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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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### Grove, Bradford Announce Findings of First House Government Oversight Committee Investigation

A report by the House Oversight Committee recommends new legislation to update lobbying disclosure laws, committee Chairman Seth Grove (R-Dover) and minority Chairman Matthew Bradford (D-Montgomery) announced on October 30, 2019.

The detailed report is the result of a months-long investigation, the first for the committee, into Act 2 of 2018, which improved transparency for lobbying disclosure by requiring the Department of State to make public records accessible in a timely manner. The law also increased penalties on lobbyists who didn't register with the department.

"I wish to thank Majority Leader Bryan Cutler for recommending the law he sponsored to the committee for investigation. Too often once a bill becomes law, there is little oversight into its implementation. I applaud the leader for having the fortitude to have the law he sponsored scrutinized," Grove said. "It is the committee's hope the report will help improve lobbying disclosure in Pennsylvania so residents have better access to information."

The committee's review of the statute, its administration by the Pennsylvania Department of

State and enforcement by the State Ethics Commission led it to the conclusion that, while the vast majority of principals, lobbying firms and lobbyists diligently follow the law regarding registration and reporting of expenditures, the actual rate of compliance cannot be determined.

This is the primarily the result of the way the law is structured and, to a lesser degree, implemented. Changes in the law are needed to enhance its goal of providing the public with an accurate picture of the level of spending to influence decision making by state officials and employees in the legislative and executive branches.

The report includes a series of recommendations to ensure lobbying disclosure information is readily available to the public. The report includes recommendations to the Department of State on ways to improve disclosure, as well as legislation, including:

- Enact legislation to make lobbyists the primary reporter.
- Enact legislation to ensure the Department of State can communicate audit findings to the State Ethics Commission.
- Enact legislation to clarify what the Department of State and State Ethics Commission are to provide in their annual reports and provide a date for when they need submitted.

- Enact legislation to clarify that the Department of State is to staff the Lobbying Disclosure Regulation Committee and how often the committee should meet to review regulations.
- Enact legislation to ensure the primary reasons for the adoption of regulations are to ensure transparency and assist stakeholders in complying with the law.

"While this was the first referral sent to the House Oversight Committee for investigation, the process was thorough and resulted in firm recommendations for the Department of State as well as potential legislation for the General Assembly to consider," Bradford said.

The full report can be found on Grove's website, <http://www.repgrove.com/>. On the homepage, hover over the Resources tab and then click GOC Investigation Final Report.

**Source:** Representatives Grove and Bradford Press Release, 10/30/2019

## Final Technical Guidance: Substantive Revision - Management of Fill Policy

The Department of Environmental Protection's (DEP) technical guidance documents (TGD) are available on DEP's website.

### Final Technical Guidance: Substantive Revision

DEP ID: 258-2182-773. Title: **Management of Fill Policy**.

Description: A person placing solid waste onto the ground is generally required to obtain a permit under the Solid Waste Management Act (SWMA) (35 P.S. §§ 6018.101—6018.1003). A person is not required to obtain a permit under the SWMA if the person can demonstrate that the material qualifies as clean fill in accordance with the municipal and residual waste regulations in 25 Pa. Code §§ 271.101(b)(3) and 287.101(b)(6) (relating to permit requirement; and general requirements for permit).

The Management of Fill Policy defines the universe of materials that qualify as "fill" and provides the Department's procedures for determining whether fill is "clean fill," as defined in the municipal and residual waste regulations in 25 Pa. Code §§ 271.1 and 287.1 (relating to definitions) or "regulated fill," as defined in the policy.

The Department's amendments to the **Management of Fill Policy** include the following: The policy has been revised for clarity and reorganized for ease of use, providing expanded or revised definitions of existing terms and adding definitions for terms frequently used in the implementation of the policy but were not previously defined.

The amendments include a **stepwise procedure for making a fill determination that clearly identifies the steps necessary to perform environmental due diligence; clarifies the procedures for performing analytical testing, if required, in a manner that is acceptable to the Department; and clarifies the requirements for filing forms or obtaining required approvals prior to transporting fill from one site to another.**

The chemical concentration limits contained in the Management of Fill Policy that are used to determine whether materials are uncontaminated, as that term is defined in the policy, are derived from numerical limits for residential use specified in 25 Pa. Code Chapter 250 (relating to administration of Land Recycling Program). The chemical concentration limits included in the previous version of the policy were last updated in 2007 and, therefore, are not consistent with the revisions made in 2011 and 2016 to Chapter 250.

The revised Management of Fill Policy directly references the applicable limits from 25 Pa. Code Chapter 250 and eliminates Tables FP-1a (organic constituents) and FP-1b (metals and inorganic constituents) from the policy so that future revisions to the numerical limits in Chapter 250 are automatically updated in the policy.

Appendix A of the policy, relating to sample collection and analytical testing requirements for performing environmental due diligence, has been

revised to include guidance on developing a sampling plan that meets the data quality objectives required by the Department; expand the instructions for sampling, including a sampling protocol for fill contained in piles and fill that is sampled in-situ.

The revised Appendix A includes new sections that provide a mechanism for demonstrating that an observed exceedance of a numerical limit is due to background at the donor site. The procedure for performing a background determination includes the use of an equivalent site evaluation that ensures new regulated substances are not placed on the receiving site, unless those regulated substances are determined to be pre-existing at the receiving site and that the concentrations of the regulated substances in the donor fill have been compared to the concentration of the same regulated substances at the receiving site.

Contact: Questions regarding this TGD should be directed to Ali Tarquino Morris, <mailto:ra-epbenuseall@pa.gov> or (717) 787-7381. Use "Management of Fill Policy" as the subject line in written communication.

Effective: January 1, 2020

The **Comment / Response Document** – Management of Fill can be viewed at <file:///C:/Users/ErikRoss/OneDrive%20-%20MILLIRON%20&%20GOODMAN%20LLC/NAWC/Clean%20Fill/Comment%20Response%20Document.pdf>

The **Final Technical Guidance – Management of Fill** can be viewed at [http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1526726&DocName=MANAGEMENT%20OF%20FILL.PDF%20%20%3Cspan%20style%3D%22color%3Agreen%3B%22%3E%3C%2Fspan%3E%20%3Cspan%20style%3D%22color%3ABlue%3B%22%3E\(NEW\)%3C%2Fspan%3E](http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1526726&DocName=MANAGEMENT%20OF%20FILL.PDF%20%20%3Cspan%20style%3D%22color%3Agreen%3B%22%3E%3C%2Fspan%3E%20%3Cspan%20style%3D%22color%3ABlue%3B%22%3E(NEW)%3C%2Fspan%3E)

**Source**: Pennsylvania Bulletin, 11/2/2019  
<https://www.pabulletin.com/secure/data/vol49/49-44/1636.html>

## Revenue Department Releases October 2019 Collections

**P**ennsylvania collected \$2.7 billion in General Fund revenue in October, which was **\$119.7 million, or 4.7 percent, more than anticipated**, Revenue Secretary Dan Hassell reported. Fiscal year-to-date General Fund collections total \$10.4 billion, which is **\$164.2 million, or 1.6 percent, above estimate**.

**Sales tax receipts** totaled \$1 billion for October, \$27.4 million above estimate. Year-to-date sales tax collections total \$3.9 billion, which is **\$59.6 million, or 1.6 percent, more than anticipated**.

**Personal income tax (PIT) revenue** in October was \$1.2 billion, \$27.4 million above estimate. This brings year-to-date PIT collections to \$4.3 billion, which is **\$77.6 million, or 1.8 percent, above estimate**.

**October corporation tax revenue** of \$145.2 million was \$16.4 million above estimate. Year-to-date corporation tax collections total \$958.3 million, which is **\$62.5 million, or 6.1 percent, below estimate**.

**Inheritance tax revenue** for the month was \$91 million, \$1.2 million below estimate, bringing the year-to-date total to \$373.2 million, which is **\$8.3 million, or 2.3 percent, above estimate**.

**Realty transfer tax revenue** was \$54.3 million for October; \$3.7 million above estimate, bringing the fiscal-year total to \$178.7 million, which is **\$1.9 million, or 1.1 percent, more than anticipated**.

**Other General Fund tax revenue**, including cigarette, malt beverage, liquor and gaming taxes, totaled \$157.3 million for the month, \$12.6 million above estimate and bringing the year-to-date total to \$586.8 million, which is **\$6.9 million, or 1.2 percent, above estimate**.

**Non-tax revenue** totaled \$29.4 million for the month, \$33.4 million above estimate, bringing the

year-to-date total to \$123.8 million, which is **\$72.5 million, or 141.4 percent, above estimate.**

In addition to the General Fund collections, the **Motor License Fund** received \$212.6 million for the month, \$5 million above estimate. Fiscal year-to-date collections for the fund - which include the commonly known gas and diesel taxes, as well as other license, fine and fee revenues - total \$900.5 million, which is **\$15.7 million, or 1.7 percent, below estimate.**

**Source:** PA Department of Revenue Press Release, 11/1/2019

## **PUC Marks National Critical Infrastructure Security & Resilience Month; Recaps Recent “Blue Flame” Exercise Involving Large-Scale Utility Outage**

**O**n November 1, 2019, the Pennsylvania Public Utility Commission (PUC) recognized **National Critical Infrastructure Security and Resilience Month** <https://www.cisa.gov/infrastructure-security-month>, noting the importance of Pennsylvania’s critical utility systems and the need for collaborative planning and testing to ensure that utilities, agencies and the public are safeguarded.

“Our critical utility systems face a variety of challenges – from severe weather and other natural disasters to physical and cyber threats,” said PUC Chair Gladys Brown Dutrieuille, who also chairs the **Committee on Critical Infrastructure** <https://maxxwww.naruc.org/forms/committee/CommitteeFormPublic/viewExecCommittee?id=764000C03B8&multicolumns=1> for the National Association of Regulatory Utility Commissioners (NARUC). “We are committed to working closely with our regulated utilities, government agencies and other stakeholders to help strengthen the security and resilience of our infrastructure.”

As part of the Commission’s continuing effort to enhance collaboration and communication between utilities and key emergency response and community organizations, the PUC recently joined with the Pennsylvania Emergency Management Agency to host a second annual “Operation Blue Flame” exercise, which touched on several core goals:

- Encouraging stakeholders to learn about infrastructure dependencies and the importance of community-wide efforts;
- Promoting interagency and multi-level collaboration; and,
- Reviewing emergency and business continuity plans to align with evolving threats.

The 2019 Blue Flame exercise was built on a scenario involving a disruption of natural gas distribution across a large geographic area during extremely cold weather.

The training session explored how emergency response teams, state agencies and other organizations would deal with the evolving consequences of a long-lasting outage, including the mass sheltering and feeding of residents and animals, law enforcement and security concerns, economic issues, business continuity impacts, resource coordination at the state and local levels, and other related matters.

The 2019 Blue Flame exercise built upon lessons learned during the **first-ever exercise in 2018** [http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=4053](http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4053) , including:

- Raising the awareness of all state agencies that would have to manage the societal consequences from a large-scale gas outage.
- Helping local and state government agencies better understand the need for adjusting current emergency planning for large-scale gas outages that may impact affected populations and communities.
- Preparing public health and emergency management agencies for the potential for mass care, sheltering, and feeding operations during a large-scale natural gas disruption.



- Developing state government business continuity plans that incorporate natural gas disruption as a planning risk.

“Exercises like Blue Flame helps us in planning for long-duration power interruptions caused by high-impact, low-probability events – which require new approaches to power system resilience above and beyond previous hardening efforts,” noted Chairman Brown Dutrieuille.

This past April, **NARUC released a report** <https://pubs.naruc.org/pub/531AD059-9CC0-BAF6-127B-99BCB5F02198> which analyzed the value of resilience. The report was supported by the U.S. Department of Energy Solar Energy Technologies Office, through the National Renewable Energy Laboratory as part of the Solar Energy Innovation Network and was prepared by Converge Strategies, LLC, a consulting firm working at the intersection of resilience, advanced energy and national security.

The ongoing efforts to safeguard critical infrastructure systems against natural or man-made threats complement the Commission’s continuing cybersecurity discussions – which were **highlighted during October** [http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=4268](http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4268).

“Regardless of the threat, the Commission continues to promote efforts to strengthen the cyber and physical security of key systems and critical facilities – as well as efforts to improve the resilience of these systems, so that services can be restored more quickly in the event of a disaster or attack,” noted PUC Chair Brown Dutrieuille.

Pennsylvania is at the forefront of efforts to bring together key stakeholders in government, utilities and nonprofit organizations to collaborate and prepare for potential threats. Over the past several years the PUC has coordinated a series of statewide exercises and forums. Also, the Commission has fostered participation in national and international discussions about cyber or natural “Black Sky” threats – incidents that have the potential to disrupt electricity and other critical systems, such as natural gas, water, wastewater treatment, telecommunications and transportation, for millions of people.

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.

Visit the **PUC’s website** at <http://www.puc.pa.gov/> for recent news releases and video of select proceedings. You can also follow us on Twitter, Facebook, LinkedIn, Instagram and YouTube. Search for the “Pennsylvania Public Utility Commission” or “PA PUC” on your favorite social media channel for updates on utility issues and other helpful consumer information.

**Source:** PUC Press Release, 11/1/2019

## **Environmental Justice Advisory Board Meeting and Citizens Advisory Council Joint Meeting**

**T**he Department of Environmental Protection's Environmental Justice Advisory Board meeting scheduled for Tuesday, November 19, 2019, will begin at 9 a.m. in the Delaware Room, Rachel Carson State Office Building, Harrisburg. The board will then convene with the Citizens Advisory Council at 10 a.m. in Room 105 for a joint board/council meeting.

Questions concerning the November 19, 2019, meeting can be directed to John B. Brakeall at [jbrakeall@pa.gov](mailto:jbrakeall@pa.gov) or (717) 783-9731. The agenda and meeting materials will be available through the Public Participation tab on the **Department of Environmental Protection's website** <https://www.dep.pa.gov/Pages/default.aspx> .

**Source:** Pennsylvania Bulletin, 11/2/2019 <https://www.pabulletin.com/secure/data/vol49/49-44/1639.html>

## Growing Greener Plus Grants Program

The Department of Environmental Protection's Growing Greener Plus Grants Program will soon be accepting applications for Growing Greener (watershed restoration and protection) grants.

Grant applications and all attachments must be submitted through the commonwealth's **electronic single application website** <https://www.esa.dced.state.pa.us/login.aspx?var=5> . The application period opens Monday, November 4, 2019, and will remain open through Friday, December 20, 2019. Any applications submitted after 5 p.m. on December 20, 2019, will not be considered.

To obtain more information about the Growing Greener Plus Grants Program, visit **DEP's website** <https://www.dep.pa.gov/Pages/default.aspx> . Additional information can be found on the Pennsylvania Bulletin.

**Source:** Pennsylvania Bulletin, 11/2/2019 <https://www.pabulletin.com/secure/data/vol49/49-44/1640.html>

## Nutrient Credit Trading Program; Mass Certification

The Department of Environmental Protection provides notice of a mass credit certification action under the Nutrient Credit Trading Program.

To ensure that verification is complete in time for credit availability to be posted on DEP'S website, facilities are encouraged to provide DEP with their verification requests by October 28 of each year. Verification requests must include a complete annual Chesapeake Bay spreadsheet, available on the department's **Nutrient Credit Trading Program website** <https://www.dep.pa.gov/Business/Water/CleanWater/NutrientTrading/Pages/default.aspx> for the compliance year in which the credits were

generated (October 1 through September 30). Verification forms and instructions are found on the Credit Trading Process page of the department's **Nutrient Credit Trading Program website** <https://www.dep.pa.gov/Business/Water/CleanWater/NutrientTrading/Pages/default.aspx> .

Persons aggrieved by this action may appeal to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457.

For further information about this action or the department's Nutrient Credit Trading Program, contact the Division of Operations, Bureau of Clean Water, Department of Environmental Protection, PO Box 8774, Harrisburg, PA 17105-8774, [RA-EPPANutrientTrad@pa.gov](mailto:RA-EPPANutrientTrad@pa.gov) , (717) 787-6744 or visit the department's **Nutrient Credit Trading Program website** <https://www.dep.pa.gov/Business/Water/CleanWater/NutrientTrading/Pages/default.aspx> .

**Source:** Pennsylvania Bulletin, 11/2/2019 <https://www.pabulletin.com/secure/data/vol49/49-44/1642.html>

## DRBC Public Hearing and Business Meeting

The Delaware River Basin Commission will hold a **public hearing** on Wednesday, November 13, 2019, at 1:30 p.m. A **business meeting** will be held the following month on Wednesday, December 11, 2019, at 10:30 a.m. The hearing and business meeting are open to the public and will take place at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing.

Individuals who wish to comment on the record during the public hearing on November 13, 2019, or to address the commissioners informally during the open public comment portion of the meeting on December 11, 2019, are asked to sign up in advance through EventBrite on the **commission's website** <https://www.state.nj.us/drbc/> . For assistance, contact Paula Schmitt at [Paula.schmitt@drbc.gov](mailto:Paula.schmitt@drbc.gov) . Additional information can be found on the Pennsylvania Bulletin.

Written comment on items scheduled for the hearing may be made through the **commission's web-based comment system**

<https://www.state.nj.us/drbc/> . For assistance in using the web-based comment system, contact Paula Schmitt at [paula.schmitt@drbc.gov](mailto:paula.schmitt@drbc.gov) .

**Source:** Pennsylvania Bulletin, 11/2/2019  
<https://www.pabulletin.com/secure/data/vol49/49-44/1630.html>

## Gov. Wolf: Lead-Free PA Initiative Seeking Input on Local Needs

**A**s part of continuing efforts to advance his Lead-Free PA initiative, Governor Tom Wolf announced today that the commonwealth is issuing a **Request for Information** (RFI) <https://www.governor.pa.gov/wp-content/uploads/2019/10/20191031-Request-for-Information-.pdf> through the Department of Human Services to gather input on local efforts and needs to reduce lead exposure in Pennsylvania. With the goal of expanding efforts to have children tested for lead exposure and helping communities expand their lead exposure prevention and mitigation strategies, the commonwealth wants to learn the needs of communities across the state with this RFI.

"It's imperative that we stay focused on work to end lead exposure and eliminate its effects in our commonwealth," Gov. Wolf said. "I am hopeful that communities across the state respond with detailed information on specific needs and efforts so that we can develop a comprehensive plan toward a lead-free Pennsylvania."

Through this RFI, the commonwealth hopes to learn from communities about current needs and efforts to address lead hazards, the capacity to address needs, and where gaps exist to further address lead hazards and exposure. **Information requested includes details on the knowledge and experience of communities working to remove lead hazards from child care centers, schools, homes, playgrounds, and other places where children live, learn, and play.**

### In August

<https://www.governor.pa.gov/newsroom/gov-wolf-discusses-initiative-for-a-lead-free-pennsylvania-with-focus-on-testing-and-abatement/> , Governor Wolf announced his **Lead-Free Pennsylvania initiative** to call attention to the need for a law requiring universal blood level testing of children according to federal guidelines, and to convene regional task forces to address specific local needs.

The information received from the RFI will help to inform the regional task forces and allow the state to provide a detailed proposal to the Centers for Medicare & Medicaid Services by the end of the year to permit use of CHIP Health Services Initiatives (HSI) funds to address specific community needs around lead exposure and remediation.

While the HSI funds will be an important step in the right direction, state and local efforts to obtain additional funding for lead issues are ongoing. Last week, Gov. Wolf announced receipt of more than \$20 million in **Housing and Urban Development grants**

<https://www.governor.pa.gov/newsroom/gov-wolfs-lead-free-pa-initiative-advances-with-2-5-million-in-hud-lead-abatement-funding/> for the state and five local areas to address lead abatement efforts.

**The state has also applied to receive federal Water Infrastructure Improvements for the Nation (WIIN) Act funding to test child care and elementary schools for lead in drinking water.** This testing would prioritize facilities serving children ages 6 and under, underserved and low-income communities, and facilities that are older and more likely to contain lead plumbing.

"By directly seeking the input of our communities and their partners, and pursuing all sources of funding, we are hopeful we can compile a complete list of needs so that funding, when allocated, goes directly to programs and initiatives that produce swift and measurable results toward protecting Pennsylvanians," Gov. Wolf said. RFI responses are due by 12 p.m., December 2. **Responses must be submitted electronically to <mailto:RA-PWRFICOMMENTS@PA.GOV>** with "Lead Exposure Reduction Program RFI" in the email subject line.

Questions related to the RFI may be **submitted in writing** to <mailto:RA-PWRFCOMMENTS@PA.GOV> using "Lead Exposure Reduction RFI question" in the email subject line. The commonwealth will **post answers** at <http://www.emarketplacestate.pa.us> .

**Source:** Governor Wolf's Press Office, 10/31/2019

## Senate Approves Bill to Strengthen Oversight of Proposed Government Regulations

**O**n October 22, 2019, the Senate approved a bill to strengthen the review process for government regulations and provide for better oversight by lawmakers, according to the bill's sponsor, Senator John Gordner (R-27).

### Senate Bill 398

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=s&type=b&bn=398> would ensure state agencies deliver proposed regulations to the Independent Regulatory Review Commission (IRRC) and to lawmakers in a timely manner to ensure a thorough review. The bill would also extend the time period for review to coincide with days the General Assembly is in session.

In current practice, state agencies could submit proposed regulations at a time when the General Assembly is in recess, preventing lawmakers from undertaking a comprehensive review and scheduling hearings to air concerns about how those regulations could affect Pennsylvania families and businesses.

The legislation would also ensure Statements of Purpose submitted by state agencies are not published in the Pennsylvania Bulletin. This provision will remove confusion in the courts regarding the intent of the General Assembly.

“Essentially, this bill would ensure state agencies are implementing the law and not trying to make the laws themselves,” Gordner said. “Government regulations can have an enormous impact on

industries, employees and families if they are not implemented properly. Improving the process for reviewing these regulations will help make Pennsylvania more competitive and eliminate some of the red tape that plagues our government and hurts its citizens.”

Similar legislation was approved during the 2015-16 Legislative Session, but was vetoed by the Governor. Senate Bill 398 was changed to address a number of the concerns raised in the Governor's veto message.

The legislation was sent to the House of Representatives for consideration.

**Source:** Senator Gordner Press Release, 10/22/2019

## CBF Applauds Passage of Keystone Tree Fund; bill to Plant more Trees headed to Governor's Desk

**H**arry Campbell, executive director for the Chesapeake Bay Foundation (CBF) in Pennsylvania, applauded passage of the Keystone Tree Fund by the state Senate on Tuesday. The measure could lead to the planting of more trees along streams and streets in the Commonwealth.

The state House of Representatives passed **House Bill 374**

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&ind=0&body=H&type=B&BN=0374> , which creates the Keystone Tree Fund, on June 11. The measure was sponsored by Rep. Garth Everett, R-Lycoming. **It is now on its way to Governor Tom Wolf's desk.**

The Keystone Tree Fund creates a voluntary \$3 check-off box on Pennsylvania's driver's license and vehicle registration online applications to buy, plant, and maintain more trees across the Commonwealth. These voluntary donations will support the existing TreeVitalize and Riparian



Forest Buffer Grant programs through the Department of Conservation and Natural Resources.

Mr. Campbell said:

*“Passing the Keystone Tree Fund is a positive step for the Commonwealth’s communities and creeks by giving Pennsylvanians the opportunity to invest in the future of cleaner rivers and streams.*

*“Roughly 40,000 miles of our rivers and streams are damaged by pollution and trees are one of the most cost-effective tools for improving local water quality.*

*“Along streams, trees filter and absorb polluted runoff, improve soil health, and cleanse drinking water sources. They also cool the water and improve habitat for important critters like brook trout and the Eastern hellbender.*

*“Along streets they help cleanse and reduce runoff going into storm drains, beautify communities, and sequester carbon.*

*“Additional resources through the Keystone Tree Fund will accelerate efforts to reach the Commonwealth’s Clean Water Blueprint goal of 95,000 acres of forested buffers in Pennsylvania’s portion of the Chesapeake Bay watershed. It is a goal shared by DCNR and CBF.*

*“The Keystone 10 Million Trees Partnership, coordinated by CBF, was launched last year and intends to plant 10 million trees in the Commonwealth by the end of 2025.”*

Source: CBF Press Release, 10/30/2019

## **Senate Unanimously Passes Resolution Urging Reauthorization of Federal Abandoned Mine Reclamation Fund**

**O**n October 28, the Senate unanimously passed **Senate Resolution 191**

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sInd=0&body=S&type=R&bn=191> (Yudichak-D-Luzerne, Yaw-R-Lycoming), a concurrent Senate-House resolution urging Congress to reauthorize the federal Abandoned Mine Reclamation Fee which is the primary source of funding for Pennsylvania's abandoned mine reclamation program

"Beneath the scars of abandoned mine lands are economic and recreational development opportunities for communities across Pennsylvania," said Sen. John Yudichak, Minority Chair of the Senate Environmental Resources and Energy Committee. "I hope that the United States Congress acts swiftly to reauthorize the Abandoned Mine Reclamation Fund, and helps the Commonwealth reclaim the grandeur of our forests and streams while we rebuild the economies of every community struggling with the legacy of coal mining in Pennsylvania."

The federal Abandoned Mine Reclamation Fund (AMRF) is scheduled to sunset in 2021.

The AMRF has been instrumental in providing the resources to help states reclaim and restore abandoned mine lands for over 40 years. Pennsylvania receives approximately \$25 million annually to clean up these areas and to help restore the quality of waterways that have been impaired by acid mine drainage.

The resolution now goes to the House for action.

Source: PA Environmental Digest Blog, 10/28/2019

## **Senate Passes Bill to Restrict Some Uses of Firefighting Foams with PFAS; Clean Water Action Says Bill is Meant to Protect Industry**

**O**n October 29, the Senate passed **Senate Bill 919** (Yaw-R-Lycoming)

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sInd=0&body=S&type=B&bn=919>

19 by a vote of 40 to 9. The bill establishes statewide uniform requirements restricting some uses of Class B firefighting foams containing added PFAS chemistries for training, restricting their use in testing, while also allowing for continued sale and use against fires.

“Firefighters can face an extremely higher level of PFAS exposure compared to other emergency responders,” Sen. Gene Yaw, prime sponsor of the bill and Majority Chair of the Senate Environmental Resources and Energy Committee. “PFAS contamination is a national public health challenge, and this bill is a commonsense response, which has already been adopted by many states. This bill will undoubtedly protect firefighters moving forward, while also safeguarding our ground and surface water from contamination.”

On October 28, **Clean Water Action** wrote to members of the Senate urging them to oppose [https://drive.google.com/file/d/1yDGzVMIE7QAFtDM9xLvbhcaApTHYTt3\\_/view](https://drive.google.com/file/d/1yDGzVMIE7QAFtDM9xLvbhcaApTHYTt3_/view) Senate Bill 919 (Yaw-R-Lycoming) which restricts the use of firefighting foams containing PFAS chemicals saying the bill was introduced to protect the industry by the Fluorine Council and the Foam Manufacturers Alliance. **Click here for more** <https://paenvironmentdaily.blogspot.com/2019/10/clean-water-action-says-senate-bill-919.html>. The bill now goes to the House for action.

A **second PFAS-related bill** -- **House Bill 1410** (Stephens-R-Montgomery) <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sInd=0&body=H&type=B&bn=1410> which would use local funds which would otherwise pay state taxes for cleaning up PFAS contamination, rather than relying on responsible parties to pay for cleanups-- was referred into and reported out of the Senate Appropriations Committee (**Senate Fiscal Note & Summary** <https://www.legis.state.pa.us/WU01/LI/BI/SFN/2019/0/HB1410P2161.pdf> ) and is on the Senate Calendar for action.

For more information on PFAS issues in Pennsylvania, visit DEP’s **PFAS: What They Are webpage** [https://www.dep.pa.gov/Citizens/My-Water/drinking\\_water/Perfluorinated%20Chemicals%20%E2%80%93PFOA%20and%20PFOS%20%E](https://www.dep.pa.gov/Citizens/My-Water/drinking_water/Perfluorinated%20Chemicals%20%E2%80%93PFOA%20and%20PFOS%20%E)

[2%80%93%20in%20Pennsylvania/Pages/default.aspx](https://www.dep.pa.gov/Citizens/My-Water/drinking_water/Perfluorinated%20Chemicals%20%E2%80%93PFOA%20and%20PFOS%20%E) .

**Source:** PA Environmental Digest, 11/4/2019

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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.*