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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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### Governor Wolf Urges Legislature to Tackle Gun Violence, Student Debt, Toxic Schools

On February 4, 2020, Governor Tom Wolf called upon Pennsylvanians to imagine a better commonwealth - one with a stronger workforce, better schools, safer communities, and more opportunities for everyone - and then laid out an ambitious agenda for his 2020-21 budget that moves Pennsylvania toward that vision.

"This year, I believe we have an opportunity to make enormous progress towards delivering on William Penn's vision for what Pennsylvania could be," said Gov. Wolf. "After five years of tough decisions and necessary investments, we have guided our commonwealth out of crisis and put Pennsylvania back on a path to prosperity. But we have a long way to travel.

"The work ahead will call upon our determination, our creativity, and our courage. But because we cannot build what we cannot envision, today we can begin by imagining the Pennsylvania we can create together - not for some far-off future generation, but for the people we came here to serve - right now."

*Governor Tom Wolf is Investing in Our Schools and Making it Easier for Students to Pursue Opportunities in Pennsylvania*

Governor Wolf continues to keep his promise to make education a priority through investments that assist Pennsylvanians from birth to retirement with accessing affordable, high-quality education programs.

#### *Early Education*

Governor Wolf wants no child to fall behind early in life. In 2019, Governor Wolf secured a \$30 million increase for early education, creating approximately 2,200 new slots in Pennsylvania Pre-K Counts and 465 new slots in the Head Start Supplemental Assistance Program. He also secured an increase of \$15 million for preschool Early Intervention services. Since the governor took office in 2015, pre-K funding has increased by \$145 million, more than doubling, to serve an additional 13,500 children.

- The governor is calling for funding that will boost slots in programs like Pre-K Counts, Head Start and Early Intervention while increasing incentives to encourage and retain child care workers and teachers.
- The governor is seeking a statewide expansion to full-day kindergarten to ensure every child, regardless of school district residence, is given the opportunity to engage in a full continuum of educational programming during a critical time in childhood.

#### *K-12 Funding and Reform*

Governor Wolf wants every child to have access to educational opportunities. After restoring the billion dollar cut to our public schools, he is making another \$405 million available for our schools.

- The governor is seeking \$100 million for basic education and \$25 million for special education funding.
- The governor is seeking comprehensive Charter School Law reform to help ensure all public schools in our commonwealth are providing high-quality education to every child. This reform will make another \$280 million available for school districts.

### *Higher Education*

Governor Wolf recognizes that too many Pennsylvanians are unable to attend institutions of higher education in our commonwealth without taking on significant debt.

- Governor Wolf is creating a new \$200 million scholarship program through the Pennsylvania State System of Higher Education (PASSHE) that will help more Pennsylvanians earn a degree with fewer loans, while encouraging educated young people to build their lives in Pennsylvania.
- Governor Wolf is also proposing funding to support PASSHE's education redesign that will make our state school system competitive and modern.
- Governor Wolf is also investing \$60 million with PHEAA for increases in grants for Pennsylvania students.

### *Governor Tom Wolf is making Pennsylvania the Best Place for Workers and Businesses*

Governor Wolf believes Pennsylvania should be a leader in attracting top talent, entrepreneurs and innovators. Last year, the governor created the Keystone Economic Development and Workforce Command Center to gain a new understanding of the challenges faced by employers and workers. His PAsmart program has invested \$50 million over the past two years to expand apprenticeships and job training and bring new

STEM and computer science programs to schools across Pennsylvania.

### *Supporting Workers and Improving the Workforce*

- Governor Wolf is proposing an increase in the minimum wage to \$12 per hour on July 1, 2020, with annual increases to \$15 per hour by July 1, 2026.
- Governor Wolf's budget supports recommendations made by the Command Center that work toward the creation of a better climate for businesses and employees. A new \$12 million grant program will allow the commonwealth to fund projects tailored to addressing issues that have been identified as obstacles to employment -- transportation, child care, re-entry, licensure and training.
- Governor Wolf's budget also requests a \$2 million increase in funding to the Workforce and Economic Development Network of Pennsylvania, which assists companies with providing incumbent employees with training, encouraging them to build their workforce.
- Governor Wolf's budget funds PAsmart and Career and Technical Education to continue Pennsylvania's progress with building a stronger workforce and preparing students with the knowledge and hands-on skills to succeed in jobs that will grow the economy.

### *Investing in Jobs and Innovation, Creating a Stronger, Fairer Business Climate*

- Governor Wolf's budget makes \$12.35 million in targeted investments, distributed through key partners, which will serve as a catalyst to create an ecosystem in our commonwealth for innovation to thrive. Building on the successful launch of the PA Business One-Stop Shop, this budget proposal cements Governor Wolf's dedication to creating the friendliest entrepreneurial environment in the country.
- The governor's budget advances his mission to grow jobs and make Pennsylvania the most business-friendly state in the nation. Leveraging economic development wins such as Shell, UPS, Amazon, and PhilaPort have helped create jobs, stimulate the economy and raise Pennsylvania's profile throughout the world. Last year the

commonwealth exported more than \$650 million in goods, brought in about \$46 million in tax revenue, and PhilaPort officially opened its first new terminal in over 45 years.

- Governor Wolf is calling for corporate tax reform through closing the Delaware Loophole and a decreasing to the corporate net income tax to 5.99 by 2025.

#### *Governor Tom Wolf is committed to Reducing Gun Violence and Keeping Pennsylvanians Safe*

Governor Wolf believes every Pennsylvania has a fundamental right to live free from fear.

- Governor Wolf is calling on the legislature to pass comprehensive background checks for all gun purchases, a red flag law, improved lost and stolen gun reporting requirements, safe storage practices, and legislation to ban ghost guns.
- Governor Wolf's budget directs \$6 million in funding to evidence-based gun violence prevention programs through the Pennsylvania Commission on Crime and Delinquency and \$4 million to the Philadelphia Gun Violence Task Force that will support initiatives to eliminate all types of violence, including gun violence.

#### *Governor Tom Wolf is Protecting and Supporting All Pennsylvanians*

Governor Wolf wants every Pennsylvanian to have the opportunity for a happy, successful life. Last year, the governor established the Council on Reform, which conducted research and made recommendations on how the commonwealth can improve its support of vulnerable Pennsylvanians.

- Governor Wolf's budget commits more than \$24 million to this vision by directing funding to programs that assist Pennsylvanians with moving off waiting lists and into community programs.
- Governor Wolf supports the expansion of programs that have shown success, such as the Court Appointed Special Assistant Advocate program and the Pennsylvania Agriculture Surplus System.

Governor Wolf's budget backfills federal funding cuts to ensure vulnerable Pennsylvanians are gaining, not losing, support.

- Governor Wolf is proposing \$5.1 million to several Human Services program areas for increased staff to support workloads and complete timely, accurate inspections of facilities.

#### *Governor Tom Wolf is investing in Environmental Protection and Our Natural Resources*

Governor Wolf wants Pennsylvania's beautiful skies, scenic vistas, and clean waterways to be enjoyed by many future generations.

- Governor Wolf's budget seeks to protect and restore our shared environment through a \$2.5 million increase in funding for core initiatives within the Department of Environmental Protection and \$2.5 million in funding for more state park and forest rangers.
- Governor Wolf is also seeking the implementation of a \$1 per ton tipping fee for the Hazardous Sites Cleanup Fund, which is facing a phase-out of its existing funding source. Finally, the governor recognizes that growth must be balanced with safety.
- Governor Wolf is also asking the legislature to pass legislation that increases safety during the construction and operation of pipelines.

#### *Governor Tom Wolf is making Significant Investments in Repairing and Improving our Infrastructure*

Governor Wolf believes that Pennsylvanians deserve a modern, connected commonwealth that is free from contaminants.

- Governor Wolf's budget includes plans to make more than \$1 billion available to combat lead, asbestos, and other contaminants.
- Governor Wolf is also continuing to pursue \$4.5 billion in funding through his **Restore Pennsylvania** plan, which will be used to upgrade and make repairs to Pennsylvania's aging infrastructure.

Pennsylvanians can find out more about Governor Wolf's budget at <https://www.budget.pa.gov/Pages/default.aspx>.

Source: Governor Wolf's Press Office, 2/4/2020

## Senate Republican Leaders Raise Concerns about Additional Spending and Borrowing in Governor's Budget Plan

Responding to Governor Wolf's budget address today, Senate Republican leaders said they are encouraged that the proposal does not include broad-based tax increases. However, they are concerned about \$1.5 billion in additional spending and more than a billion dollars in new borrowing in the governor's proposal. They believe Pennsylvanians deserve a state budget that is fiscally responsible and sustainable.

**Senate President Pro Tempore Joe Scarnati** (R-25): "Senate Republicans remain committed to a budget that respects taxpayers while helping continue to foster job growth and economic development across our Commonwealth.

Governor Wolf's massive cut to school safety funding while wanting to spend over \$1.5 billion more this year is immensely concerning. Ensuring that students and teachers feel safe in their learning environments is a crucial part of helping children to learn and succeed.

I look forward to working with my colleagues to make sure the final 2020-2021 fiscal year budget addresses the needs of every area of our Commonwealth."

**Senate Majority Leader Jake Corman** (R-34): "What we are seeing here is a regurgitation of many of the Governor's same old policy proposals. This budget contains more than a half-a-billion dollars in tax increases on employers and other things that play to his base of supporters.

We will start from the beginning and continue to unshackle employers from the unnecessary regulatory and tax burdens. As we go through this process, we will hold the governor to the policies that have led to record high wages and record low unemployment."

**Senate Appropriations Chair Pat Browne** (R-16): "The Commonwealth has not been in this solid of a financial position in more than a decade. While this is certainly welcomed news, it is critical now, more than ever, that we remain fiscally disciplined and cautious when setting budget priorities and a FY 2020-21 spending number.

The Governor's budget proposal contains large spending increases over the previous year of 4.5 percent, which is well over the rate of inflation and considerably higher than previously enacted budget spending increases. That, coupled with a significant number of supplemental increases by the Governor, creates a risky financial profile for the future of the Commonwealth. This has the potential, if revenues fail to reach expectations and supplemental increases continue into the future, of greatly increasing the long-term structural imbalance of the Commonwealth's finances. That is something the General Assembly, led by Senate Republicans, has worked extremely hard to reduce over the previous several years with conservative budgeting."

Source: Senate Republican Communications, 2/4/2020

## House Republican Leaders Call for Spending Slow Down Leaders in House say Wolf's overspending puts state in budget hole

House Republican leaders reacted to the governor's call to increase state spending by \$2 billion for fiscal year 2020-21. The governor presented his \$36 billion spending proposal on February 4, 2020 in front of a joint session of the General Assembly.

Speaker of the House Mike Turzai (R-Allegheny), Majority Leader Bryan Cutler (R-Lancaster), Majority Whip Kerry Benninghoff (R-Centre/Mifflin), Appropriations Committee Chairman Stan Saylor (R-York); Policy Committee Chairman Donna Oberlander (R-Clarion/Armstrong/Forest); Caucus Chairman Marcy Toepel (R-Montgomery); Caucus Administrator Kurt Masser (R-Columbia/Montour/Northumberland); and Caucus Secretary Mike Reese (R-Westmoreland/Somerset) issued the following statement:

"From high-achieving, safe schools, to growing jobs and providing opportunities for every Pennsylvanian to thrive in family-sustaining careers, we share many of the same goals Gov. Tom Wolf talked about today.

"However, we believe that the best way to achieve these goals and turn them into a reality for all our citizens is not just with new government programs, more spending and additional debt.

"These approaches to problem-solving oversimplify the core underlying issues driving the need for state government intervention and they ignore the significant investments that are already being made by taxpayers.

"As an example, while our state has enjoyed revenue surpluses during one of the most robust economic times in recent memory, we continue to experience high levels of cost overruns in executive departments, which have resulted in unsustainable supplemental budgetary needs.

"As a result, during the next few months, while we have meaningful debates and discussion over how to meet Pennsylvania's challenges in the 2020-21 budget, House Republicans intend to seriously engage with our legislative partners and the governor on how we can better manage our resources, programs and investments.

"Every Pennsylvanian sets a budget and must live within the means of that spending plan. It is time for state government to do the same.

"By focusing on best management practices, reducing or eliminating programs that do not

produce measurable results, allocating scarce resources properly, and exercising fiscal restraint, we can truly advance a common goal - government that not only works, but serves, respects and effectively manages"

**Source:** House GOP Leaders Press Release, 2/4/2020

## PA's Budget must make Greater Investments in Clean Water

**T**he Chesapeake Bay Foundation today issued the following statement from Pennsylvania Executive Director Harry Campbell, in response to Governor Tom Wolf's \$36 billion General Fund budget proposal for fiscal year 2020-21.

Mr. Campbell said:

"Chesapeake Bay Foundation is pleased that, in the Governor's budget proposal, the Environmental Stewardship Fund (ESF) would no longer be used to pay debt service on the Growing Greener Fund. Those extra ESF dollars can be spent to plant more trees, address acid mine drainage, and protect additional acres of productive farmland.

"We also see Governor Wolf's plans to increase funding for the Department of Environmental Protection as a positive step toward protecting and restoring water quality in Pennsylvania.

"Clean water is critical to the health, wellbeing, and quality of life for all Pennsylvanians. Unfortunately, according to scientific assessments by the state, roughly 40 percent of rivers and streams in the Commonwealth are considered to be polluted.

"While this budget would reinvest in critical agencies and programs if approved by the legislature, **it remains unclear how the state will close the over \$320 million shortfall in investments toward meeting its obligations to clean up Pennsylvania's rivers and streams.**

“Ultimately, it’s up to state lawmakers to ensure that the funding is there to assist Pennsylvania’s farms, families, and communities to restore and protect our land, water, and air.

“CBF looks forward to working with the Governor and legislators toward a legacy of clean water for future generations.”

Source: CBF Press Release, 2/4/2020

## Growing Greener Coalition on Governor's Budget

The partner organizations of the Growing Greener Coalition are encouraged that Governor Wolf's executive budget upholds Pennsylvania's traditional state investments in projects that protect water, conserve land, and enhance outdoor recreation. With the Governor's budget:

- The Environmental Stewardship Fund (aka Growing Greener), established in 1999, will continue its tremendously successful support of tangible projects that protect and restore water quality, preserve farmland, and make other environmental improvements.
- The Keystone Recreation, Park and Conservation Fund, established in 1993 with nearly unanimous General Assembly support and overwhelming voter backing in a public referendum, will continue its extraordinarily effective investments in developing and improving parks and trails; protecting open spaces important to communities; and restoring libraries.

The Governor's budget also constructively addresses a number of other environmental funding matters: proposing to recapitalize the Hazardous Sites Cleanup Fund with a \$1/ton fee increase on disposing of waste in landfills; a capital program to remediate lead and asbestos threats; and funding badly needed positions at the Department of Environmental Protection and Department of Conservation and Natural Resources.

While the Coalition is heartened by the Governor's budget (particularly as it compares to last year's), this feeling is tempered by the awareness that there is a tremendous backlog of environmental infrastructure needs requiring the state's attention and demanding much higher levels of investment:

- 19,000 miles of Pennsylvania rivers and streams are unsafe for drinking, swimming, fishing, and boating.
- State parks and forests require nearly \$1 billion in necessary repairs.
- More than 200,000 acres of abandoned mine lands and thousands of brownfield sites pollute our water and threaten human health and safety.
- The list goes on.

The Coalition urges Senators, Representatives, and the Governor to recognize that these real challenges require action—whether that's via the Governor's **Restore PA proposal or some other vehicle**. Pennsylvanians have a constitutional right to safe water and preservation of the natural environment. It is also, plain and simple, the right thing to do.

For background information regarding topics addressed in this communication, the Coalition finds the following resources useful:

- Environmental Stewardship Fund: <https://esfund.info/>
- Keystone Recreation, Park and Conservation Fund: <https://keystonefund.org/>
- Detailed reporting on environmental line items in the Governor's executive budget: <https://paenvironmentdaily.blogspot.com/2020/02/gov-wolfs-budget-proposal-repairs.html>

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**Source:** Growing Greener Coalition Press Release, 2/5/2020

## **PUC Updates Policy Statement on Diversity at Utilities; Begins Rulemaking Process for Utility Reporting of Diversity Information**

**O**n February 6, 2020, the Pennsylvania Public Utility Commission (PUC) today voted 5-0 in support of a **motion** by Chairman Gladys Brown Dutrieuille

<http://www.puc.pa.gov/pcdocs/1653652.pdf>

intended to "reinvigorate the Commission's efforts to promote and implement effective diversity programs at our major jurisdictional utility companies."

Today's action launches a two-stage process to enhance information-gathering about utility diversity programs - initially updating and clarifying the PUC's existing Policy Statement on Diversity at Major Jurisdictional Utility Companies (adopted in March 1995), which recommends that utilities provide certain diversity information to the Commission; and also beginning a rulemaking process which would require regular diversity reporting by utilities.

As noted by Chairman Dutrieuille in her motion, the current policy statement encourages utilities to file annual diversity reports and recommends the inclusion of certain information about their programs - but different interpretations of those recommendations can result in utilities sometimes

including too little information, too much information or unnecessary information.

Revisions to the PUC Diversity policy statement proposed today include:

- Updating the definition of diversity to include minorities, women, veterans, LGBTQ, and the disabled.
- A standardized reporting form with the goal of collecting the following information:
  - A copy of any corporate policy committed to improving diversity in the workplace and in the procurement process.
  - A description of any training implemented on diversity initiatives in employment and in the contract of goods and services.
  - A standardized format to account for diverse employee numbers.
  - A description of any diversity recruiting strategies.
  - A description of any diversity promotion efforts.
  - A description of any diversity retention efforts.
  - A brief description of any involvement with organizations promoting diversity.
  - A brief summary of diverse owned businesses the company contracts with for goods and services, including the percentage of dollars spent with diverse-owned businesses versus non-diverse businesses.

The motion adopted today by the Commission directs the PUC's Law Bureau to develop an amended policy statement on diversity, to be issued by March 31, 2020 - which will be followed by a 45-day period for comment from utilities and other concerned parties.

Additionally, today's motion directs the PUC's Law Bureau to issue a Notice of Proposed Rulemaking for diversity reporting requirements by December 31, 2020.

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, 2/6/2020

## **PUC Begins Rulemaking Process Addressing Potential Barriers to Enhanced Water and Wastewater Services in Pennsylvania**

**O**n February 6, 2020, the Pennsylvania Public Utility Commission (PUC) today voted 5-0 on a motion offered by Commissioner Ralph V. Yanora <http://www.puc.pa.gov/pcdocs/1653743.pdf>, which begins a rulemaking process on issues related to water and wastewater utility service.

Today's action directs the PUC's Law Bureau and Bureau of Technical Utility Services to prepare an Advance Notice of Proposed Rulemaking (ANOPR) - to be available by May 1, 2020 - exploring a series of interrelated issues impacting water and wastewater utilities across the state.

As Commissioner Yanora notes in his motion, "In light of increasing environmental requirements and emerging contaminants like lead, PFOA (Perfluorooctanoic acid), and PFOS (Perfluorooctane Sulfonate), the Commission recognizes that we need to do more to encourage water and wastewater system consolidation and regionalization."

The motion further explains that documentation required when utilities seek to acquire small-scale or troubled water or wastewater systems - which were initially developed more than 40 years ago as part of an effort to discourage the development of non-viable systems - can now serve as a potential impediment to much-needed water and wastewater system consolidation and regionalization.

Additionally, the proposed rulemaking also explores how acquiring utilities will address a series of issues regarding water quality and service, including:

- Plans to mitigate contaminants such as lead, PFOA/PFOS, and Legionella from the drinking water supplies of acquired systems.
- The Commission's tariff approval obligations related to cross-connection control and backflow prevention concerning these contaminants, which are required by the Pennsylvania Department of Environmental Protection (DEP).
- A process for periodic updates to a Memorandum of Understanding between the Commission and DEP to reflect the most recent water, wastewater, and stormwater service and safety standards the Commission is obligated to enforce.
- Any related matters that would serve to ensure the long-term viability of all new water systems.

After the development and publication of the ANOPR, the Commission will carefully review and consider public and stakeholder comments and will then determine how best to move forward.

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Docket No.: **L-2020-3017232**

[http://www.puc.pa.gov/about\\_puc/consolidated\\_case\\_view.aspx?Docket=L-2020-3017232](http://www.puc.pa.gov/about_puc/consolidated_case_view.aspx?Docket=L-2020-3017232)

Source: PUC Press Release, 2/6/2020

## **PUC to Livestream Feb. 11 Damage Prevention Committee Meeting**

**T**he Pennsylvania Public Utility Commission (PUC) will livestream a meeting of the Damage Prevention Committee (DPC) on Tuesday, Feb. 11, at 9 a.m. in Hearing Room 1 of the Commonwealth Keystone Building, Harrisburg.

**To view the livestream**, visit the PUC's website [http://www.puc.pa.gov/about\\_puc/live\\_streaming\\_video.aspx](http://www.puc.pa.gov/about_puc/live_streaming_video.aspx). The **agenda** [http://www.puc.pa.gov/transport/gassafe/pdf/DPC\\_Agendas/2020/DPC021120.pdf](http://www.puc.pa.gov/transport/gassafe/pdf/DPC_Agendas/2020/DPC021120.pdf) also is available on the PUC's website.

### Digging Safety - PA One Call

Every year, underground lines across the state are struck more than 6,000 times - which means that during the average workday a pipeline or other vital utility system is hit every 20 minutes. While underground lines are often "out of sight and out of mind," every hit poses a risk to the contractors and homeowners who are doing the digging; to utility workers and emergency responders who are mobilized when lines are struck; and to bystanders who live, work or travel near the locations of the incidents.

State law requires contractors and residents to contact **PA One Call** <https://www.pa1call.org/PA811/Public/> a least three

days prior to excavating with powered equipment - triggering alerts to all utilities within an intended digging area and prompting utilities to mark where their facilities are located. Pennsylvanians can dial 8-1-1 to connect with the One Call system, while out-of-state residents or businesses can call 1-800-242-1776.

### About the DPC

The DPC is a peer-based group of 13 representatives, nominated by their industry or affiliated organization and appointed by the PUC. The DPC meets regularly to review alleged violations of Act 50 and make informal determinations as to the appropriate response including, but not limited to, the issuance of warning letters, mandatory training programs and/or administrative penalties.

The DPC holds public meetings in Hearing Room 1 of the Commonwealth Keystone Building in Harrisburg. Each meeting is **livestreamed on the PUC's website**

[http://www.puc.pa.gov/about\\_puc/live\\_streaming\\_video.aspx](http://www.puc.pa.gov/about_puc/live_streaming_video.aspx) where **summaries of actions** [http://www.puc.pa.gov/utility\\_industry/transportation/pa\\_one\\_call\\_enforcement/dpc\\_agendas\\_Actions.aspx](http://www.puc.pa.gov/utility_industry/transportation/pa_one_call_enforcement/dpc_agendas_Actions.aspx) taken at those meetings also can be viewed.

Modeled after successful programs in other states, the focus of the DPC is to reduce the number of "hits" on underground lines and utilities. Creation of the committee was authorized by **Act 50 of 2017**

[http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=3918](http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=3918), which enhances Pennsylvania's Underground Utility Line Protection Act - also known as the "One Call Law."

### About the Bureau of Investigation & Enforcement

As the independent investigation and enforcement bureau of the PUC, I&E enforces state and federal pipeline safety and motor carrier safety laws and regulations and represents the public interest in ratemaking and service matters before the PUC's Office of Administrative Law Judge. I&E has the authority to bring enforcement action, seek emergency orders from the Commission or take other steps to ensure public safety.

Source: PUC Press Release, 2/6/2020

## New PFAS Remediation Authority Gets to Work

**R**ep. Todd Stephens (R-Montgomery), who has been named chairman of the newly formed Military Installation Remediation and Infrastructure Authority, said the authority is hitting the ground running.

"We have several important deadlines to meet over the next few months, so we'll be moving at a robust pace," Stephens said. "Thankfully, Horsham Township immediately took the steps necessary to create the new Military Installation Remediation and Infrastructure Authority and has dedicated significant time and resources to the new authority."

Stephens's legislation, **House Bill 1410** <https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=H&type=B&bn=1410>, now **Act 101 of 2019**, allows the new authority to use a portion of state tax revenue generated on and around the former Willow Grove Naval Air Station to eliminate the local surcharges ratepayers have been paying for clean water and to remediate water contamination caused by former military installations. This was the first bill enacted in Pennsylvania to provide dedicated funding to eliminate PFAS from drinking water.

In 2006, the federal government closed several military bases around the country, including the Willow Grove Naval Air Station in Montgomery County. In transferring the land, the federal government discovered significant environmental issues, including contamination of the drinking water in some Montgomery County and Bucks County communities caused by firefighting foam at the military installation.

Faced with insufficient federal action, local governments had no choice but to impose surcharges on ratepayers to fund cleanup efforts. Stephens crafted Act 101 of 2019 to reclaim those surcharges and address unmet remediation needs in local communities.

Stephens thanked his colleagues Reps. Meghan Schroeder (R-Bucks), Todd Polinchock (R-Bucks), Tom Murt (R-Montgomery), and Ben Sanchez (R-Montgomery); Sens. Maria Collett (D-Bucks) and Bob Mensch (R-Bucks/Montgomery) for helping pass his bill; and Gov. Tom Wolf for signing the bill into law.

"Despite the amount of time it took for this idea to become a reality, the real work is just beginning," Stephens said. "We have a great team assembled here and are building the foundation of a program that will last 30 years We will be working together with water providers and local governments to ensure that families and future generations in our communities have safe, clean drinking water."

Source: Rep. Stephens Press Release, 2/6/2020

## **Senate Committee Approves Yaw Measure Regulating Lawn Fertilizer Application, Updating 1956 Act Restrictions do not apply to fertilizers for agricultural purposes**

**A** bill aimed at modernizing Pennsylvania's 1956 Fertilizer Act was unanimously approved by the Senate Agriculture and Rural Affairs Committee, according to prime sponsor, Sen. Gene Yaw (R-23).

"Pennsylvania's Fertilizer Act was first passed in 1956 and has not been substantially modernized since," Sen. Yaw said. "The updates I am proposing, in consultation with industry and state agencies, will unquestionably reduce the environmental impact of fertilizer applied to lawn and turf areas, while ensuring that the land will be able to receive adequate nutrients. Homeowners investing in lawn care services have no way to know if the employees applying fertilizer to their yards are properly trained, and the Department of Agriculture has no authority to investigate

irresponsible or illegal applications. This bill will change that."

### **Senate Bill 915**

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sind=0&body=S&type=B&BN=0915> will establish best management practices for the use of fertilizer; creates a certification program for commercial and public applicators of fertilizer; promotes homeowner and private agricultural fertilizer education through public outreach; enhances required labeling of all fertilizer products; provides for the exemption of local laws and regulations; re-establishes enhanced reporting requirements and provides a broad-based increase of fees, while repealing the separate classification for small package fees for inspections.

Senator Yaw, who heads the tri-state Chesapeake Bay Commission, said that, if approved by the Legislature and signed by the Governor, the measure would achieve necessary credit in Pennsylvania's Watershed Implementation Plan. "The bill seeks to level the playing field so everyone, not just farmers, can decrease nutrient run-off and be part of the solution for cleaner Pennsylvania waters," Sen. Yaw added.

Similar legislation has already been enacted in Maryland, Virginia and New Jersey, and the industry has expressed a strong desire for consistency across the region and state.

For more state-related news and information, visit Senator Yaw's website at [www.SenatorGeneYaw.com](http://www.SenatorGeneYaw.com).

Source: Senator Yaw Press Release, 2/7/2020

## **EPA Mid-Atlantic Region Releases 2019 Year in Review Highlighting Accomplishments and Environmental Progress**

**T**he Mid-Atlantic Region of the U.S. Environmental Protection Agency announced the release of its **2019 Year-in-**

## Review report

[https://www.epa.gov/sites/production/files/2020-02/documents/r3\\_digital-final-mid-atlantic-yir-report-2019.pdf](https://www.epa.gov/sites/production/files/2020-02/documents/r3_digital-final-mid-atlantic-yir-report-2019.pdf), which highlights the successes, major accomplishments and environmental progress through 2019.

“EPA’s Mid-Atlantic Region made significant strides in protecting public health and the environment, thanks to the dedication and talents of our employees and the strong relationships we fostered with partners in our states and communities,” said Cosmo Servidio, Regional Administrator, EPA Mid-Atlantic Region. “The highlights in this 2019 Year-in-Review Report are indicative of the hard work we do every day in fulfilling our fundamental responsibility – promoting cleaner air, land and water in our Region.”

EPA Mid-Atlantic (Region 3) accomplishments:

- Region 3 provided \$9.5M in Brownfields funding to 24 communities to support planning, assessment, cleanup and job training activities to promote Brownfields redevelopment. Additionally, EPA provided over \$2.3M in funding to support state Voluntary Cleanup programs. Outcomes from this federal funding resulted in 132 assessments, 9 cleanups, over 300 jobs created, and \$124M leveraged. EPA has also collaborated with state and other partners to deliver 15 community-based training sessions throughout the Region on Brownfields redevelopment.
- Region 3 awarded \$275 million from its State Revolving Funds (SRFs) in 2019 - \$170 million from the Clean Water SRF and \$105 million from the Drinking Water SRF - which capitalizes the states’ funds to provide low interest loans for the construction of infrastructure projects for drinking water, wastewater, stormwater, estuary projects, and nonpoint sources such as agriculture. EPA engaged with farmers and local agricultural partners in more than 25 outreach events as well as funded conservation practices that are good for the farm, drinking water, local streams, and the Chesapeake Bay.

- The Chesapeake Bay is experiencing the highest rate of attainment with water quality standards in more than 30 years. The most recent winter blue crab dredge survey estimated that the Chesapeake Bay is home to 594 million blue crabs, a 60 percent increase over the previous year.
- Our newly-established Enforcement and Compliance Assurance Division completed more than 1,600 compliance evaluations, settled 112 administrative enforcement actions and negotiated more than 12 judicial settlements. Collectively, more than \$36 million was expended by facilities to come back into compliance.
- Air and Radiation Division finalized 39 state plans for reducing air pollution in areas not meeting national health-based ambient air quality standards.
- Deleting a Superfund site from the National Priorities List is an important step towards responsible site reuse. In 2019, the Superfund program deleted two sites: Novak (a partial deletion) & Strasburg. Additionally, the Watson Johnson Landfill Superfund Site in Quakertown, PA achieved construction completion status and served as the backdrop for the celebration of the 2nd Anniversary EPA Superfund Taskforce. At the event, local, state and federal partners highlighted the cleanup accomplishments.
- The Office of Communities, Tribes, and Environmental Assessment successfully convened and led an Environmental Tribal Summit engaging six newly, federally-recognized tribes in the Region while also promoting redevelopment in designated Opportunity Zones.

“We met the diverse environmental challenges of a Region with the nation’s largest estuary, rural expanses, and major cities and agricultural centers – all while realigning our divisions and offices this year to increase our effectiveness,” said Servidio. “As we celebrate the 50th Anniversary of our Agency in 2020, we commit to building on these examples of success and continuing the work with

our partners to ensure protections our residents need and deserve.”

**Source:** U.S. EPA Press Release, 2/6/2020

## DEP Citizens Advisory Council Meets Feb. 18 on RGGI Reg; State Water Plan; Draft Chapter 105 Regs

**O**n February 18, DEP’s Citizens Advisory Council is scheduled to hear presentations on the draft regulation to implement a carbon dioxide cap-and-trade emission reduction program covering power plants, a State Water Plan update and draft changes to Chapter 105 Dam Safety and Encroachment regulations.

### Water Plan

Mark Matlock from DEP’s Office of Water Resources Planning will present an update on the State Water Planning process.

From January 16 to February 6, DEP held the first six meetings of the regional Water Resources Committees to kick off the process of updating the State Water Plan. *Click here for more* <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=48768&SubjectID=86>

The last update was completed in 2009. *Click here* for an overview of the process. [http://files.dep.state.pa.us/PublicParticipation/Citizens%20Advisory%20Council/CACPortalFiles/Meetings/2020\\_02/State%20Water%20Plan%20Overview.pdf](http://files.dep.state.pa.us/PublicParticipation/Citizens%20Advisory%20Council/CACPortalFiles/Meetings/2020_02/State%20Water%20Plan%20Overview.pdf)

For more background on the process for updating the Plan, for copies of past Plans and supporting documents, visit **DEP’s State Water Plan webpage** <https://www.dep.pa.gov/Business/Water/PlanningConservation/StateWaterPlan/Pages/default.aspx>. Questions should be directed to Mark Matlock at

DEP by calling 717-783-2285 or send email to: [marmatlock@pa.gov](mailto:marmatlock@pa.gov).

### Chapter 105

Andy Klinger, DEP Bureau of Waterways, Engineering and Wetlands, will provide an overview of the changes DEP is proposing to the Chapter 105 Dam Safety and Encroachments permit regulations. *Click here for a copy of DEP’s presentation*

[http://files.dep.state.pa.us/PublicParticipation/Citizens%20Advisory%20Council/CACPortalFiles/Meetings/2020\\_02/Ch105\\_reg\\_proposed\\_CAC\\_02-18-20%20update.pdf](http://files.dep.state.pa.us/PublicParticipation/Citizens%20Advisory%20Council/CACPortalFiles/Meetings/2020_02/Ch105_reg_proposed_CAC_02-18-20%20update.pdf).

The Chapter 105 permit is one of the most basic permits all development must have in the state.

DEP’s Agricultural Advisory Board and the Water Resources Advisory Committee have already reviewed the regulations and this presentation to the Council is part of its initial public review process. *Click here for more* <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=48899&SubjectID=215>.

### RGGI Regulation

Hayley Book, Senior Advisory on Energy and Climate, will make a presentation to Council on the draft RGGI regulations.

Gov. Wolf signed an Executive Order in October directing DEP to join the interstate **Regional Greenhouse Gas Initiative** <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=47920&SubjectID=8> through a regulation adopted by the Environmental Quality Board.

RGGI is a market-based cap-and-invest by northeast states to reduce greenhouse gas emissions from power plants.

DEP will also be discussing the regulation at a meeting of DEP’s Air Quality Technical Advisory Committee on February 13. *Click here for more* <https://paenvironmentdaily.blogspot.com/2020/01/dep-to-unveil-draft-regs-to-participate.html>.

For more information on RGGI, visit DEP's **Regional Greenhouse Gas Initiative webpage** <https://www.dep.pa.gov/Citizens/climate/Pages/RGGI.aspx>. *Click here for a copy of DEP's draft RGGI regulation* <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=48977>.

### DEP Monthly Report

DEP's *February written report* to the Council on agency activities is also available [http://files.dep.state.pa.us/PublicParticipation/Citizens%20Advisory%20Council/CACPortalFiles/Meetings/2020\\_02/February%202020%20CAC%20Report.pdf](http://files.dep.state.pa.us/PublicParticipation/Citizens%20Advisory%20Council/CACPortalFiles/Meetings/2020_02/February%202020%20CAC%20Report.pdf).

The meeting will be held in Room 105 of the Rachel Carson Building in Harrisburg starting at 10:00 a.m. You can join the meeting by phone: Conference Call-In: 267-332-8737 Conference ID #: 941265504.

For more information and available handouts, visit the **DEP Citizens Advisory Council webpage** <https://www.dep.pa.gov/PublicParticipation/CitizensAdvisoryCouncil/Meetings/Pages/default.aspx>. Questions should be directed to Keith Salador, Executive Director, by calling 717-787-8171 or sending email to: [ksalador@pa.gov](mailto:ksalador@pa.gov).

**Source:** PA Environmental Digest, 2/10/2020

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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.*