to-fruition/](https://www.governor.pa.gov/newsroom/governor-wolfs-vision-for-longtime-prosperity-for-pennsylvania-agriculture-comes-to-fruit/). This historic \$23.1 million investment includes new and expanded conservation funding, with priority to be given to counties in the Chesapeake Bay Watershed.

"We want Pennsylvania's farmers to have every opportunity to hold up their end of this plan," said Agriculture Secretary Russell Redding. "They'll be able to take advantage of grants to assist with implementing best management practices and meet goals through the PA Farm Bill's Conservation Excellence Grant Program. We're all doing our part

to be stewards of the land that provides for Pennsylvania and beyond."

In addition, "Healthy Waters, Healthy Communities' plans to take full advantage of funding available from the proposed **Restore Pennsylvania** <https://www.governor.pa.gov/restore-pennsylvania/> infrastructure initiative, which has broad bi-partisan support in the legislature and is **supported by 69 percent of Pennsylvanians** <http://www.ahs.dep.pa.gov/NewsRoomPublic/Redirector.aspx?varURL=https://www.fandm.edu/upload/files/366978281722999151-f-m-poll-release-august-2019.pdf> .

"Healthy Waters, Healthy Communities" provides planning tools, local data, and technical assistance to equip countywide action teams to develop pollutant-reduction strategies that best serve their local needs. Development of a new block grant approach will make it easier to access funding and enable communities to achieve greater pollutant reduction through multiple adjacent stream projects. The plan specifies state actions in air quality, agriculture, brownfield redevelopment, forestry, mining, oil and gas operations, stormwater, and wastewater that will reduce pollutants.

"When we look at solutions for some of our conservation challenges, such as managing stormwater from very heavy rain events that transfers pollution from land to water, having clean drinking water, and providing habitat for fish and wildlife, it turns out that trees and forests play a big role," DCNR Secretary Cindy Adams Dunn said. "We are committed to working with many partners to meet all of the goals established in the plan, especially to plant trees along streams and in communities across Pennsylvania."

"Healthy Waters, Healthy Communities" outlines the lion's share of pollutant reductions that Pennsylvania is required to achieve by 2025. An aggressive adaptive management approach, with six-month progress reviews, will ensure additional actions toward further reductions.

"Pennsylvania is committed to having projects and practices in place by 2025 to attain our goals and meet our requirements in full," said Secretary McDonnell. "There's been strong interest in the

draft planning process over the past two years. We welcome even more constructive engagement as community efforts now move forward across the watershed."

Find "Healthy Waters, Healthy Communities" and information on **how to get involved in community efforts** at <http://www.dep.pa.gov/chesapeakebay/phase3> .

Source: DEP Press Release, 8/27/2019

## **PUC Damage Prevention Committee Actions Announced Against Underground Facility Owners, Excavators and Project Owners**

**A** total of 70 disciplinary actions, including \$47,250 in administrative penalties, have been taken against 33 underground facility owners, excavators and project owners in the **latest enforcement actions**

[http://www.puc.pa.gov/transport/gassafe/pdf/DPC\\_Agendas/2019/DPC\\_Case\\_Summaries081319.pdf](http://www.puc.pa.gov/transport/gassafe/pdf/DPC_Agendas/2019/DPC_Case_Summaries081319.pdf) by the Public Utility Commission's (PUC's) Damage Prevention Committee (DPC). These actions were taken during the DPC's August 2019 meeting.

The DPC is tasked with enforcing the state's Underground Utility Line Protection Act - also known as the "PA One Call Law."

**A comprehensive list of summaries and actions**

[http://www.puc.pa.gov/utility\\_industry/transportation/pa\\_one\\_call\\_enforcement/dpc\\_agendas/Actions.aspx](http://www.puc.pa.gov/utility_industry/transportation/pa_one_call_enforcement/dpc_agendas/Actions.aspx) from DPC meetings is available on the PUC's website. Penalties are payable to the Commonwealth of Pennsylvania. The Commission will offset the costs of administering this program through the penalties collected.

## 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**

<https://www.legis.state.pa.us/cfdocs/legis/li/uconsC heck.cfm?yr=2017&sessInd=0&act=50> requires contractors and residents to contact PA One Call 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](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** [http://www.puc.pa.gov/about\\_puc/live\\_streaming\\_video.aspx](http://www.puc.pa.gov/about_puc/live_streaming_video.aspx) on the PUC's website.

## 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, 8/28/2019

## **Gov. Wolf Announces Initiative for a Lead-Free Pennsylvania**

**O**n August 28, 2019, Governor Tom Wolf unveiled his initiative to create a lead-free Pennsylvania by calling on the legislature to increase access to blood testing for children in alignment with federal guidelines, increasing local response efforts, and planning for training of more certified lead abatement professionals. The governor was joined at Children's Hospital of Philadelphia's Karabots Pediatric Center in West Philadelphia by hospital officials and medical staff, Secretary of Health Dr. Rachel Levine, and legislators.

"Pennsylvania has the sixth-highest percentage rate for children suffering from lead poisoning and this is only the number who have been formally diagnosed," Gov. Wolf said. "This is not good for the future of Pennsylvania, so today I am calling for the legislature to pass universal lead testing this fall."

Currently, only about 30 percent of children in Pennsylvania have been tested for lead, and about 4.6 percent of those children had elevated blood lead levels.

The federal guidelines, supported by a study ordered via a 2017 state bipartisan, bicameral resolution, advise parents and guardians to have their children given a finger prick test for lead

exposure between age 9 and 12 months and then again at age 24 months.

If children are not given this test in that timeframe, it is recommended that schools encourage testing when children enter the classroom at age 6 or sooner. The preference, though, is for early detection so the source of the lead exposure can be eliminated before any permanent damage occurs.

"Lead poisoning is preventable. Unfortunately, lead goes undetected within our homes and schools and robs children of their true potential," said Kevin Osterhoudt, M.D. medical director of the Poison Control Center at Children's Hospital of Philadelphia. "Pennsylvania children are all too frequent victims of lead's silent poisoning. We must acknowledge that our older housing stock and water delivery systems place our children at risk of lead exposure and protect them through education, advocacy, policy, investment and action."

"I want to thank Gov. Tom Wolf for working with me and others to help protect our children from toxic, lead-infested environments," Sen. Vincent Hughes said. "After the events that transpired in Flint, Michigan, I convened members of the Senate Democratic Caucus leading to the introduction of a package of bills addressing lead in our homes, schools, daycares, water and soil. I am grateful for the amazing work and strong partnership we have with Children's Hospital of Philadelphia and their staff, especially for their efforts to detect and treat children who have been exposed to lead. Together, we must devote more resources to eradicating this public health crisis in the places our children live and learn. There are zip codes in my district that have some of the highest levels of contamination in Philadelphia, which is why I will continue to fight to protect citizens in this city and across this commonwealth."

"Testing is really the first step to lead poisoning treatment," Rep. Donna Bullock said. "Children with high lead levels in their blood will need more treatment, medication and maybe even hospitalization. My family was able to treat my son more easily, because my pediatrician tested him early and it was a small amount of lead. With early testing, we can work with families to reduce the risk

of further exposure and more effectively treat children. This is why I support the governor and my colleagues' efforts to encourage lead testing at an earlier age."

"One of the biggest challenges we face as public health professionals is knowing which communities are impacted the most because not everyone is tested," Sec. of Health Dr. Rachel Levine said. "That's why Gov. Wolf's initiative for a Lead-Free PA and access to blood testing is critical."

In addition to calling for legislation to mandate blood testing that follows the federal guidelines, Gov. Wolf outlined other initiatives associated with creating a lead-free Pennsylvania, including:

#### Local Response Teams

Local response teams will develop a plan to care for children with elevated blood lead levels. These teams will be modeled after the Plan of Safe Care teams that were developed in response to infants being born affected by substance use disorder. These will ensure proper notification from physician to the Department of Health of cases of children with an elevated blood lead level, a coordinated follow up with the child's family or caretaker, an assessment of the source of lead poisoning, and a response plan that includes available resources and opportunities for elimination of the source of lead exposure.

#### Workforce Training

The administration will develop training to get more Pennsylvanians certified in lead remediation. As of last week, there were 773 individuals and 124 companies certified by the Department to do lead remediation work. There are also 13 training providers accredited by the Department. The goal is to identify resources to increase training in this vital area, especially in areas of the state where there is greater need for lead remediation services.

#### Resources for Families

The departments of Health and Human Service have updated online resources for families to access information on lead testing, lead poisoning and lead

remediation. That information is available at <https://www.health.pa.gov/topics/disease/Lead%20Poisoning/Pages/Lead%20poisoning.aspx>.

"This is just the start of my plan for a lead-free Pennsylvania," Gov. Wolf said. "I plan to continue to work with the General Assembly as the fall session gets underway to pass legislation on universal lead testing and to ensure we are responding to the needs of Pennsylvanians around this important health issue."

**Source:** Governor Wolf's Press Office, 8/28/2019

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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.*