

# 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 and Health Secretary Expand ‘Stay at Home’ Order to Beaver, Centre and Washington Counties to Mitigate Spread of COVID-19, Counties Now Total 22

Governor Wolf’s Amended Order

<https://www.governor.pa.gov/wp-content/uploads/2020/03/20200328-GOV-Stay-at-Home-Order-Amendment.pdf>

Secretary of Health’s Amended Order

<https://www.governor.pa.gov/wp-content/uploads/2020/03/20200328-SOH-Stay-at-Home-Order-Amendment.pdf>

Stay at Home Guidance

<https://www.governor.pa.gov/wp-content/uploads/2020/03/03.23.20-Stay-At-Home-Order-Guidance.pdf>

As the state continues to seek relief to save lives and stop the spread of COVID-19, Governor Tom Wolf and Secretary of Health Dr. Rachel Levine revised their “Stay at Home” orders to include Beaver, Centre and Washington counties, bringing the state total to 22 counties under a stay-at-home order. This order

takes effect at 8:00 PM Saturday, March 28, 2020, and will continue until April 6, 2020.

The order now includes these 22 counties: Allegheny, Beaver, Berks, Bucks, Butler, Centre, Chester, Delaware, Erie, Lackawanna, Lancaster, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, Washington, Wayne, Westmoreland and York counties.

**Individuals may leave their residence only to perform any of the following allowable individual activities and allowable essential travel:**

- Tasks essential to maintain health and safety, or the health and safety of their family or household members (including pets), such as obtaining medicine or medical supplies, visiting a health care professional, or obtaining supplies they need to work from home
- Getting necessary services or supplies for themselves, for their family or household members, or as part of volunteer efforts, or to deliver those services or supplies to others to maintain the safety, sanitation, and essential operation of residences
- Engaging in outdoor activity, such as walking, hiking or running if they maintain social distancing
- To perform work providing essential products and services at a life-sustaining business
- To care for a family member or pet in another household

- Any travel related to the provision of or access to the above-mentioned individual activities or life-sustaining business activities
- Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons
- Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services
- Travel to return to a place of residence from an outside jurisdiction
- Travel required by law enforcement or court order
- Travel required for non-residents to return to their place of residence outside the commonwealth
- Anyone performing life-sustaining travel does not need paperwork to prove the reason for travel.

The following operations are **exempt**:

- Life-sustaining business activities
- Health care or medical services providers
- Access to life-sustaining services for low-income residents, including food banks
- Access to child care services for employees of life-sustaining businesses that remain open as follows: child care facilities operating under the Department of Human Services, Office of Child Development and Early Learning waiver process; group and family child care operating in a residence; and part-day school age programs operating under an exemption from the March 19, 2020 business closure Orders
- News media
- Law enforcement, emergency medical services personnel, firefighters
- The federal government
- Religious institutions

Individuals experiencing homelessness are not subject to this order but are strongly urged to find shelter and government agencies are urged to take steps needed to provide shelter for those individuals.

International students, foster youth, and any other students who would otherwise experience

displacement or homelessness as a result of campus closures are exempt and may remain in campus housing.

At this time, law enforcement will be focused on ensuring that residents are aware of the order and informing the public of social distancing practices rather than enforcement. To report a noncompliant business, contact your local law enforcement agency's non-emergency number or the nearest Pennsylvania State Police station. Please do not call 911 or the Department of Community and Economic Development to file reports. Law enforcement officers should refer to **Business Closure Order Enforcement Guidance** available Online <https://www.psp.pa.gov/Documents/Public%20Documents/Letter%20LEO%20Community.pdf>.

Read Governor Wolf's **amended order** here <https://www.governor.pa.gov/wp-content/uploads/2020/03/20200328-GOV-Stay-at-Home-Order-Amendment.pdf>.

Read Secretary of Health Dr. Rachel Levine's **amended order** here <https://www.governor.pa.gov/wp-content/uploads/2020/03/20200328-SOH-Stay-at-Home-Order-Amendment.pdf>.

For the most up-to-date information on COVID-19, Pennsylvanians should visit: <https://www.pa.gov/guides/responding-to-covid-19/>

**Source:** Governor Wolf's Press Office, 3/28/2020

## Governor Wolf Requests Major Disaster Declaration for Additional Support in COVID-19 Response

**O**n March 29, 2020, Governor Tom Wolf requested a **major disaster declaration** <https://www.governor.pa.gov/wp-content/uploads/2020/03/20200328-TWW-Trump-Major-Disaster-Declaration-Request.pdf> from the President through the Federal Emergency

Management Agency to provide additional support for state, county and municipal governments and certain nonprofits, as well as individuals who are struggling during the COVID-19 outbreak.

“The COVID-19 outbreak has taxed our commonwealth and our communities in ways that are almost incomprehensible,” said Governor Wolf. “I am calling on the President and the federal government to make available to us the assistance that will make a tangible difference in the lives of our friends and neighbors, and the dedicated public servants who are working in overdrive to support them.”

Pennsylvania already received an emergency declaration under the President’s nationwide emergency proclamation, which provides reimbursement for eligible expenses for emergency protective measures to state, county and local governments and certain nonprofits for the duration of the emergency incident. The declared nationwide emergency incident started Jan. 20, 2020, and continues.

The request for a major disaster declaration, if approved, will provide the same emergency protective measures available under the nationwide emergency proclamation; the following Individual Assistance programs: Disaster Unemployment Assistance, Crisis Counseling, Community Disaster Loans and the Disaster Supplemental Nutrition Program; and Statewide Hazard Mitigation.

It is not known how quickly the President will decide to grant or deny Governor Wolf’s major disaster request for additional federal assistance. Governor Wolf signed a **Proclamation of Disaster Emergency** <https://www.governor.pa.gov/wp-content/uploads/2020/03/20200306-COVID19-Digital-Proclamation.pdf> for the COVID-19 outbreak, which is a required step to request a federal major disaster declaration, on March 6, 2020.

View **Governor Wolf’s letter** as a PDF <https://www.governor.pa.gov/wp-content/uploads/2020/03/20200328-TWW-Trump-Major-Disaster-Declaration-Request.pdf>.

**Source:** Governor Wolf’s Press Office, 3/29/2020

## PennDOT Extends Expiration Dates on Driver Licenses, ID Cards, Vehicle Registrations and Other Products

The Pennsylvania Department of Transportation (PennDOT) announced that expiration dates for driver licenses, identification cards, learner’s permits, persons with disability placards, vehicle registrations and safety and emission inspections will be extended for Pennsylvania residents in response to statewide COVID-19 mitigation efforts.

Deadlines on the following products will be extended effective March 27, 2020:

- **Driver licenses, photo ID cards and learner’s permits** scheduled to expire from March 16, 2020 through April 30, 2020, the expiration date is now extended through May 31, 2020.
- **Vehicle registrations, safety inspections and emissions inspections** scheduled to expire from March 16 through April 30, 2020, the expiration date is now extended through May 31, 2020.
- **Persons with Disabilities parking placards** scheduled to expire from March 16 through April 30, 2020, the expiration date is now extended through May 31, 2020.

These extensions are in addition to those **announced** <https://www.penndot.gov/pages/all-news-details.aspx?newsid=716> on March 16.

Additionally, all Driver License Centers and Photo License Centers and the Harrisburg Riverfront Office Center in Pennsylvania are closed for counter service until further notice effective close of business on Monday, March 16. As a reminder, customers may complete various transactions and access multiple resources via the **Driver and Vehicle Services website**, <https://www.dmv.pa.gov/>. Driver and

vehicle online services are available 24 hours a day, seven days a week and include driver's license, photo ID and vehicle registration renewals; driver-history services; changes of address; driver license and vehicle registration restoration letters; ability to pay driver license or vehicle insurance restoration fee; driver license and photo ID duplicates; and driver exam scheduling. There are no additional fees for using online services.

More COVID-19 information is available at <https://www.health.pa.gov/>. For more information, visit <https://www.dmv.pa.gov/> or <https://www.penndot.gov/>.

Source: PennDOT Press Release, 3/27/2020

## **PUC Recognizes Safe Digging Month, Urges Homeowners to Delay Digging Projects during COVID-19 Emergency Declaration**

**I**n conjunction with April's recognition of National Safe Digging Month, the Pennsylvania Public Utility Commission (PUC) reminded consumers, businesses and contractors of the importance of identifying underground infrastructure before digging - to help ensure safety - and urged homeowners to delay the beginning of their spring digging projects during the current COVID-19 pandemic.

"While the Pennsylvania One Call (PA One Call or 8-1-1 System) has remained fully operational through this pandemic, we join them in asking consumers, businesses and contractors to not begin any non-essential construction," said PUC Commissioner John F. Coleman Jr. "Delaying the start of non-essential home digging projects can help safeguard our citizens, protect utility crews and avoid accidental damage to underground lines that could disrupt utility services during this extremely stressful time."

The PUC noted that during this current emergency situation, utilities and 8-1-1 personnel are focused on addressing critical projects and ensuring that vital utility services and workers are safeguarded by ensuring that underground lines and facilities are properly marked before any excavation work begins. It is important to avoid sending utility crews and equipment into neighborhoods unless it is absolutely necessary - to help protect residents and those essential workers.

"This time of the year typically brings more home improvement and construction projects, and more residents may likely be considering those projects, as they now spend additional time at home," noted Commissioner Coleman. "Still, we urge homeowners to wait to begin any projects where digging is required, and - if excavation is absolutely necessary - to call 8-1-1 long before any work is started."

### Safe Digging & PA One Call (8-1-1)

State law requires contractors and residents to contact **PA One Call** <https://www.palcall.org/PA811/Public/> at least three business days prior to excavation - triggering alerts to all utilities within an intended digging area and prompting utilities to mark where their facilities are located. Pennsylvanians can dial 8-1-1 to connect with the One Call system, while out-of-state residents or businesses can call 1-800-242-1776.

Every year, 6,000 hits are reported on underground facilities across Pennsylvania, with each one of these incidents posing a danger to contractors, utility workers and nearby residents, along with the possibility of service interruptions, environmental damage and costly repairs to damaged lines. In addition, every hit poses a risk to emergency responders who are mobilized when lines are struck.

### **About the PUC**

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, 3/27/2020

## **Pennsylvania One Call Reminds Users the System Remains Fully Operational During Coronavirus Shutdown**

**P**ennsylvania One Call System, Inc. (POCS) is reminding anyone digging in the Commonwealth of Pennsylvania that the system is fully operational during the current issues with the Coronavirus (COVID-19) pandemic.

POCS continues to be operational through both call center and online services to receive underground utility locate requests and to provide those notices to POCS member underground facility owners.

As a reminder to excavators with an active ticket who are delaying the planned work, please call POCS to cancel the notice to prevent utility locators from unnecessary activities. If an excavator is performing work exempt from Governor Wolf's Executive Order directing all but "life-sustaining" business to shut down, please review the utility responses carefully as utilities who are unable to mark in the time required may reach out to all involved parties to find a mutually agreeable schedule for locating the site. To place new tickets, please consider our online tools Web Ticket Entry and Web Single Address to avoid long wait times when projects restart.

As a reminder to facility owner members, the Underground Utility Line Protection Law (UULPL) permits a facility owner to reach out to the excavator to negotiate a mutually agreeable locate date/time. After a facility owner has reached an agreement with the excavator, remember to use KARL response code 006 - Scheduled Date of Mark, and include the date and time the site will be marked.

POCS also offers a web service application developed to support public works and utility project planning and utility coordination within the Commonwealth of Pennsylvania called Coordinate PA (CPA). CPA can be used to upload and share projects that may currently be in the planning stage, but are delayed due to virus issues. CPA is available through POCS' website under Applications.

Pennsylvania One Call System continues to monitor the COVID-19 developments closely. The safety, health, and well-being of our staff and stakeholders is our top priority. A Crisis Response Plan has been developed and distributed to our staff. We encourage all of our stakeholders to be vigilant in preventing the spread of this virus, as well as others.

Pennsylvania One Call System, Inc.'s purpose is to prevent damage to underground facilities. To promote safety we provide an efficient and effective communications network among project owners, designers, excavators and facility owners. For more news and videos about Pennsylvania One Call System, Inc., or our schedule of events visit our **website**

at <https://c212.net/c/link/?t=0&l=en&o=2761774-1&h=82886339&u=http%3A%2F%2Fwww.palcall.org%2F&a=www.palcall.org>. Follow us on Twitter and Facebook at @Pennsylvania811.

**Source:** Pennsylvania One Call System, Inc., 3/27/2020

## **PUC Ratifies Recent Emergency Orders Taken to Prevent Utility Service**

# Interruptions, Enhance Public Health & Safety during COVID-19 Pandemic

On March 26, 2020, the Pennsylvania Public Utility Commission (PUC) ratified three Emergency Orders authorized last week by PUC Chairman Gladys Brown Dutrieuille to prevent interruptions to PUC-regulated utility services and enhance ongoing public health and safety measures taken during the current COVID-19 pandemic.

Today's 5-0 vote by the Commission ratified the following Emergency Orders:

## Emergency Order

[http://www.puc.pa.gov/general/pdf/Emergency\\_Order\\_M-2020-3019244\\_031320.pdf](http://www.puc.pa.gov/general/pdf/Emergency_Order_M-2020-3019244_031320.pdf) authorized on March 13, 2020 prohibiting service terminations by electric, natural gas, water, wastewater, telecommunications and steam utilities.

## Emergency Order

<http://www.puc.pa.gov/pcdocs/1658467.pdf> authorized on March 16, 2020 suspending all door-to-door, in-person and public event sales activities by agents of competitive electric and natural gas suppliers in the Commonwealth's retail energy markets.

## Emergency Order

<http://www.puc.pa.gov/pcdocs/1658962.docx> authorized on March 20, 2020 permitting the modification of regulatory and statutory deadlines and procedural rules affecting filing and service requirements with the PUC as well as time periods established for the Commission to take final action on matters before it.

Chairman Dutrieuille issued a **statement** <http://www.puc.pa.gov/pcdocs/1659231.pdf> in support of the Commission's ratification of the three Emergency Orders. The PUC's procedural regulations require any Emergency Order be placed on the agenda of the Commission's next public meeting for a ratification vote.

Under the unique circumstances presented by the COVID-19 pandemic, today's PUC public meeting was conducted telephonically to help minimize non-essential personal social contact. Conducting public meetings telephonically, as well as other routine Commission business, is consistent with the Governor's Proclamation of Disaster Emergency and the requirements of the Public Utility Code.

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For recent news releases and video of select Commission proceedings or more information about the PUC, visit our **website** at <http://www.puc.pa.gov/>. Follow the PUC on Twitter - @PA\_PUC for all things utility. "Like" Pennsylvania Public Utility Commission on Facebook for easy access to information on utility issues.

## Docket Nos:

### **M-2020-3019244**

[http://www.puc.pa.gov/about\\_puc/consolidated\\_case\\_view.aspx?Docket=M-2020-3019244](http://www.puc.pa.gov/about_puc/consolidated_case_view.aspx?Docket=M-2020-3019244)

### **M-2020-3019254**

<http://www.puc.pa.gov/pcdocs/1658467.pdf>

### **M-2020-3019262**

[http://www.puc.pa.gov/about\\_puc/consolidated\\_case\\_view.aspx?Docket=M-2020-3019262](http://www.puc.pa.gov/about_puc/consolidated_case_view.aspx?Docket=M-2020-3019262)

**Source:** PUC Press Release, 3/26/2020

# EPA Announces Enforcement Discretion Policy for COVID-19 Pandemic

The U.S. Environmental Protection Agency (EPA) is mindful of the health and safety of the public, as well as our staff, and those of Federal Agencies, State and Local Governments, Tribes, Regulated Entities, Contractors, and Non-governmental Organizations during the COVID-19 pandemic. The agency is taking these important considerations into account as we all continue our work to protect human health and the environment.

Accordingly, EPA is announcing a temporary policy regarding EPA enforcement of environmental legal obligations during the COVID-19 pandemic.

EPA's temporary enforcement discretion policy applies to civil violations during the COVID-19 outbreak. The policy addresses different categories of noncompliance differently. For example, under the policy EPA does not expect to seek penalties for noncompliance with routine monitoring and reporting obligations that are the result of the COVID-19 pandemic but does expect operators of public water systems to continue to ensure the safety of our drinking water supplies. The policy also describes the steps that regulated facilities should take to qualify for enforcement discretion.

"EPA is committed to protecting human health and the environment, but recognizes challenges resulting from efforts to protect workers and the public from COVID-19 may directly impact the ability of regulated facilities to meet all federal regulatory requirements," said EPA Administrator Andrew Wheeler. "This temporary policy is designed to provide enforcement discretion under the current, extraordinary conditions, while ensuring facility operations continue to protect human health and the environment."

The temporary policy makes it clear that EPA expects regulated facilities to comply with regulatory requirements, where reasonably practicable, and to return to compliance as quickly as possible. To be eligible for enforcement discretion, the policy also requires facilities to document decisions made to prevent or mitigate noncompliance and demonstrate how the noncompliance was caused by the COVID-19 pandemic.

This policy does not provide leniency for intentional criminal violations of law.

The policy does not apply to activities that are carried out under Superfund and RCRA Corrective Action enforcement instruments. EPA will address these matters in separate communications.

EPA's policy will apply retroactively beginning on March 13, 2020. EPA will assess the continued need for and scope of this temporary policy on a regular basis and will update it if EPA determines modifications are necessary.

In order to provide fair and sufficient notice to the public, **EPA will post a notification here** <https://www.epa.gov/enforcement/enforcement-policy-guidance-publications> at least 7 days prior to terminating this temporary policy.

To read the EPA Policy on Enforcement during the **COVID-19 outbreak**: <https://www.epa.gov/enforcement/enforcement-policy-guidance-publications>

Members of the public can help protect our environment by identifying and reporting environmental violations. **Learn more here:** <https://www.epa.gov/enforcement/report-environmental-violation-general-information>.

**Source:** EPA Press Release, 3/26/2020

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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.*