



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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## 2 DEP Advisory Committees to Review Draft Chapter 105 Reg. changes; Final Chapter 91/92A NPDES Fee changes; and Overview of Draft 2020 Integrated Water Quality Assessment Report

The Department of Environmental Protection's (DEP) **Agricultural Advisory Board** is scheduled to meet on January 27 and the **Water Resources Advisory Committee** on January 30 to discuss several water quality fee packages and changes Chapter 105 Dam Safety and Encroachment regulations.

Both advisory committees will also see an overview of the draft 2020 Integrated Water Quality Monitoring and Assessment Report [303(d) and 305(b) report].

### Chapter 105 Revisions

Both advisory committees will review draft comprehensive revisions to the Chapter 105 Dam Safety and Encroachment regulations. Among other changes, the draft includes:

- Additional Permit Waivers for stream bank fencing, passive non-motorized recreation, elevated boardwalks in wetlands for educational

purpose and trails, emergency water withdrawal, temporary mats and pads in wetlands and temporary environmental testing;

- Updates Provisions Related to stormwater and floodplain management;
- Adds alternatives analysis description;
- Updates mitigation plan terms;
- Adds antidegradation demonstration;
- Clarifies impacts and cumulative impacts analysis;
- Adds provisions for enrollment to the Private Dame Financial Assurance Program;
- Provides new criteria for aquatic resource restoration activities;
- Revises provisions related to compensation for impacts to aquatic resources and no net loss of wetlands;
- Revises siting criteria for consistency with mitigation banking, in lieu fee and permittee compensation;
- Changes provisions related to the removal of dams and abandonment of water obstructions; and
- Clarifies flood design criteria.

Click here for **DEP's presentation**

[http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/WRAC/2020/013020/Ch105\\_reg\\_proposed\\_WRAC.pdf](http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/WRAC/2020/013020/Ch105_reg_proposed_WRAC.pdf).

Click here for a copy of the **draft regulation changes**

<http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/WRAC/>

## **Final Chapter 91/92a Fees**

Both advisory committees will review final proposed changes to wastewater and NPDES water quality permits fees under Chapters 91 and 92a. DEP began the process to update these fees in 2016.

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

The Water Quality permit fee increases (Chapter 91) would cover from 500 to 600 applicants annually and the NPDES permit fee increases (Chapter 92a) would cover approximately 4,000 facilities.

In the final regulation, DEP is proposing to decrease fees from what it originally proposed for most of the permits covered in Chapters 91 and 92a.

DEP is also removing provisions related to adjusting the fees every two years based on the U.S. Bureau of Labor Statistics Employment Cost Index for State and Local Government Compensation.

DEP's final Chapter 91 proposal decreases the permit application for manure storage and wastewater impoundments by \$1,500 from the original proposal to \$1,000. The fee for new or reissuance of a joint pesticides permit would also be reduced by \$250 from what was originally proposed to \$250.

DEP is proposing to decrease the Chapter 92a fees from what they originally proposed for small flow treatment facilities, minor sewage and industrial facilities, industrial stormwater and CAFO (livestock farms).

The final fee package for most categories of permits has fees that continue to be significantly less than those of most neighboring states.

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

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

The U.S. Environmental Protection Agency has told DEP several times (see **Regulatory Analysis Form** [http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2018/December%2018/05\\_7-533\\_WQMandNPDESfees\\_Proposed/04\\_7-533\\_WQMandNPDESfees\\_Proposed\\_RAf.pdf](http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2018/December%2018/05_7-533_WQMandNPDESfees_Proposed/04_7-533_WQMandNPDESfees_Proposed_RAf.pdf)) since 2010 the agency does not have adequate resources to carry out its federally mandated responsibilities for the NPDES Program, including the MS4 Stormwater Pollution Prevention Program.

As originally proposed, DEP's changes would increase permit fees to make up for cuts in General Fund appropriations a total of \$6 million -- Chapter 92a NPDES -- \$5 million -- and Chapter 91 Water Quality -- \$1 million -- permit fees.

The revised fee structure will result in less revenue to support these clean water programs.

Click here for **DEP's presentation** <http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/WRAC/2020/013020/Chapters%2091%20and%2092a%20Final%20Rulemaking%20-%20WRAC%20.pdf>.

Click here for a copy of the **draft regulation changes** [http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/WRAC/2020/013020/Final%2091-92a%20Annex%20\(track%20changes%20from%20draft\).pdf](http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/WRAC/2020/013020/Final%2091-92a%20Annex%20(track%20changes%20from%20draft).pdf).

## **2020 Water Quality Report**

Both advisory committees will hear an overview of DEP's draft 2020 Integrated Water Quality Monitoring and Assessment Report, including a **new online integrated Assessment Story map presentation** <http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/WRAC/>

[2020/013020/IntegratedReportStorymap.pdf](https://www.dep.state.pa.us/integrated_report_storymap.pdf) that will be used to help gather public input on the draft.

Every two years the federal Clean Water Act requires DEP to update its Water Quality Assessment report which evaluates whether waterbodies across Pennsylvania are achieving the water standards that protect clean water.

Streams, lakes, rivers, and other water resources are evaluated on how well each waterway is meeting its assessed use, such as drinking water supply, aquatic life, recreation, and fish consumption.

The reports contain lists of streams that have impaired water quality and helps set priorities for restoration of impaired waterbodies.

The 2018 Assessment Report found 40 percent of the streams in Pennsylvania still do not meet water quality standards as a result primarily of pollution from agricultural and stormwater runoff and abandoned coal mines.

The **2018 Assessment also included an interactive online map** [https://www.depgis.state.pa.us/integrated\\_report\\_viewer/index.html](https://www.depgis.state.pa.us/integrated_report_viewer/index.html) that allows users to check to see how good the water quality is in streams near their homes or businesses Click here for the **Story map presentation on the 2020 Assessment Report** <http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/WRAC/2020/013020/IntegratedReportStorymap.pdf> .

### **Chapter 102 Fee Report**

On January 27, the Agricultural Advisory Board will hear a presentation on DEP's Chapter 102 Erosion and Sedimentation Fee Report analyzing the adequacy of fees to cover the costs of this program for DEP and county conservation districts.

The report concludes the fees collected now are projected to cover only about 75 percent of DEP's cost to administer the Chapter 102 program and about 90 percent of county conservation district costs over the next three years.

The report shows DEP's fee revenue for the program has run a deficit of as high as \$738,783 (FY 2017-18) in the last four fiscal years ending in FY 2017-18.

Conservation district fee revenue has run a deficit of as high as \$2,479,709 (FY 2017-18) in each of the last six fiscal years ending in FY 2018-19.

DEP is recommending it draft a regulation to increase Chapter 102 permit fees to make up for these deficits.

In June of 2019, the Joint Legislative Budget and Finance Committee issued a report saying DEP has not sought an increase in fees to supplement funding for the Chapter 102 program for some time and recommended it complete a fee report to request a fee increase.

Click here for a **copy of DEP's presentation** [http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/AAB/2020/January\\_27/2020%20102%20Fee%20Report%20to%20AAB%20.pdf](http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortalFiles/AAB/2020/January_27/2020%20102%20Fee%20Report%20to%20AAB%20.pdf).

### **Meeting Places/Times**

The Agricultural Advisory Board will meet on January 27 at the DEP Southcentral Regional Office, 909 Elmerton Avenue in Harrisburg starting at 9:30 a.m.

For more information and available handouts, visit DEP's **Agricultural Advisory Board webpage** <https://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/AAB/Pages/Agendas-and-Handouts.aspx> . Questions should be directed to Jay Braund by calling 717-772-5636 or send email to: [jbraund@pa.gov](mailto:jbraund@pa.gov).

The Water Resources Advisory Committee will meet on January 30 in Room 105 of the Rachel Carson Building starting at 9:30 a.m.

For more information and available handouts, visit DEP's **Water Resources Advisory Committee webpage** <https://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/AAB/Pages/Agendas-and-Handouts.aspx>

[ryCommittees/WaterAdvisory/WRAC/Pages/Agendas-and-Handouts.aspx](#). Questions should be directed to Diane Wilson by calling 717-787-3730 or send email to: [diawilson@pa.gov](mailto:diawilson@pa.gov).

**Source:** PA Environmental Digest, 1/27/2020  
<http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=48899&SubjectID=>

## **PA and Army Deliver on President Trump’s Promise to Issue the Navigable Waters Protection Rule – A New Definition of WOTUS**

**O**n January 23, 2020, at an event at the US Army Corp of Engineers’ (USACE) Pittsburgh District Office, EPA Regional Administrator Cosmo Servidio, USACE Deputy Commander Jon Klink, and Representative Glenn Thompson (PA-15) celebrated the Navigable Waters Protection Rule. The rule provides a new, clear definition for “waters of the United States” (WOTUS)—delivering on President Trump’s promise to finalize a revised definition for “waters of the United States” that protects the nation’s navigable waters from pollution and will result in economic growth across the country.

“EPA and the Army are providing much needed regulatory certainty and predictability for American farmers, landowners and businesses to support the economy and accelerate critical infrastructure projects,” said EPA Administrator Andrew Wheeler. “After decades of landowners relying on expensive attorneys to determine what water on their land may or may not fall under federal regulations, our new Navigable Waters Protection Rule strikes the proper balance between Washington and the states in managing land and water resources while protecting our nation’s navigable waters, and it does so within the authority Congress provided.”

“Having farmed American land myself for decades, I have personally experienced the confusion regarding implementation of the scope of the Clean Water Act,” said R.D. James, Assistant

Secretary of the Army for Civil Works. “Our rule takes a common-sense approach to implementation to eliminate that confusion. This rule also eliminates federal overreach and strikes the proper balance between federal protection of our Nation’s waters and state autonomy over their aquatic resources. This will ensure that land use decisions are not improperly constrained, which will enable our farmers to continue feeding our Nation and the world, and our businesses to continue thriving.”

“For decades, unclear regulatory definitions under the Clean Water Act have placed undue burdens on farmers, private landowners, and counties nationwide. Often, this ambiguity has left enforcement agencies, courts, and private citizens with contradictory, piecemeal opinions and drawn out regulatory reviews,” said Representative Glenn Thompson (PA-15). “In March 2017, President Trump took the first action at repealing the flawed WOTUS Rule. Today, the Navigable Waters Protection Rule will be a positive step in the right direction to bring clarity to the ‘navigable waters’ definition, while protecting states’ authority under the Clean Water Act.”

“This new definition recognizes the primary rights and responsibilities for the states to manage their land and water resources,” said EPA Regional Administrator Servidio. “Together, our efforts are continuing to ensure that America’s water protections – among the best in the world – remain strong while giving states and tribes the flexibility and certainty to manage their waters in ways that best protect their national resources and local economies.”

The Navigable Waters Protection Rule ends decades of uncertainty over where federal jurisdiction begins and ends. For the first time, EPA and the Army are recognizing the difference between federally protected wetlands and state protected wetlands. It adheres to the statutory limits of the agencies’ authority. It also ensures that America’s water protections – among the best in the world – remain strong, while giving our states and tribes the certainty to manage their waters in ways that best protect their natural resources and local economies.

The revised definition identifies four clear categories of waters that are federally regulated under the Clean Water Act: the territorial seas and traditional navigable waters; perennial and intermittent tributaries; certain lakes, ponds, and impoundments; and wetlands that are adjacent to jurisdictional waters. These four categories protect the nation's navigable waters and the core tributary systems that flow into those waters. For example, the new rule helps ensure that territorial seas and traditional navigable waters, like the Atlantic Ocean and the Mississippi River; perennial and intermittent tributaries, such as College Creek, which flows to the James River near Williamsburg, Virginia; certain lakes, ponds, and impoundments, such as Children's Lake in Boiling Springs, Pennsylvania; and wetlands that are adjacent to jurisdictional waters are protected.

This final action also details what waters are not subject to federal control, including features that only contain water in direct response to rainfall; groundwater; many ditches, including most farm and roadside ditches; prior converted cropland; farm and stock watering ponds; and waste treatment systems.

The final definition achieves the proper relationship between the federal government and states in managing land and water resources. The agencies' Navigable Waters Protection Rule respects the primary role of states and tribes in managing their own land and water resources. All states have their own protections for waters within their borders and many already regulate more broadly than the federal government. This action gives states and tribes more flexibility in determining how best to manage their land and water resources while protecting the nation's navigable waters as intended by Congress when it enacted the Clean Water Act.

Despite prior reports, there are no data or tools that can accurately map or quantify the scope of "waters of the United States." This is the case today, and it was the case in 2014 when the Obama Administration issued its blog titled "**Mapping the Truth**" <https://blog.epa.gov/2014/08/28/mapping-the-truth/>. Therefore, any assertions attempting to quantify changes in the scope of waters based on these data sets are far too inaccurate and speculative

to be meaningful. While this Administration agrees that the current data and tools are insufficient, we are committed to supporting the development and improvement of the technology needed to map the nation's aquatic resources.

This final action is informed by robust public outreach and engagement on the Navigable Waters Protection Rule, including pre-proposal engagement that generated more than 6,000 recommendations and approximately 620,000 comments received on the proposal. The final definition balances the input the agencies received from a wide range of stakeholders.

More information, including a pre-publication version of the **Federal Register notice and fact sheets**, is available at: <https://www.epa.gov/nwpr>.

**Source:** EPA Press Release, 1/23/2020

## New Federal Wetlands Definition Threatens Bay Cleanup

**I**n an unprecedented assault on the Clean Water Act, the Trump administration today unveiled a new rule slashing federal protections for wetlands and waterways that are essential to restoring the Chesapeake Bay.

The administration's new definition of "Waters of the United States" unravels safeguards in place since the landmark law was enacted in 1972. It excludes streams that only flow after heavy rains or snow, groundwater, and most roadside and farm ditches. It also leaves out waters and wetlands that cross state borders.

The Chesapeake Bay is fed by an intricate network of creeks, streams, and rivers spanning tens of thousands of miles and 1.5 million acres of wetlands, which play an essential role supporting the waters and diverse wildlife of the Bay's 64,000 square-mile watershed. Wetlands trap polluted runoff, absorb storm surges, slow the flow of pollutants into the Bay, and provide critical habitat for the region's birds, fish, invertebrates, and mammals.

In the Bay watershed, the rule will do the most damage in Delaware, the District of Columbia, and West Virginia, which primarily rely on the federal definition to protect wetlands and streams within their borders. Almost 200,000 acres of wetlands in Delaware alone are now at risk of destruction. Maryland, Pennsylvania, New York, and Virginia have additional state water protection programs, but will still feel the impact because their programs all have holes the rule will only make worse.

Lisa Feldt, the Chesapeake Bay Foundation's Vice President of Environmental Protection and Restoration, made this statement about the new rule:

"This rule poses a dangerous threat to our efforts to restore the Chesapeake Bay and mitigate the effects of climate change. By acting as natural pollution filters, wetlands are vital to improving water quality. Their marshy waters shelter many of the Bay's birds and animals and provide our first line of defense against climate change by absorbing floodwaters and protecting local communities from storm surges.

"Recognizing the value of wetlands, in 2014 EPA and the other cleanup partners committed to creating, reestablishing, or restoring 235,000 acres of wetlands by 2025. Gutting federal protections for wetlands undermines that commitment and risks derailing our decade's long restoration effort at a critical time.

"The Bay has made encouraging progress in the ten years since we adopted the **Clean Water Blueprint** <https://www.cbf.org/how-we-save-the-bay/chesapeake-clean-water-blueprint/what-is-the-chesapeake-clean-water-blueprint.html>, the science-based plan for restoring it to good health. But the recovery is fragile, and the 2025 implementation deadline is approaching fast. We need the Trump administration to lead the way, not sabotage our efforts to save this national treasure."

Source: CBF Press Release, 1/23/2020

## **Chairman Metcalfe, ERE Committee urges IRRC Rejection of DEP's**

## **Lawbreaking Water Quality Standards**

House Environmental Resources and Energy Committee Chairman Daryl Metcalfe (R-Butler) convened a voting meeting on January 22, 2020 to adopt a letter (excerpted below) directing the Independent Regulatory Review Commission (IRRC) to reject Environmental Quality Board (EQB) Regulation 7-534:

"The Committee voted today, January 22, in favor of sending you this letter disapproving of the regulation regarding the Triennial Review of Water Quality Standards on behalf of our constituents and businesses. As the standing House Committee with legislative oversight over the Department of Environmental Protection (DEP), it is our role to ensure that regulations proposed by DEP through the EQB are reasonable, consistent with the intent of the Acts on which they are based, and proposed in a manner consistent with the law.

"As part of the regulatory process, DEP is required to complete a Regulatory Analysis Form...DEP stated in their Regulatory Analysis Form that it was not possible for them to do so...Not only is this completely unacceptable, but it violates the law.

"Pennsylvanians should not be punished because of DEP's inability to adequately complete the tasks assigned to them.

"DEP has been making changes to stream classifications without consulting with or giving any opportunity to participate to local individuals who know the most about their streams.

"Improper stream classification can impair the use of properties, hampering local businesses' attempts to develop and use land in safe and environmentally friendly ways. Including a reasonable provision in this regulation to provide notice to landowners and municipalities would have been a simple and essential change for DEP to make, but this step was not taken. Again, this failure hurts the business community and property owners throughout Pennsylvania.

“Additionally, DEP did not comply with the law when developing the regulation...We therefore ask IRRC to disapprove this regulation in its final form since the provisions of the regulation are plainly unreasonable...We the undersigned members of the House Environmental Resources and Energy Committee, write this letter to draw your attention to our concerns and disapproval of this final regulation and respectfully ask for your consideration.”

Follow the link below to view the complete **IRRC letter**  
[www.repmetcalfe.com/Display/SiteFiles/422/ERECommittee/2020/IRRC7-534Letterpdf](http://www.repmetcalfe.com/Display/SiteFiles/422/ERECommittee/2020/IRRC7-534Letterpdf).

**Source:** Rep. Metcalfe Press Release, 1/22/2020

## **New Director of DEP Chesapeake Bay Office Wants to Move Quickly on Implementation**

**J**ill Whitcomb, DEP’s new Chesapeake Bay Office Director, said she is looking forward to using the high level of energy and stakeholder buy-in generated in developing Pennsylvania’s Chesapeake Bay Phase 3 Watershed Implementation Plan to move quickly on implementation.

Whitcomb said her background working for a county conservation district prepared her well to take on her current challenge.

“My career started at the local level. I worked with farmers and other landowners with an emphasis on solving problems and coming up with solutions that benefit them and the environment,” said Whitcomb. “I’ve expanded my relationship building skills in my years at DEP, working with agriculture, municipal, and construction industry stakeholders, and it remains an important part of my job.”

“We worked very hard with stakeholders to develop the [Chesapeake Bay] Watershed

Implementation Plan. Their input and buy-in are its biggest strength,” she explained.

Whitcomb said she also hopes to build on the natural connection people have to their local waterways.

“Many people feel a strong attachment to their local streams and rivers. I’ve seen this first-hand. They want to enjoy the benefits of healthy waters now, in their lifetimes, and also preserve them for their future generations,” said Whitcomb. “The first benefits we will see implementing the Plan will be in Pennsylvania for our residents.”

She noted conservation of agricultural, natural, and scenic lands; mitigation of potential flooding; and increased habitat functions as some of those benefits.

A critical part of implementing the watershed plan is taking the lessons learned from the first four counties -- Lancaster, York, Adams and Franklin -- that piloted the county clean water planning process last summer and applying them to the next tier of counties—Bedford, Centre, Cumberland, and Lebanon—as they start their planning process

“We are now focused on getting counties the people, funding and data management tools they need to take the next steps in implementing their plans,” said Whitcomb. “Another benefit of this approach is that many of the steps outlined in the Plan can also be implemented statewide, because we have water quality improvements to make across the state.”

“We learned from county leaders that more staff time needs to be devoted to their planning process,” Whitcomb said. “We will shortly be announcing funding to support local coordinators in the eight counties in Tier 1 and II to help them engage stakeholders in developing and implementing their plans for local water quality improvements.”

“The pilot counties also asked for more flexibility in getting funding to implement projects. We responded by offering block grants to the counties that have already developed their plans,” said Whitcomb.

Lancaster County is getting about \$453,000; York, \$137,000; and Franklin, about \$100,000.

“In addition, we’re allocating funding out of the Growing Greener program specifically for projects in the Bay watershed,” Whitcomb said. “We want to maximize the use of all the resources we have to meet our obligations.”

But funding remains a key challenge. On the question of additional funding, Whitcomb pointed to Gov. Wolf’s proposed **Restore Pennsylvania initiative** <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=45667&SubjectID=202> and the **PA Farm Bill** <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=47154&SubjectID=202> just passed by the General Assembly last year.

“Restore Pennsylvania would provide significant funding for the kinds of local stream restoration projects we need to implement our [Chesapeake Bay] Watershed Implementation Plan,” said Whitcomb. “The Pennsylvania Farm Bill that just passed also provides funding targeted to the Chesapeake Bay Watershed in several different ways.”

On data management, “DEP is working with contractors to make sure the data systems meet the needs of the counties in terms of reporting all the good work they are doing,” said Whitcomb.

“Penn State will also be doing another survey of farmers this winter to gather more information on voluntary conservation measures they’ve installed that may count toward our pollution reduction obligations,” she noted.

**A 2016 Penn State survey** <https://news.psu.edu/story/442579/2016/12/15/survey-finds-pa-farmers-have-done-much-protect-chesapeake-bay-water-quality> identified a variety of water quality best management practices that farmers in the watershed have voluntarily put in place.

“At the January 30 meeting of the [renamed] Phase 3 WIP State Team, we’ll review what we’ve

recently accomplished toward our goal, discuss our implementation strategy, and outline next steps,” said Whitcomb.

“Everyone who served on the Steering Committee is staying on to serve on the State Team, with the exception of a few folks who retired from their positions,” Whitcomb said. “We very much appreciate their dedication in volunteering their time to be part of this effort.”

“I’m encouraged by the good momentum we have in Pennsylvania for the watershed and excited to move into the implementation phase and begin to see results,” she added.

The January 30 Phase III WIP State Team meeting will be in Room 105 of the Rachel Carson Building in Harrisburg from 1:00 to 3:00 p.m.

For those who cannot attend in person, **Click Here to register to participate online via WebEx** [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](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). 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%2E%80%99s%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Public-Meetings.aspx>.

For more information on how Pennsylvania plans to meet its Chesapeake Bay cleanup obligations, visit DEP’s **PA’s Phase 3 Watershed Implementation Plan webpage** [https://www.dep.pa.gov/Business/Water/Pennsylvania%2E%80%99s%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-\(Watershed-Implementation-Plans\).aspx](https://www.dep.pa.gov/Business/Water/Pennsylvania%2E%80%99s%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-(Watershed-Implementation-Plans).aspx).

Click here for a **summary of the steps the Plan recommends**

<https://paenvironmentdaily.blogspot.com/2019/08/final-pa-chesapeake-bay-implementation.html>.

**Source:** PA Environmental Digest Blog, 1/24/2020  
[http://paenvironmentdaily.blogspot.com/2020/01/new-director-of-dep-chesapeake-bay.html?utm\\_source=feedburner&utm\\_medium=email&utm\\_campaign=Feed%3A+PaEnvironmentDaily+%28PA+Environment+Daily+Blog%29](http://paenvironmentdaily.blogspot.com/2020/01/new-director-of-dep-chesapeake-bay.html?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+PaEnvironmentDaily+%28PA+Environment+Daily+Blog%29)

## Pennsylvania's Unemployment Rate at 4.5 Percent

**O**n January 24, 2020, the Pennsylvania Department of Labor & Industry (L&I) released its employment situation report for December 2019.

Pennsylvania's unemployment rate was up two-tenths of a percentage point over the month to 4.5 percent in December. The national rate was unchanged from November at 3.5 percent. The commonwealth's unemployment rate increased by three-tenths of a percentage point from December 2018 while the national rate was down four-tenths of a percentage point over the year.

Pennsylvania's civilian labor force – the estimated number of residents working or looking for work – was up 18,000 over the month to 6,552,000, the third consecutive record high. December was the fifth consecutive month in which employment and unemployment both increased, signaling that Pennsylvanians have been entering the workforce.

The estimated number of jobs in Pennsylvania, referred to as total nonfarm jobs, declined 9,700 from November's record high to 6,063,400 in December. Jobs were up in five of the 11 industry supersectors. The largest supersector movement from November was a drop of 5,900 professional & business services jobs. Education & health services, up 700 over the month, had the largest gain from November and reached a new record high. Although

no other supersectors were at record high levels in December, three others set new record high levels earlier in 2019.

Over the year, total nonfarm jobs in Pennsylvania were up 32,700 with gains in seven of the 11 supersectors. All three goods-producing supersectors declined from last December, while only one service-providing supersector was down. The largest volume 12-month change among supersectors was an increase of 13,300 professional & business services jobs.

Additional information is available on the L&I website at [www.dli.pa.gov](http://www.dli.pa.gov).

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

**Source:** PA Department of Labor & Industry, 1/24/2020

## Capitol Senate Hearing to Target Corporate Tax Loopholes

**A**t the request of Senators Katie Muth (D-Berks/Chester/Montgomery) and John Blake (D-Lackawanna), the state Senate Democratic Policy Committee will hold a public hearing next week at the Capitol in Harrisburg on ways to make corporate taxes more equitable.

The lawmakers will focus on proposals for establishing "combined reporting," which would require corporations to more accurately report revenues earned in Pennsylvania.

The hearing is scheduled for **Wednesday, Jan. 29 at 1:30 p.m.** in Hearing Room 1 of the North Office Building in Harrisburg.

According to [www.WethepeoplePA.org](http://www.WethepeoplePA.org), the corporate share of state tax contributions has dwindled from 30 percent in 1972 to 15 percent. Blake and Muth contend that this has shifted more of the tax burden to Pennsylvania's small businesses and taxpayers.

Source: Senate Democratic Policy Committee,  
1/24/2020

## Transportation and Climate Initiative Focus of Joint PA Senate Hearing Next Week

The state Senate Environmental Resources & Energy Committee, chaired by Sen. Gene Yaw (R-23) and the Senate Transportation Committee, chaired by Sen. Kim Ward (R-39), will hold a joint public hearing next week on Pennsylvania's participation in a multi-state plan aimed at lowering greenhouse gas emissions from the transportation sector.

This plan, titled the **Transportation and Climate Initiative (TCI)**, seeks to cap and reduce carbon emissions from vehicles through a cap-and-invest program and could significantly change the face of transportation on the East Coast.

In 2018, Pennsylvania joined eight other states, as well as the District of Columbia, to develop a regional policy. The public comment period on the draft TCI memorandum of understanding ends on Friday, Feb. 28.

"While I support efforts to reduce carbon emissions from the transportation sector, we need to be realistic of the overall impacts to our consumers," Sen. Yaw said. "Specifically, a proposal like TCI would disproportionately harm my rural constituency who need to drive greater distances, as opposed to residents living in more populated areas of the state. **A purported 17 cent increase in a gallon of gas is simply not something I can support.**"

"This joint hearing is important to assess what I believe are the overly ambitious goals of TCI and the negative impact it will have to the people of Pennsylvania," said Sen. Ward. "It will likely include an increase in the cost of gas at the pumps, and, to me, that is a non-starter. What we should be doing is providing vehicle emissions reform for Pennsylvanians who are investing in more fuel-efficient vehicles, and putting an end to the taking

of money from transportation funds and spending it on other budget items."

The joint Senate hearing will be held on **Wednesday, January 29th, 2020, 9AM-11AM** in Hearing Room 1, North Office Building, State Capitol Complex.

Individuals offering comments include:

- Secretary Patrick McDonnell, Pennsylvania Department of Environmental Protection;
- Yassmin Gramian, P.E., Acting Secretary, Pennsylvania Department of Transportation;
- Kevin Sunday, PA Chamber of Business and Industry;
- Ted Leonard, PA AAA Federation;
- Drew Stilson, Environmental Defense Fund and
- David Stevenson, Caesar Rodney Institute.

The hearing will be **streamed LIVE** on both Committee websites.

Senate Environmental Resources and Energy Committee <https://environmental.pasenategop.com/>

Senator Yaw's website  
<http://www.senatorgeneyaw.com/>

Senate Transportation Committee <https://transportation.pasenategop.com/>

Senator Ward's website:  
<https://www.senatorward.com/>

Source: Senate GOP Press Release, 1/23/2020

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