



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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EQB: Proposed Rulemaking: Water Quality Standard for Manganese and Implementation

The Environmental Quality Board (EQB) proposes to amend Chapters 93 and 96 (relating to water quality standards; and water quality standards implementation). This proposed rulemaking is available on the Department of Environmental Protection’s (DEP) website at <https://www.dep.pa.gov/PublicParticipation/EnvironmentalQuality/Pages/default.aspx>.

EQB will hold three virtual public hearings on this proposed rulemaking. The hearings will be held as follows:

- September 8, 2020, at 2 p.m.;
- September 9, 2020, at 6 p.m.; and
- September 10, 2020, at 2 p.m.

Persons wishing to present testimony at a hearing must contact Jennifer Swan, (717) 783-8727 or RA-EPEQB@pa.gov at least 24 hours in advance of the hearing to reserve a time to present testimony. Organizations are limited to designating one witness to present testimony on their behalf at only one hearing. Verbal testimony is limited to 5 minutes for each witness. Video demonstrations and screen sharing by witnesses will not be permitted.

Witnesses are requested to submit written copy of their verbal testimony by e-mail to RegComments@pa.gov after providing testimony at the hearing.

Information on how to access the hearings will be available on DEP’s webpage at <https://www.dep.pa.gov/PublicParticipation/EnvironmentalQuality/Pages/default.aspx>. Additional information can be found on the Pennsylvania Bulletin.

Interested persons are invited to submit to the Board written comments, suggestions, support or objections regarding this proposed rulemaking. Comments, suggestions, support or objections must be received by the Board by September 25, 2020.

- Comments may be submitted to the Board by accessing eComment <http://www.ahs.dep.pa.gov/eComment>.
- Comments may be submitted to the Board by e-mail at RegComments@pa.gov. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.
- Written comments should be mailed to the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

For further information, contact Gary Walters, Bureau of Clean Water, 11th Floor, Rachel Carson State Office Building, PO Box 8774, 400 Market Street, Harrisburg, PA 17105, (717) 787-9637; or Michelle Moses, assistant counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, PO Box 8464, Harrisburg, PA 17105, (717) 787-7060.

Source: Pennsylvania Bulletin, 7/25/2020
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-30/992.html>

Governor Wolf Announces \$66 Million Investment in Water Infrastructure Projects in Nine Counties

On July 22, 2020, Governor Tom Wolf announced the investment of \$66 million for 11 drinking water, wastewater and stormwater projects across nine counties through the Pennsylvania Infrastructure Investment Authority (PENNVEST).

"Clean, reliable water systems serve as a vital link to the continued recovery and growth of our communities," said Gov. Wolf. "Ensuring that Pennsylvania's citizens have access to safe and secure infrastructure is a fundamental responsibility of government, particularly as we continue to address the health and economic effects of the COVID-19 pandemic."

The funding for these projects originates from a combination of state funds approved by voters, Growing Greener, Marcellus Legacy funds, federal grants to PENNVEST from the Environmental Protection Agency and recycled loan repayments from previous PENNVEST funding awards. Funds for these projects are disbursed after expenses for work are paid and receipts are submitted to PENNVEST for review.

"Local communities across the commonwealth continue to face tough choices every day as a result of the COVID-19 pandemic," said Gov. Wolf. "Investing in community infrastructure

improvements like these projects demonstrates the strong commitment that we share to rebuild and grow our great commonwealth."

A list of project summaries follows:

Drinking Water Projects

Bedford County

- Bedford Township Municipal Authority - received a \$5,223,140 loan to replace 8,500 feet of existing waterline and connect new service with 10,150 feet of additional water line, while also replacing the finished water storage tank. The project will increase reliability by eliminating water service interruptions and ensuring stable connections to underserved communities in the service area.

Berks County

- Fleetwood Borough - received a \$3,500,000 loan to replace approximately 8,250 feet of ductile iron and cement-lined piping. The project will replace service lines that are at the end of useful life and increase reliability for nearly 1,800 residents.

Mifflin County

- Allensville Municipal Authority - received a \$371,950 loan to make improvements to a filtration plant, install flow meters and data acquisition systems and provide disinfection contact piping. The project will bring the system into compliance with a Department of Environmental Protection (DEP) consent order and reduce the risk of Giardia throughout the community.

Perry County

- Penn Township Municipal Authority - received a \$1,450,000 loan to replace deteriorating water tanks with a new 150,000-gallon, ground-level tank. The project will reduce exposure to iron and manganese and improve water reliability for customers in the service area.

Somerset County

- Addison Area Water Authority - received a \$575,120 loan to install a chlorination system and water tank, which will eliminate the dependency on existing well pumps. The project will improve reliability of drinking water and significantly reduce water loss through transfer, which is currently estimated at 70 percent.

Wastewater Projects

Cambria County

- ******City of Johnstown - received a \$6,517,110 grant and a \$4,382,890 loan to replace approximately 26,000 feet of sewer line. The project will reduce wet weather overflows into the Stonycreek and Little Conemaugh Rivers, decreasing public exposure to untreated effluent.

Lawrence County

- ******New Castle Sanitation Authority - received a \$19,132,800 grant and a \$12,867,200 loan to make significant improvements to an existing wastewater treatment plant, including construction of a new anoxic tank and renovation of an activated sludge system. The project will meet mandated permit effluent limits and improve aquatic life in the Shenango River.

Westmoreland County

- City of Arnold - received a \$117,555 loan to up-size existing piping used to convey wastewater to regional sewage treatment plant. The project will reduce wet weather sewage overflows into the Allegheny River and reduce impact to aquatic life.
- ******Western Westmoreland Municipal Authority - received an \$11,025,000 loan to install approximately 18,000 feet of sanitary sewer line and manholes, while also stabilizing streambanks along local waterways. The project will eliminate regional stream pollution and address a DEP consent order.

Stormwater Projects

Northampton County

- Borough of North Catasauqua - received a \$618,229 loan to install 5,010 feet of new storm sewer line and associated inlets. The project will alleviate significant residential, business, and traffic flooding conditions.

Westmoreland County

- Penn Township - received a \$1,106,811 loan to install approximately 1,400 feet of new stormwater piping and retrofit work to existing retention ponds and spillways. The project will provide adequate drainage for a currently undersized system and reduce an estimated 5,916 pounds of sediment into Bushy Run each year.

* denotes projects that are funded with Drinking Water State Revolving Funds

** denotes projects that are funded with Clean Water State Revolving Funds

Source: PennVEST Press Release, 7/22/2020

PENNVEST Announces Contract Awards for Lead Testing and Center for Water Quality Excellence

The Pennsylvania Infrastructure Investment Authority (PENNVEST) board of directors approved the award of two service contract offers at its meeting yesterday, one for lead testing in schools and child care facilities and the other for the development of the Center for Water Quality Excellence. Both programs were competitively bid through the Request for Proposals (RFP) process through the Commonwealth's eMarketplace solicitation site.

The board of directors approved the award of a contract offer to Terraphase Engineering Inc. for lead testing in schools and child care facilities.

Terraphase, which is based in Conshohocken, Pennsylvania, will perform comprehensive statewide sampling in enrolled schools and child care facilities for the presence of lead contaminant in drinking water facilities. Funding for the program will be provided by the U.S. Environmental Protection Agency (EPA) through the Water Infrastructure Improvements for the Nation (WIIN) Act and oversight for the services will be administered by PENNVEST in conjunction with the Pennsylvania Department of Education, Department of Environmental Protection, Department of Health and Department of Human Services.

The board of directors also approved the award of a contract offer to Keystone Safety Services Inc. for the development of the Center for Water Quality Excellence (CWQE). Keystone Safety Services is based in Camp Hill, Pennsylvania, and will develop a one-stop shop for public and private entities interested in seeking funding for water quality projects. The Center will not only focus on PENNVEST funding, but will evaluate individual projects and compile appropriate funding sources, including the U.S. Department of Agriculture (USDA), Pennsylvania Department of Environmental Protection and Pennsylvania Department of Conservation & Natural Resources (DCNR).

"These contracts each represent the multi-million dollar investment in Pennsylvania's citizens and environmental resources," said Eric Menzer, chairman of the PENNVEST board of directors. "Ensuring that our future generations have safe, reliable access to clean drinking water is vital to the success and growth of our communities. And the development of a one-stop shop for water quality resources will enable Pennsylvania's government to better assist partners in their efforts to maintain a clean, healthy environment."

Since its inception in 1988, PENNVEST has funded more than 3,000 clean water projects throughout Pennsylvania, providing nearly \$10 billion in grant and low-interest loan funding.

Source: PennVEST Press Release, 7/23/2020

PUC Damage Prevention Committee Actions Announced Against Underground Facility Owners, Excavators and Project Owners

A total of 82 disciplinary actions, including \$80,750 in administrative penalties, have been taken against 50 underground facility owners, excavators and project owners in the **latest enforcement actions**

http://www.puc.pa.gov/transport/gassafe/pdf/DPC_Agendas/2020/DPC_Case_Summaries071420.pdf by the Public Utility Commission's (PUC's) Damage Prevention Committee (DPC). These actions were taken during the DPC's July 2020 telephonic meeting. The DPC is tasked with enforcing the state's Underground Utility Line Protection Act - also known as the "PA One Call Law."

A comprehensive **list of summaries and actions** http://www.puc.pa.gov/utility_industry/transportation/pa_one_call_enforcement/dpc_agendas_Actions.a_spx from DPC meetings is available on the PUC's website. Penalties are payable to the Commonwealth of Pennsylvania. The Commission will offset the costs of administering this program through the penalties collected.

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 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. **Summaries and actions** 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. 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."

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, 7/23/2020

Gov. Wolf Signs First Responders Bill, Other Legislation

Governor Tom Wolf signed several bills into law on July 23, 2020 including HB 1459, which establishes a mental wellness and stress management program for emergency responders who experience post-traumatic stress injuries or traumatic brain injuries on the job. The legislature passed the bill unanimously.

NOTE: House Bill 1459

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=h&type=b&bn=1459> (now **Act 69 of 2020**) also provides liability protection for PaWARN or PaWARN members who provide resources to non-PaWARN members or non-utilities (i.e., state prisons, boroughs, townships, etc.), when deployed by PEMA. Just a reminder, PEMA would prefer that utilities join PaWARN and continue to stress the importance of a mutual aid network. Act 69 liability protection is intended to be a last resort for mutual aid during an emergency when deployed by PEMA.

"This COVID-19 emergency has been another reminder of how all of us depend on first responders during a crisis," said Gov. Wolf. "First responders face traumatic situations on the job that can have lasting consequences and this new program gives them access to the help they need. It is the right thing to do and I'm proud to sign the legislation." Support for first responders under the bill includes peer-to-peer programs, training for peer support efforts, a toll-free helpline, statewide and regional stress management support, trauma and suicide awareness training, and support for nonprofit organizations offering the services.

"We know that some groups are more likely to suffer from serious mental health issues and suicide," said Rep. Mike Schlossberg. "Our first responders are in that category. We must do more to protect our heroes and I am grateful to the governor for his support of these efforts."

The governor also signed into law today:

- **House Bill 256** <https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=h&type=b&bn=256>, which strengthens state law to make an assault on a corrections employee at a local, county or state facility a felony of the second

degree. It is a felony of the first degree if a weapon likely to cause serious injury is used. The bill also establishes a third-degree felony if a law enforcement officer or correctional facility employees engages in a sexual act with an inmate or detainee.

- **House Bill 943**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=h&type=b&bn=943>, which is intended to improve transparency and reduce prescription drug costs by ensuring that pharmacies and pharmacists may inform customers about lower priced alternatives, including generic medications. The bill prohibits pharmacy benefit managers and pharmacy services administration organizations from restricting these discussions.

- **Senate Bill 836**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=s&type=b&bn=836>, which requires student athletes and parents to receive information each school year about sudden cardiac arrest and electrocardiogram (EKG) testing to detect underlying heart conditions. The bill requires students and parents to sign an informational sheet before students participate in athletic activities.

- **House Bill 632**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=h&type=b&bn=632>, which expands the use of a secure power of attorney for the transfer of vehicles by licensed dealers and insurers including the use of electronic signature and extends the time period during which a limited power of attorney may be used for the sale, purchase or transfer of manufactured homes during a disaster emergency.

- **House Bill 672**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=h&type=b&bn=672>, which amends the act of February 13, 1970 (P.L. 19, No.10), entitled "An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstance."

Specifically, the bill amends the provisions relating to consent for voluntary inpatient and outpatient mental health treatment for minors.

- **House Bill 732**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=h&type=b&bn=732>, which establishes a local resource manufacturing tax credit and exempts transfers of real estate to or by a volunteer EMS company, volunteer fire company or volunteer rescue company from real estate transfer tax.

- **House Bill 1437**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=h&type=b&bn=1437>, which amends the Tax Reform Code of 1971 concerning the City Revitalization and Improvement Zones program and the Rural Jobs and Investment tax credit program.

- **House Bill 2455**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=h&type=b&bn=2455>, which requires the governor and Department of Health to submit information to the legislature about COVID-19 testing.

- **House Bill 2484**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=h&type=b&bn=2484>, which increases the cap on the percentage of the value of assets held by or for an electing charity from 7 percent to 10 percent for fiscal years 2020, 2021 and 2022. The bill adds a new provision regarding nonjudicial settlement agreements.

- **Senate Bill 320**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=s&type=b&bn=320>, which enacts the Revised Uniform Fiduciary Access to Digital Assets Act; providing for user direction and agreements, for disclosure of digital assets and electronic communications, for functions of fiduciaries and for compliance and immunity for custodians of digital assets and electronic communications; and making conforming amendments.

- **Senate Bill 927**
<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=s&type=b&bn=927>, which provides the Pennsylvania Department of Transportation shall independently validate documentation of veteran status and immediately issue a driver's license or identification card displaying veteran designation without submitting the documentation to the Department of Military and Veterans Affairs for review and approval.
- **Senate Bill 1125**
<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=s&type=b&bn=1125>, which gives school districts the option during the 2020-21 school year to extend the real estate property tax discount period, waive penalties for late payments or both.
- **Senate Bill 1188**
<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=s&type=b&bn=1188>, which provides for delegation of taxing powers and restrictions thereon and for tax limitations.

Source: Governor Wolf's Press Office, 7/23/2020

Pennsylvania Reports First Human Case of West Nile Virus in 2020 Pennsylvanians Reminded to Take Steps to Avoid Infection

Pennsylvania's first probable human case of West Nile Virus (WNV) infection in 2020 has been detected in a Potter County resident. Samples are being sent to the Centers for Disease Control and Prevention for confirmatory testing. The departments of Health and Environmental Protection strongly recommend that all residents minimize their exposure to mosquitoes.

"While we encourage Pennsylvanians to enjoy the outdoors, especially during the COVID-19 pandemic, we also want them to take proper

precautions from mosquitoes while outside," Secretary of Health Dr. Rachel Levine said. "With the first human case of West Nile Virus detected, we want people to protect themselves. Several simple steps can help protect yourself and loved ones from mosquito-related diseases."

Although mosquitoes can bite at any time of the day or night, the mosquitoes that transmit WNV are most active at dawn and dusk. When outdoors, people can avoid mosquito bites by properly and consistently using DEET-containing insect repellants and covering exposed skin with lightweight clothing. To keep mosquitoes from entering a home, make sure window and door screens are in place and are in good condition.

The Department of Environmental Protection (DEP) conducts regular surveillance and control to manage mosquito populations around the state. DEP has detected WNV-infected mosquitoes in five counties.

"The first human positive case of the year should be a reminder to all Pennsylvanians to use a personal insect repellent or stay indoors during dawn and dusk to help prevent exposure to the mosquitoes that can carry West Nile Virus," said DEP Secretary Patrick McDonnell. "DEP monitors mosquito populations across Pennsylvania for the presence of disease."

The mosquitoes that transmit WNV breed in areas with standing and stagnant water. These areas can include urban catch basins, clogged gutters, discarded tires, poorly maintained swimming pools, flower pots and other types of plastic containers.

Simple steps to eliminate standing water around the home include:

- Remove tin cans, plastic containers, ceramic pots, discarded tires or any object that could collect standing water. Drill holes in the bottom of recycling containers left outdoors.
- Have roof gutters cleaned every year, particularly if the leaves from nearby trees have a tendency to clog the drains.
- Turn over plastic wading pools and wheelbarrows when not in use.
- Do not let water stagnate in birdbaths.

- Aerate ornamental pools, or stock them with fish.
- Clean and chlorinate swimming pools and remove standing water from pool covers.
- Use landscaping to eliminate standing water that collects on your property.
- Treat standing water that cannot be eliminated with Bti products, which are sold at outdoor supply, home improvement and other stores. Bti is a natural product that kills mosquito larvae, but is safe for people, pets, aquatic life and plants.

DEP will continue to survey affected communities to monitor mosquito activity and WNV. DEP biologists have initiated a survey of the mosquito population to determine the risk for further human illness. If necessary, adult mosquito populations will be reduced. These efforts will continue through October.

For a fact sheet on WNV, including symptoms, please click on the Department of Health's **West Nile Virus Fact Sheet** <https://www.health.pa.gov/topics/Documents/Diseases%20and%20Conditions/West%20Nile%20Virus%20.pdf>.

For more information, including current WNV test results for mosquitoes, birds and horses, visit <http://www.dep.pa.gov/westnile>, or call 1-877-PA HEALTH.

For more information on West Nile Virus, visit <http://www.health.pa.gov/> or <http://www.dep.pa.gov/>.

Source: DEP Press Release, 7/23/2020

Next DRBC Water Quality Advisory Committee Meeting: Tuesday, July 28 at 9:30 a.m.

DRBC's Water Quality Advisory Committee will next meet on Tuesday, July 28, 2020, beginning at 9:30 a.m. The meeting will be held remotely via GoToMeeting.

The draft agenda and info on how to join is available at <https://www.nj.gov/drbc/meetings/advisory/>.

And, for anyone who wishes to comment on Kleinfelder's final draft Technical Memo outlining estimated costs for improved wastewater effluent quality for ammonia and nitrogen, part of DRBC's Designated Use Study, we are asking for comments by August 10.

The technical memo is available at https://www.nj.gov/drbc/about/advisory/WQAC_index.html. Please email your comments to John Yagecic (email below).

Please contact John Yagecic john.yagecic@drbc.gov, (609) 883-9500 ext. 271, with any questions.

Source: DRBC, 7/20/2020

DRBC's Advisory Committee on Climate Change to Meet Tuesday, August 4, 2020

DRBC's Advisory Committee on Climate Change (ACCC) will hold its inaugural meeting on Tuesday, August 4, 2020, beginning at 1 p.m. The meeting will be held remotely via GoToMeeting.

The **draft agenda** can be found at <https://www.nj.gov/drbc/meetings/advisory/index.html>.

To join the GoToMeeting on August 4:

- Visit <https://global.gotomeeting.com/join/575103461>
- Or, dial-in: (571) 317-3122
- Access Code: 575-103-461

Please contact ACCC liaison Kristen Bowman Kavanagh kristen.b.kavanagh@drbc.gov with any questions.

Information on the ACCC can be found at https://www.nj.gov/drbc/about/advisory/ACCC_index.html.

Source: DRBC, 7/22/2020

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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.