



## GOVERNMENT RELATIONS UPDATE

From Milliron & Goodman Government Relations, LLC.

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February 15, 2021 -- Issue 1220

### EPA, NFWF Fund Actions to Improve Water Quality in Bay-Linked Rivers and Streams in Pennsylvania

On February 10, 2021, the U.S. Environmental Protection Agency (EPA), in partnership with the National Fish and Wildlife Foundation (NFWF), announced the award of approximately \$1.2 million for eight projects in Pennsylvania to improve rivers and streams that connect to the Chesapeake Bay.

The funds are part of nearly \$5 million provided by EPA as part of the Consolidated Appropriations Act of 2014 to the six Bay watershed states and the District of Columbia for the implementation of restoration projects by local governments.

The Pennsylvania funds, administered by NFWF, will generate more than \$2.2 million in matching contributions for a total impact of nearly \$3.5 million.

Among the projects are:

- Implement stream restoration along a tributary of Codorus Creek in York County to remove more than a half million pounds of sediment per year. (\$200,000 award; \$620,757 match)
- Restore the floodplain of the Conewago Creek and its tributary, Brills Run, in Londonderry and

Mount Joy townships (Dauphin and Lancaster counties), reducing the annual sediment load by 1,524 tons. (\$200,000 award; \$30,000 match)

- Expand a cover crop incentive program on farms in Cumberland County. (\$54,600 award; \$27,300 match)
- Install animal waste management facilities and barnyard runoff controls as part of a Plain Sect Clean Water Demonstration Farm in Paradise Township, Lancaster County. (\$200,000 award; \$170,000 match)

A full list and descriptions of the Pennsylvania projects are available at:

<https://www.nfwf.org/sites/default/files/2021-02/chesapeake-pennsylvania-2020-grant-slate.pdf>.

"EPA is pleased to support home-grown projects that reflect local needs and improve local water quality," said EPA Acting Mid-Atlantic Regional Administrator Diana Esher. "Our success in restoring the Chesapeake Bay relies on improving the streams and rivers that connect to it. These projects will help Pennsylvania take the next steps in meeting its shared commitment to restoring the Bay. We appreciate the support of NFWF in this effort."

"Local governments are critical partners in identifying and advancing watershed restoration efforts that align with local needs, concerns, and resources," said Amanda Bassow, NFWF's Northeast Regional Director. "NFWF is pleased to

continue partnering with EPA in delivering funding and technical assistance that supports municipalities and conservation districts at the front lines of implementing our local and regional restoration goals."

The Local Government Implementation (LGI) funds are part of broader grant programs funded and administered by EPA through its Chesapeake Bay Program Office (CBPO) - the Chesapeake Bay Implementation Grant (CBIG), the Chesapeake Bay Regulatory and Accountability Program (CBRAP), or both.

Source: EPA Press Release, 2/10/2021

## **Martin Reappointed to Chesapeake Bay Commission**

**S**enator Scott Martin (R-13) has been reappointed to serve on Pennsylvania's delegation to the Chesapeake Bay Commission for the 2021-22 Legislative Session.

The Chesapeake Bay Commission is a tri-state legislative panel created in 1980 to advise members of Congress and the General Assemblies of Maryland, Virginia and Pennsylvania on issues concerning the Chesapeake Bay and its watershed. As a member of the commission over the past two years, Martin has prioritized new resources to help local farmers reduce run-off pollution. This includes the creation of the Conservation Excellence Grant Program and the REAP tax credit program to support better water quality, both locally and throughout the Chesapeake Bay watershed.

"Reducing pollution in the Chesapeake Bay watershed requires a strong partnership between state, local and federal governments, and I appreciate the chance to continue to play a leading role in finding new ways to approach this challenge," Martin said. "Meeting the federal government's pollution reduction mandates is going to be difficult and expensive. We need to work together to find ways to reduce pollution without asking state taxpayers to commit billions of new dollars in taxes and spending."

More information about the Chesapeake Bay Commission is available online at <http://www.chesbay.us/>.

Source: Senator Martin Press Release, 2/11/2021

## **NJ Gov. Phil Murphy to Kick Off DRBC Climate Change Forum Other Speakers Include NBC10's "Hurricane" Schwartz and NASA's Hamlington**

**O**n February 10, 2021, the Delaware River Basin Commission (DRBC) today announced that New Jersey Governor Philip D. Murphy will kick off the Advisory Committee on Climate Change (ACCC) Forum on Climate Change and the Delaware River Basin with a prerecorded message on March 2, 2021. Gov. Murphy serves as a DRBC Commissioner and has been an active leader in the study and planning for dealing with climate change in the region. The forum will occur on the second day of the Partnership for the Delaware Estuary's (PDE) biennial Science and Environmental Summit, which takes place online from March 1 to 3, 2021.

NASA scientist Benjamin Hamlington, Ph.D., who leads NASA's Sea Level Change Science Team at the Jet Propulsion Laboratory in Pasadena, California, will follow Gov. Murphy to provide the forum's keynote presentation.

Providing a local perspective, Philadelphia NBC10 Meteorologist Glenn "Hurricane" Schwartz will discuss climate change impacts on rain, snow and flooding in the Basin.

In addition to Gov. Murphy, Dr. Hamlington and "Hurricane" Schwartz, the one-day forum will feature speakers from Rutgers University, The Water Center at Penn, Shippensburg University, Columbia University, USGS, PDE and DRBC.

"We are honored to have Gov. Murphy start off the day on this important topic," said DRBC

Executive Director Steve Tambini. "At DRBC, we are committed to using science to manage the water resources of the Delaware River Basin New Jersey and the Basin have seen the increasingly mild winters, heavier rainfall events, flooding along inland streams and more tidal flooding. Gov. Murphy understands the connection between science, climate change, the water cycle and the region's economic health."

Those interested in attending the event may register at [https://urldefense.com/v3/https://t.co/u5L4any12v?amp=1\\_!!J30X0ZrnC1oQtbA!aT119o\\_PYsgYeXOCrrOQtuAwopSo8xTL20uKvn-PsAULHCdeNeAPKGMxYeJFoFpJqdyAXvJ4v3I\\$](https://urldefense.com/v3/https://t.co/u5L4any12v?amp=1_!!J30X0ZrnC1oQtbA!aT119o_PYsgYeXOCrrOQtuAwopSo8xTL20uKvn-PsAULHCdeNeAPKGMxYeJFoFpJqdyAXvJ4v3I$)

The DRBC is offering educators a chance to attend the entire Science and Environmental Summit, including the Climate Forum, for free. If interested in this virtual learning opportunity, please visit for more information [https://www.nj.gov/drbc/home/spotlight/approved/20210128\\_ClimateForum\\_atPDE-Summit.html](https://www.nj.gov/drbc/home/spotlight/approved/20210128_ClimateForum_atPDE-Summit.html).

DRBC's ACCC is comprised of up to 18 individuals with relevant climate expertise, representing various government, watershed, academic, business and water user perspectives. It is focused on science-based information for identifying and prioritizing climate threats to the Delaware River Basin, including salinity impacts from sea level rise and changes in the seasonality and volume of stream flows, as well as providing recommendations for mitigation, adaptation and improved resiliency. More info on the ACCC can be found at [https://www.state.nj.us/drbc/about/advisory/ACCC\\_index.html](https://www.state.nj.us/drbc/about/advisory/ACCC_index.html).

The Partnership for the Delaware Estuary <https://www.delawareestuary.org/>, host of the Delaware Estuary Program, leads science-based and collaborative efforts to improve the tidal Delaware River and Bay, which spans Delaware, New Jersey and Pennsylvania.

The DRBC is an interstate-federal government agency created in 1961 by concurrent compact legislation, marking the first time that the federal

government and a group of states joined together as equal partners in a river basin planning, development and regulatory agency. The five commission members are the governors of the basin states (Delaware, New Jersey, New York and Pennsylvania) and the commander of the U.S. Army Corps of Engineers' North Atlantic Division, who represents the federal government.

To learn more about the Commission, please visit <http://www.drbc.gov>.

Source: DRBC Press Release, 2/10/2021

## **Citizens Advisory Council Feb. 16 Meeting: DEP's Hazardous Sites Cleanup Funding Goes Off Fiscal Cliff This Year in Face of PFAS Cleanup Needs**

**D**EP's Citizens Advisory Council will hold a virtual meeting on February 16 to hear a presentation on DEP's Environmental Cleanup and Brownfields Program and its need for a permanent solution for funding.

### **The agenda**

[https://drive.google.com/file/d/1hAy22vv332ecM4NOHNCjeAebMuV\\_Qazx/view](https://drive.google.com/file/d/1hAy22vv332ecM4NOHNCjeAebMuV_Qazx/view) also includes an update on agency activities by DEP Secretary Patrick McDonnell.

Troy Conrad, Director of the Bureau of Environmental Cleanup and Brownfields will provide an overview of the program.

Joel Bolstein, Fox Rothschild LLP, will provide a practitioners experience with the program. Bolstein also helped develop the original program in 1995 when he worked with the Department of Environmental Protection under the Ridge Administration.

DEP's presentation will highlight the fact its Hazardous Sites Cleanup Programs helps pay for cleanups at state hazardous waste sites, the state

portion of federal Superfund cleanups, replacement water supplies and other interim responses at state sites, the operating costs of this program and the brownfields program as well as the Hazardous Waste Regulatory Program.

Prior to 2015 the program had been funded primarily through a dedicated portion of the state Capital Stock and Franchise Tax that provided about \$41.3 million a year to support the program, in addition to fees on hazardous waste transportation, storage and disposal fees in the state -- which have declined significantly -- and recovered costs from responsible parties.

However, Franchise Tax was phased out beginning in 2015, although does provide some residual funding-- \$1.6 million in 2018 for example.

The Hazardous Sites Cleanup Program has been existing on a \$15 million a year transfer from DCNR's Oil and Gas Lease Fund through the Marcellus Shale Legacy Fund -- yes, the actually did it that way-- in the last few budgets.

DEP has been highlighting the need for a permanent funding solution for the Hazardous Sites repeatedly at Senate and House budget hearings for years.

DEP, in fact, told the Citizens Advisory Council in September 2018 a fiscal cliff was coming in FY 2020-21-- and it's now here. *Read more here* <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=44584&SubjectID=39>.

As part of Gov. Wolf's FY 2020-21 budget request, he proposed a \$1/ton increase in the waste tipping fee to provide \$22.6 million a year to the program in addition to the transfers from DCNR's Oil and Gas Fund, but that proposal was ever acted on. *Read more here* <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=49035&SubjectID=39>.

DEP currently needs about \$51 million a year to fund the existing program and has been spending down the balance in the Hazardous Sites Cleanup Fund to keep the program going.

Projections are in FY 2020-21 the balance in the Fund will reach close to \$20 million, which is not enough to sustain the program.

As a result, DEP will have to shut down or delay existing cleanup projects and not take on any new cleanups, reduce or discontinue brownfield grants and not respond to any new contaminated sites unless they present immediate threats. The funding problems for the Hazardous Sites Cleanup Program continue in the face of the need to clean up sites all over the states contaminated with PFAS/PFOS "forever chemicals." *Read more here* <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=48475&SubjectID=18>. **DEP's PFAS webpage** [https://www.dep.pa.gov/Citizens/My-Water/drinking\\_water/PFAS/Pages/default.aspx](https://www.dep.pa.gov/Citizens/My-Water/drinking_water/PFAS/Pages/default.aspx).

Click here for a copy of **DEP's presentation** <https://drive.google.com/file/d/1LNbs5cOLzTW8wdeg1k0SBFLaGnOaZCcZ/view>.

#### Public Comments

Individuals interested in providing public comments during the public comment period at the meeting must sign up prior to the start of the meeting by contacting Keith Calador, Executive Direct by contacting him at 717-787-8172 or sending email to: [ksalador@pa.gov](mailto:ksalador@pa.gov).

The meeting will start at 12:30 p.m. Click here to **register to attend the meeting via WebEx** [https://dep.webex.com/mw3300/mywebex/default.o?nomenu=true&siteurl=dep&service=6&rnd=0.8115359287249345&main\\_url=https%3A%2F%2Fdep.webex.com%2Fec3300%2Feventcenter%2Fevent%2FeventAction.do%3FtheAction%3Ddetail%26%26EMK%3D4832534b00000004a49eee0e15c4c09a67dbb3d00cff229e70f78b2aae202ef96c5dded17339ff1d%26siteurl%3Ddep%26confViewID%3D184450133212050817%26encryptTicket%3DSDJTSwAAAATiDBKbRe-KY-Oi1zArlVE6JRpVRWr3KyB7hIhLs3-UcQ2%26](https://dep.webex.com/mw3300/mywebex/default.o?nomenu=true&siteurl=dep&service=6&rnd=0.8115359287249345&main_url=https%3A%2F%2Fdep.webex.com%2Fec3300%2Feventcenter%2Fevent%2FeventAction.do%3FtheAction%3Ddetail%26%26EMK%3D4832534b00000004a49eee0e15c4c09a67dbb3d00cff229e70f78b2aae202ef96c5dded17339ff1d%26siteurl%3Ddep%26confViewID%3D184450133212050817%26encryptTicket%3DSDJTSwAAAATiDBKbRe-KY-Oi1zArlVE6JRpVRWr3KyB7hIhLs3-UcQ2%26) and by audio call-in: 1-415-655-0003 Conference ID#: 132 085 4459.

For available handouts and more information, visit DEP's **Citizens Advisory Council** <https://www.dep.pa.gov/PublicParticipation/Citizen>

[sAdvisoryCouncil/Meetings/Pages/default.aspx](https://www.padevelopment.com/AdvisoryCouncil/Meetings/Pages/default.aspx) meeting. Questions should be directed to Executive Director: Keith Salador, 717-787-8172, [ksalador@pa.gov](mailto:ksalador@pa.gov).

Source: PA Environmental Digest, 2/15/2021

## **Wolf Administration Announces Creation of COVID-19 Vaccine Joint Task Force with Legislature**

**W**hile conversations with the entire General Assembly on the state's vaccine plan will remain ongoing, Governor Tom Wolf's Administration also sought to provide a mechanism for accurate, timely information sharing via a streamlined set of communicators between these two branches of state government. As such, today the Wolf Administration announced that it is establishing a joint task force with members from each legislative caucus who can share vaccine information and communicate issues and solutions expediently on behalf of and to the broader General Assembly.

"We have a good working relationship with our legislators, and we know they are the eyes, ears, and voices for Pennsylvanians," Gov. Wolf said. "The feedback they receive from their local communities is extremely important, particularly as the commonwealth continues to improve upon this once-in-a-generation vaccine rollout. Working with leaders from each caucus in the General Assembly, we are creating a task force to ensure collaboration and strengthen communications about the state's vaccine plan."

Task force members will represent their caucus's point-of-view and work to streamline conversations to focus and drive issues of importance. Wolf Administration members will serve as task force members with the subject matter expertise to listen, collaborate and provide information, answers and suggestions to solve problems in a timely manner.

Members of the task force include co-chairs Acting Secretary of Health Alison Beam and

Director of the Pennsylvania Emergency Management Agency Randy Padfield; for the Senate Democratic Caucus, Sen. Art Haywood; for the House Democratic Caucus, Rep. Bridget Kosierowski; for the Senate Republican Caucus, Sen. Ryan Aument; and for the House Republican Caucus, Rep. Tim O'Neal.

The task force will be meeting as needed and providing updates to the full General Assembly via each of the task force members.

Source: Governor Wolf's Press Office, 2/9/2021

## **O'Neal Appointed to COVID-19 Vaccine Joint Task Force**

**O**n February 9, 2021, House Speaker Bryan Cutler (R-Lancaster) appointed Rep Tim O'Neal (R-Washington) to represent House Republicans on the COVID-19 Vaccine Joint Task Force.

It is a collaborative effort by leaders from the executive and legislative branches to improve vaccine distribution to all Pennsylvanians. The task force will be made up of one appointment from each legislative caucus, an appointment by the governor and an appointment by the secretary of Health.

"I'm honored to be selected for the task force," O'Neal said. "As Pennsylvania continues to rank among the bottom third in the percentage of vaccines administered, we need to thoroughly examine where our deficits lie in order to do a better job getting shots in the arms of our Commonwealth's residents. As a former captain in the Army, I look forward to using my leadership skills to right this ship."

"This task force is an important and valuable step in solving this crisis in Pennsylvania," Cutler (R-Lancaster) said. "People expect to see government working collaboratively to improve their lives. Rep. O'Neal has already taken the lead in our caucus in finding ways to use existing resources to improve vaccine distribution. Now his

efforts can directly help every resident of the Commonwealth.”

O’Neal is the author of **House Bill 326** <https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=H&type=B&bn=0326>, which would have the Pennsylvania National Guard assist in the distribution and administration of COVID-19 vaccinations throughout the Commonwealth. National Guard members have the knowledge and experience from efforts both at home and abroad to position vaccines. The legislation passed the House last week and is pending before the Senate Veterans Affairs and Emergency Preparedness Committee.

The 48th Legislative District in Washington County includes the city of Washington; Chartiers, North Franklin, North Strabane and South Strabane townships; and Canonsburg, East Washington and Houston boroughs.

Source: Rep. Tim O’Neal Press Release, 2/9/2021

## **Kosierowski appointed to COVID-19 Vaccine task force**

**O**n February 9, 2021, state Rep. Bridget Malloy Kosierowski, D-Lackawanna, announced her appointment by the Wolf administration to a COVID-19 Vaccine Joint Task force comprised of the governor's office and members of the General Assembly.

"Today, I join a new task force designed to streamline and better focus issues of importance regarding the ongoing COVID-19 vaccine distribution efforts," Kosierowski said. "As someone who comes from the healthcare industry, I'm glad the governor is taking this extra step as we work to distribute an unprecedented number of vaccines while facing continuing challenges like vaccine supply and better aiding people about vaccination options."

Kosierowski joins the following members on the task force: co-chairs Acting Secretary of Health Alison Beam and Director of the Pennsylvania

Emergency Management Agency Randy Padfield; for the Senate Democratic Caucus, state Sen. Art Haywood; for the Senate Republican Caucus, state Sen. Ryan Aument; and for the House Republican Caucus, state Rep. Tim O’Neal.

"The primary goal is to represent the views of our colleagues and their constituents for better collaboration across the entire commonwealth," Kosierowski said. "The more streamlined the information we have with regard to what's working and what isn't working, the better positioned we'll be to make timely improvements and adjustments to the commonwealth's approach to ensuring every resident becomes vaccinated. Now more than ever, our residents should see all of our vaccination efforts transparently and have access to clear communication about those efforts."

Source: Rep. Kosierowski Press Release, 2/9/2021

## **Senator Haywood Responds to Vaccine Task Force Appointment**

**O**n February 9, 2021, Governor Tom Wolf announced the creation of a COVID-19 Vaccine Task Force to help streamline communications between the General Assembly and the state. The Wolf administration appointed State Senator Art Haywood (D-Montgomery/Philadelphia) to represent the Senate Democratic Caucus.

"I look forward to the hard work of serving on Governor Wolf's Vaccine Task Force to get the COVID-19 vaccines into the arms of Pennsylvanians as quickly and safely as possible," Haywood said.

The joint task force consists of members from each legislative caucus, who will meet as needed and share cohesive vaccine information with the General Assembly. The Wolf administration will collaborate with the task force to focus on important issues regarding the COVID-19 vaccine and deliver expedited solutions.

"We have a good working relationship with our legislators, and we know they are the eyes, ears, and voices for Pennsylvanians," Wolf said. "The feedback they receive from their local communities is extremely important, particularly as the commonwealth continues to improve upon this once-in-a-generation vaccine rollout."

Task force members to join Sen. Haywood include co-chairs Acting Secretary of Health Alison Beam and Director of the Pennsylvania Emergency Management Agency Randy Padfield; Sen. Ryan Aument for the Senate Republican Caucus; Rep. Bridget Kosierowski for the House Democratic Caucus; and Rep. Tim O'Neal for the House Republican Caucus.

The COVID-19 Vaccine Task Force will serve 66 counties, excluding Philadelphia. In addition to offering statewide support, Haywood will serve Montgomery County, which includes his fourth Senatorial District. Senator Haywood will continue to provide vaccine updates to the entire district via his monthly newsletter.

**Source:** Senator Haywood Press Release, 2/9/2021

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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.***