



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



GOVERNMENT RELATIONS UPDATE

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Performance Based Budget Board holds Jan. 22 Hearing on Performance-Based Budget Report for DEP

On January 22, the Performance Based Budget Board Hearing is scheduled to hold a hearing on the Performance Budgeting Report for the Department of Environmental Protection.

Act 48 of 2017 requires the Independent Fiscal Office to develop performance-based budget plans for all agencies under the Governor's jurisdiction once every five years.

For the second year, the IFO reviewed the Department of Community and Economic Development, Department of Human Services (Part 1), Department of Health, Department of Environmental Protection, Department of State and the PA Emergency Management Agency.

Performance-based budget reviews submitted to the Board contain the following content for each activity or service provided by the agency:

- A brief description of the activity, relevant goals and outcomes;
- A breakdown of agency expenditures;
- The number of full-time equivalent positions dedicated to the activity;

- Select currently available metrics and descriptive statistics;
- Any proposed metrics that the review recommends; and
- Observations that should allow agencies to more effectively attain their stated goals and objectives.

DEP Report

The IFO report on DEP breaks down its primary responsibilities into 17 different activities: **clean water, safe drinking water**, waterways and wetlands, **Chesapeake Bay, water resource planning**, vector management, oil and gas management, air quality, radiation protection, waste management, environmental cleanup and brownfields, mining programs and district operations, abandoned mine reclamation, mine safety, energy programs, **laboratory services** and administration.

The report then describes each activity in terms of dollar expenditures for the activity and full-time equivalent positions over time from FY 2014-15 to FY 2019-20.

Performance measures, some old and some new, are identified for each activity and in some cases compared to other states.

The IFO identified several critical budget metrics lawmakers should pay special attention to:

- **Permitting/Inspection Productivity:** DEP's transition to electronic permitting and inspections has achieved significant productivity gains.
- **Water System Violations:** Compared to other states, a high share of Pennsylvania residents received water from a community water system with an acute health-based violation in recent years.
- **Abandoned Mine Legacy:** Pennsylvania's legacy of coal mining and oil and natural gas drilling represents a significant challenge for the department.
- **Chesapeake Bay Lagging:** Pennsylvania lags behind other states in Chesapeake Bay Watershed pollution reduction.
- **Air Quality Improving:** Pennsylvania air quality has improved considerably and compares favorably to surrounding metro areas.

For each broad activity, the report contains information on the things like the number of applications disposed, number of inspections, average cost of authorizations (permits approvals) disposed, the cost of inspections, the number of applications processed on time, compliance information, percentages of violations resolved and other metrics.

Here are some examples with FY 2018-9 numbers:

- **Clean Water**
 - Authorizations received - 7,168
 - Authorizations disposed - 7,354
 - Applications processed on time -- 86 percent
 - Facilities with no recorded violations - 99.8 percent
 - Violations resolved - 69 percent
- **Safe Drinking Water**
 - Authorizations received - 2,439
 - Authorizations disposed - 2,051
 - Applications processed on time -- 86 percent
 - Facilities meeting drinking water standards - 86 percent
 - Violations resolved - 53 percent
- **Waterways and Wetlands**
 - Authorizations received - 2,771

- Authorizations disposed - 2,688
- Applications processed on time -- 92 percent
- Facilities with no recorded violations - 99.8 percent
- Violations resolved - 59 percent

- **Oil and Gas Management**

- Authorizations received - 5,904
- Authorizations disposed - 6,040
- Applications processed on time -- 97 percent
- Facilities with no recorded violations - 96 percent (unconventional)

- **Waste Management**

- Authorizations received - 14,480
- Authorizations disposed - 14,477
- Applications processed on time -- 99 percent
- Facilities with no recorded violations - 97.3 percent
- Violations resolved - 80 percent

- **Mining Programs and District Operations**

- Authorizations received - 5,184
- Authorizations disposed - 5,483
- Applications processed on time -- 88 percent
- Facilities with no recorded violations - 89 percent
- Violations resolved - 83 percent

There are other similar measures for the remainder of the 17 activities.

Click here for a **copy of the complete report** http://www.ifo.state.pa.us/download.cfm?file=Resources/Documents/PBB_2020_DEP_REPORT.pdf.

DEP Response

In a December 13 letter included in the report, DEP Secretary Patrick McDonnell said his agency "will take ownership of the performance goals in this report and use them to guide its future course. We will continue to identify areas of improvement that can make us not only more efficient from a quantitative point of view, but more effective in achieving our environmental mission."

DEP did provide supplementation information to IFO on two issues:

1. **Clearing Permit Backlog:** "Through several years of decreased funding and a corresponding reduction in staff, a sizable backlog of permit applications accumulated in the Regional Offices. Beginning in July 2017, DEP publicly committed itself to reducing that backlog.

"The number of permits that were overdue at that time was 8,715. As of December 9, 2019, we have reduced that number to 512.

"Within some programs, this effort involved the reorganization of staff, internal pilot projects, and even mandatory overtime. The results of this effort can most prominently be seen in the number of permits disposed in the Clean Water and Oil and Gas programs in fiscal year 2017-18."

2. **Electronic Permitting, Inspections:** "The IFO includes these initiatives in the report, but it should be further explained that they represent a new era in efficiency for DEP.

"They make processes faster for the regulated community; increase the quality of data; and allow for higher levels of productivity from our staff, which are funded by taxpayers.

"Through the electronic inspection platform, the entries made by inspectors in the field flow directly to our central database, eliminating the need for inspectors to later sit down and type their reports.

"The Oil and Gas program has seen a 21 percent increase in staff productivity as a result.

"Through electronic permitting, applicants no longer need to send paper checks through the mail, and forms can only be submitted if they are complete.

"We are devoting considerable staff and resources to roll out this technology across the entire agency."

The hearing will be held in Hearing Room 1 of the North Office building starting at 9:30. The hearing will be carried by **PA Cable Network** <https://pctv.com/> and made available on the **Senate Republican Appropriations Committee webpage** <https://appropriations.pasenategop.com/>.

For more information and available reports, visit the **IFO's Performance Budgeting webpage** <http://www.ifo.state.pa.us/releases/type/7/Performance-Budgeting/>.

Source: PA Environmental Digest, 1/20/2020
<http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=48827&SubjectID=>

New Date: House Environmental Committee meets Jan. 22 on Bill to Exempt Shoreline Landowners from Fees for Using Commonwealth-Owned Submerged Lands

The House Environmental Resources & Energy Committee is scheduled to meet on January 22 to consider **House Bill 1779** (Wentling-R-Erie) <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sInd=0&body=H&type=B&bn=1779> exempting privately constructed shoreline stabilization groin structures from submerged land lease fees covering Commonwealth-owned land.

Although the bill is intended to apply to shoreline structures along Lake Erie, the definition of "groin structure" in the bill is broadly drawn to include any "shore structure that may affect shore erosion, wave action or inundation," regardless of water body.

Section 15 of the Dam Safety and Encroachments Act

<https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/uconsCheck.cfm?txtType=HTM&yr=1978&sessInd=0&smthLwInd=0&act=0325> requires all users of Commonwealth-owned submerged lands, whether it is in a stream or river channel or other water body, to have a submerged lands lease agreement with DEP.

Part of each agreement is a lease payment for the use of Commonwealth-owned land for the duration

of the agreement. The minimum fee, established in regulation, is \$750 a year.

The meeting will be held in Room G-50 Irvis Building starting at 10:00 a.m. **Click here to watch the meeting live online** <http://www.pahousegop.com/livestreams>.

Rep. Daryl Metcalfe (R-Butler) serves as Majority Chair of the House Environmental Resources & Energy 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 Blog, 1/17/2020

PennVEST Seeks Proposals for a Public-Private Partnership to Develop a New Center for Water Quality Excellence in Lancaster, York Counties

On January 13, the PA Infrastructure Investment Authority announced it is seeking interested parties to partner with the Authority to develop the Center for Water Quality Excellence, an innovative one-stop shop designed to address reduction goals for nitrogen, phosphorus and sediment in the Commonwealth's waterways in Lancaster and York counties.

"In addition to PennVEST funding and assistance, there is an overwhelming multitude of opportunities for land owners, businesses, and municipalities to take advantage of when it comes to achieving Pennsylvania's water quality goals," said Brion Johnson, Executive Director of PennVEST. "The Center for Water Quality Excellence will strive to serve as a hub for all those resources and tailor specific resources and opportunities to the unique needs of interested parties. As we continue to face increased pressure to reduce nutrient and sediment levels in our

waterways, I'm excited that this new opportunity will significantly bolster our existing efforts."

The proposal, which will involve a virtual presence and at least one physical location, will serve as a centralized resource for farmers, land owners, municipalities, and/or businesses within Lancaster and York Counties to better determine the best technical and most appropriate funding options to aid in nutrient and sediment reduction in agricultural and stormwater runoff.

The Center will be able to offer guidance and technical support on BMP installation based on resource management and surveying tools such as topographical mapping.

The Center will also provide outreach to recipients, be able to coordinate with federal, state, private and local funding opportunities within the Commonwealth and provide guidance to recipients for the optimal use of all of available funding related to BMPs and other nonpoint source pollution prevention projects, such as habitat improvement projects.

PennVEST is seeking qualified contractors to participate in the development of the Center for Water Quality Excellence and has issued a Request for Proposals (RFP).

Click here for a **copy of the RFP** <https://www.pennvest.pa.gov/Pages/RFP.aspx>. **The deadline for proposals is March 31.**

Parties who are interested in submitting proposals for the partnership can also contact Tesra Schlupp, Senior Project Manager for PennVEST, by sending email to: tschlupp@pa.gov or calling 717-783-8618.

Source: PA Environmental Digest, 1/20/2020

SRBC Public Meeting

The Susquehanna River Basin Commission will hold a public hearing on **February 6, 2020, at 2:30 p.m.** at the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg.

For further information contact Jason Oyler, general counsel and secretary, (717) 238-0423. Additional information can be found on the Pennsylvania Bulletin.

Source: Pennsylvania Bulletin, 1/18/2020
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-3/97.html>

Rep. Dush to Introduce Bills to Terminate Delaware, Susquehanna River Basin Commission Compacts

On January 16, Rep. Chris Dush (R-Jefferson) announced plans to introduce legislation to terminate the Susquehanna and Delaware River Basin Compacts.

The legislation would require the Governor to negotiate with the parties to the compacts to seek either an early termination of the compacts themselves or allow for the withdrawal of Pennsylvania as a party.

If no agreement on termination or Pennsylvania's withdraw is reached in five years, the Governor would be required to give notice it is the Commonwealth's intention to terminate its participation at the end of the initial term.

Click here for the **Delaware Compact announcement**
<https://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=H&SPick=20190&coSponId=30934> . Click here for the **Susquehanna Compact announcement**
<https://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=H&SPick=20190&coSponId=30935> .

Rep. Dush has announced his retirement at the end of his current term.

[Background - Delaware](#)

The **Delaware River Basin Compact**
<https://www.state.nj.us/drbc/library/documents/com>

[pact.pdf](#) was enacted in 1961 with an initial term of 100 years after being adopted by each state legislature and Congress.

It created the interstate **Delaware River Basin Commission** <https://www.statenj.us/drbc/> made up of representatives of the states of Delaware, New Jersey, New York and Pennsylvania and the federal government to manage the Delaware River without regard to political boundaries.

Gov. Wolf represents Pennsylvania on the Commission.

Republicans in the House and Senate have an ongoing concern about a proposed ban on fracking being considered by the Delaware River Basin Commission and have pushed through legislation and hearings for landowners with gas rights to be compensated for those rights if the ban is adopted.

The cost of reimbursement could be from \$10 billion to \$30.4 billion.

House Bill 827 (Fritz-R-Wayne)
<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?syear=2019&sind=0&body=H&type=B&bn=0827> is now on the House Calendar for action.

Senate Bill 305 (Baker-R-Luzerne)
<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=S&type=B&bn=0305> is in the Senate Appropriations Committee.

Click here for more
<https://paenvironmentdaily.blogspot.com/2019/03/presenters-urge-house-committee-to.html> - House.

Click here for more
<http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=46694&SubjectID=238> - Senate.

Republican members of the Senate have also taken the extraordinary step of seeking to intervene in a federal court case on the side of Wayne County landowners opposing the DRBC moratorium on drilling unconventional gas wells. Click here for more
<http://www.paenvironmentdigest.com/newsletter/de>

<http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=47341&SubjectID=16>.

Republicans in the General Assembly have cut funding for Pennsylvania's share of the Commission's expenses in half for the last several years.

Background - Susquehanna

The **Susquehanna River Basin Compact** <https://www.srbc.net/about/about-us/docs/srbc-compact.pdf> was signed in 1970 and went into effect in 1971 with an initial term of 100 years after being adopted by each state legislature and Congress.

It created the **Susquehanna River Basin Commission** <https://www.srbc.net/> made up of representatives of Maryland, New York, Pennsylvania and the federal government.

Gov. Wolf represents Pennsylvania on the Commission.

The House State Government Committee, chaired at the time by Rep. Daryl Metcalfe (R-Butler), held several hearings on the alleged "regulatory overreach" by the Susquehanna River Basin Commission, in particular in its dealings with smaller municipalities seeking permits for water withdrawals. Click here for more <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=43769&SubjectID=77>.

House Republicans also objected to the fees charged by the Commission for their services, which are actually at a reduced rate compared to other entities, while at the same time they cut funding for Pennsylvania's share of the Commission's expenses in half for the last several years.

Republicans said the Commission duplicated responsibilities being implemented by the Department of Environmental Protection in regulating water withdrawals.

A 2018 Auditor General's report found neither the Delaware nor the Susquehanna River Basin

Commissions duplicated efforts with DEP. Click here for more <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=45039&SubjectID=77>.

Source: PA Environmental Digest Blog, 1/17/2020

SRBC Announces Proposed Policy - Guidance for the Preparation of a Metering Plan & a Groundwater Elevation Monitoring Plan for Water Withdrawals, Consumptive Uses, and Diversions

The Susquehanna River Basin Commission has released a **proposed policy** <https://www.srbc.net/regulatory/policies-guidance/docs/proposed-policy-metering-plan-groundwater-guidance.pdf> to provide guidance and assistance to project sponsors in meeting the existing requirements for metering or monitoring of withdrawals, consumptive uses, or diversions of water.

The document also offers assistance with how to prepare a groundwater elevation monitoring plan, which is a long-standing requirement for groundwater withdrawal projects.

This guidance document is designed to help streamline a project sponsor's metering, monitoring, or groundwater elevation monitoring plan so that plans are concise, current, and useable by both the project sponsor and Commission staff.

The policy does not introduce any new requirements of project sponsors or require meters be installed, but rather offers suggested plan structure and content details that simplifies preparation of metering and monitoring plans.

The Commission believes that application of this guidance will reduce the length, cost and

complexity of these project sponsor prepared plans. The Commission's goal with this policy is to serve the regulated community and continue to best manage the water resources of the Basin in an effective and efficient manner.

The Commission has scheduled a public hearing on the proposed policy to be held on **February 06, 2020 at 2:30pm**, in Harrisburg, PA at the Commission Headquarters; 4423 N Front Street, Harrisburg, PA 17110-1788.

Comments may be submitted on the **Commission's Public Comment web page** <https://www.srbc.net/about/meetings-events/meeting-comment/default.aspx?type=8&cat=28> , mailed to: Jason E. Oyler, Esq., General Counsel, Susquehanna River Basin Commission, 4423 N Front Street, Harrisburg, PA 17110-1788, or submitted by email to regcomments@srbc.net.

The deadline to submit comments specific to the proposed policy is February 17, 2020.

Source: SRBC Press Release, 1/9/2020

Pennsylvania's Chesapeake Bay State Team (formerly the PA Steering Committee) meets January 30 in Harrisburg

The renamed Pennsylvania Chesapeake Bay State Team is scheduled to meet January 30 in Room 105 of the Rachel Carson Building in Harrisburg from 1:00 to 3:00 p.m.

The agenda, broadly, is expected to include:

- Review and discuss progress on Pennsylvania's Phase 3 Watershed Implementation Plan
- Review the Phase 3 WIP implementation strategy

- Define roles and expectations for the State Team and Action Leaders
- Outline next steps and timeline for success

This is the first meeting of the group that lead the stakeholder-driven **Pennsylvania Clean Water Planning**

[https://www.dep.pa.gov/Business/Water/Pennsylvania's%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-\(Watershed-Implementation-Plans\).aspx](https://www.dep.pa.gov/Business/Water/Pennsylvania's%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-(Watershed-Implementation-Plans).aspx) process to meet the Commonwealth's Chesapeake Bay cleanup obligations since the state's Plan was submitted to EPA.

Since then, Pennsylvania received **comments on the Plan from the EPA**

<http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=48591&SubjectID=202> and there has been lots of reaction to the Plan from other states <https://paenvironmentdaily.blogspot.com/2020/01/maryland-governor-directs-attorney.html> in the Bay Watershed.

It will also be the first meeting for Jill Whitcomb, the new Director of DEP's Chesapeake Bay Office.

Whitcomb served as DEP's representative on the critical Chesapeake Bay Steering Committee Agriculture Workgroup in the Phase III planning process and before that on the Wetlands and Stormwater Workgroups.

She also helped manage DEP regulatory programs that address compliance with agriculture and stormwater regulations and requirements, including: NPDES construction, MS4 stormwater pollution prevention program, and CAFO livestock farms; erosion and sedimentation control; post-construction stormwater management; manure management and nutrient management.

Whitcomb has worked at DEP since 2014. Prior to that service, she was an Agriculture Conservation Technician for the Lancaster County Conservation District for nearly 5 years and as an Agronomy Laboratory Technician before that in the private sector.

For those who cannot attend in person, **click here to register to participate**

https://dep.webex.com/mw3300/mywebex/default.do?nomenu=true&siteurl=dep&service=6&rnd=0.7505229750072733&main_url=https%3A%2F%2Fdep.webex.com%2Fec3300%2Feventcenter%2Fevent%2FeventAction.do%3FtheAction%3Ddetail%26%26EMK%3D4832534b00000004c94f8e02948d3bf272d6a6e8561838a86ce11717bcfdbfe91838e180b41df8d0%26siteurl%3Ddep%26confViewID%3D147841027547379379%26encryptTicket%3DSDJTSwAAAAQG3QP-5HtxEo_bSCeVCMB9MXe3dpKm8viz1NBTCBBZUw2%26

online via WebEx. Join by conference call by calling +1-415-655-003, 798 387 703.

For more information and available handouts, visit the DEP's **Pennsylvania Chesapeake Bay State Team webpage**

<https://www.dep.pa.gov/Business/Water/Pennsylvania's%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Public-Meetings.aspx>.

Source: PA Environmental Digest, Blog, 1/17/2020

http://paenvironmentdaily.blogspot.com/2020/01/pennsylvanias-chesapeake-bay-state-team.html?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+PaEnvironmentDaily+%28PA+Environment+Daily+Blog%29

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