
WUC

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



GOVERNMENT RELATIONS UPDATE

From Milliron & Goodman Government Relations, LLC.

200 North 3rd Street ♦ Suite 1500 ♦ Harrisburg, PA 17101 ♦ Phone: 717-232-5322 ♦ Erik A. Ross, Senior Associate ♦ www.millirongoodman.com

Harrisburg, PA

Erik@millirongoodman.com

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PENNVEST Announces Low-Interest Loan in Agricultural Best Management Practices (BMP)

The Pennsylvania Infrastructure Investment Authority (PENNVEST) recently finalized a low-interest loan funding offer for \$800,000 to Murmac Farms, LLC, a large-scale dairy and agricultural operation based in Centre County, Pennsylvania. The funding will be utilized to implement several agricultural best management practices (BMPs) that will improve the efficiency of the farm operation and dramatically increase water quality in the area and throughout the watershed.

With the funding provided by PENNVEST, Murmac Farms, LLC will construct a comprehensive manure solids separation system and install 1,330 linear feet of piping. The new system will efficiently accommodate the waste from more than 1,800 dairy cows and markedly bolster protection of the Nittany Creek and Bald Eagle Creek watersheds. Additionally, because of the low-interest structure of the funding, Murmac Farms, LLC has the potential to save more than \$160,000 over the use of conventional financing.

"Agricultural improvements like the ones made by Murmac Farms have been shown to have exponential benefit to the environment," said Brion

Johnson, executive director of PENNVEST. "This financing will allow for continued, successful large-scale agricultural operation while improving water quality throughout central Pennsylvania."

"Farming operations on any scale can be difficult to maintain successfully," said Brian Craig of Murmac Farms. "The agricultural industry is incredibly competitive, so this PENNVEST funding is enormously beneficial to the success of the farm and the continued environmental improvements we make."

Since its inception in 1988, PENNVEST has funded nearly 50 clean water projects throughout Centre County, providing over \$113 million in grant and low-interest loan funding.

Source: PennVEST Press Release, 7/8/2020

PUC to Hold Telephonic Damage Prevention Committee Meeting on July 14

The Pennsylvania Public Utility Commission (PUC) will hold a telephonic meeting of the Damage Prevention Committee (DPC) on Tuesday, July 14, at 9 a.m. Members of the public, the media and others will be able to access the telephone conference by dialing 888-917-8050, and then entering passcode 9570961# to listen to the meeting. The meeting **agenda**

http://www.puc.pa.gov/transport/gassafe/pdf/DPC_Agendas/2020/DPC071420.pdf is available on the PUC's website.

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

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. Creation of the committee was authorized by **Act 50 of 2017**

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." The focus of the DPC is to reduce the number of "hits" on underground lines and utilities.

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. Summaries of action http://www.puc.pa.gov/utility_industry/transportation/pa_one_call_enforcement/dpc_agendas_Actions.aspx taken at monthly DPC meetings are 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.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.

About the Bureau of Investigation & Enforcement

As the independent investigation and enforcement bureau of the PUC, I&E enforces state and federal pipeline safety, electric 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, 7/10/2020

EQB Holds Virtual Meeting July 21 on Final Air Quality Fee Increase, Proposed Revisions to Chapter 105 Permitting Regs

The Environmental Quality Board (EQB) is scheduled to hold a virtual meeting on July 21 to consider the final regulation increasing Air Quality Program permit fees and proposed changes to the Chapter 105 Waterways Management Permitting Program.

Air Quality Fees

DEP started development of this fee package in December of 2017 and the EQB originally proposed the Air Quality fee increase package in December of 2018. The state Air Pollution Control Act requires DEP to adopt fees to cover the cost of the program.

The final regulation would **increase fees to generate \$13 million annually** http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2020/July%202021/7-536_Final_AQFees/05a_7-536_AQ%20Fees_Final_RAF.pdf to support the program -- for the federal Title V and state non-Title V permit fees.

The proposal included a new annual maintenance fee for both kinds of permits, a new fee for asbestos notifications and an increase in the existing operating permit fees.

There was no proposed increase of the Title V per ton emission fee, beyond the annual increase based on the Consumer Price Index.

These are the first general Air Quality fee increases since 2013. DEP budget cuts have resulted in eliminating more than 30 percent of its staff or about 100 positions.

Click here for a **summary of the regulation** http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2020/July%202021/7-536_Final_AQFees/01_7-536_AQ%20Fees_Final_Exec%20Sum.pdf.

Chapter 105

The Chapter 105 permit is one of the most basic permits all development must have in the state and the proposed revisions are designed to provide additional waivers, focus on the most important activities and threats to the environment and health and flexibility in meeting those requirements.

DEP's Chapter 105 regulations have not been substantially revised since 1991.

Among the changes proposed are:

- Additional Permit Waivers for streambank 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 Dam 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 a **summary of the changes** http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2020/July%202021/7-556_Proposed_Ch105/01_7-556_Ch105_Proposed_ExecSum.pdf.

Rulemaking Petition

Also on the agenda is consideration of whether to accept a **rulemaking petition** http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2020/July%202021/Petition_Toms_Creek/FOTC%20Stream%200Redesignation%20Petition.pdf for study asking the EQB to consider upgrading Tom Creek Watershed in Adams County from High Quality to Exceptional Value stream classification.

The meeting will start at 9:00 a.m. and instructions on joining the meeting will be posted on the **EQB meeting webpage** <https://www.dep.pa.gov/PublicParticipation/EnvironmentalQuality/Pages/2020-Meetings.aspx>.

For copies of available handouts, visit the **Environmental Quality Board webpage**

<https://www.dep.pa.gov/PublicParticipation/EnvironmentalQuality/Pages/2020-Meetings.aspx>.

Questions should be directed to Laura Edinger by calling 717-772-3277 or sending email to: ledinger@pa.gov.

Source: PA Environmental Digest Blog 7/8/2020

Water Quality Toxics Management Strategy - Statement of Policy

The Department of Environmental Protection provides notice of final changes being made to the water quality toxics management strategy.

Information on the changes can be obtained by contacting Thomas Barron, Rachel Carson State Office Building, PO Box 8774, Harrisburg, PA 17105-8774, (717) 787-9637 or Michelle Moses, Rachel Carson State Office Building, PO Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060.

The **final rulemaking** is available on the department's website <https://www.dep.pa.gov/Pages/default.aspx>. Additional information can be found on the Pennsylvania Bulletin.

Source: Pennsylvania Bulletin, 7/11/2020 <http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-28/901.html>

DEP - Availability of Non-Regulatory Agenda

The Department of Environmental Protection provides notice of the availability of the non-regulatory agenda. The **agenda** is available online here

[http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1466113&DocName=DEP%20NON-REGULATORY%20AGENDA.PDF%20%20%3Cspan%20style%3D%22color%3Agreen%3B%22%3E%3C%2Fspan%3E%20%3Cspan%20style%3D%22color%3Ablue%3B%22%3E\(NEW\)%3C%2Fspan%3E](http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1466113&DocName=DEP%20NON-REGULATORY%20AGENDA.PDF%20%20%3Cspan%20style%3D%22color%3Agreen%3B%22%3E%3C%2Fspan%3E%20%3Cspan%20style%3D%22color%3Ablue%3B%22%3E(NEW)%3C%2Fspan%3E)

<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-28/904.html>

Questions can be directed to Abbey Cadden, 400 Market Street, Harrisburg, PA 17101, raepthepolicyoffice@pa.gov, (717) 783-8727. Additional information can be found on the Pennsylvania Bulletin.

Source: Pennsylvania Bulletin, 7/11/2020 <http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-28/904.html>

Environmental Justice Advisory Board Virtual Meeting

The Department of Environmental Protection's Environmental Justice Advisory meeting scheduled for Tuesday, August 11, 2020, will be held virtually and will begin at 1:00 p.m.

Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Allison Acevedo at alacevedo@pa.gov or (484) 250-5818. Information on how to join the meeting, as well as **agenda and meeting materials**, will be available here <https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/Pages/default.aspx>. Additional information can be found on the Pennsylvania Bulletin.

Source: Pennsylvania Bulletin, 7/11/2020 <http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-28/906.html>

Notice of Requirement to Submit certain ESCGP-3 Applications through DEP's e-Permitting System

The Department of Environmental Protection provides notice that persons seeking to submit new or major modification Notices of

Intent (NOI) must submit those NOIs through the department's ePermitting system.

Effective September 9, 2020, new or major modification NOIs will not be accepted if submitted on paper. Additional information can be found on the Pennsylvania Bulletin.

Source: Pennsylvania Bulletin, 7/11/2020
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-28/908.html>

Small Water Systems Technical Assistance Center Advisory Board Virtual Meeting

The Department of Environment Protection's Small Water Systems Technical Assistance Center Advisory Board meeting scheduled for Thursday, July 23, 2020, will be held virtually and will begin at 9 a.m.

Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Dawn Hissner at dhissner@pa.gov or (717) 772-2189. Information on how to join the meeting, as well as **agenda and meeting materials**, will be available here <https://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/TAC/Pages/default.aspx>. Additional information can be found on the Pennsylvania Bulletin.

Source: Pennsylvania Bulletin, 7/11/2020
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-28/909.html>

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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.