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GOVERNMENT RELATIONS UPDATE

From Milliron & Goodman Government Relations, LLC.

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Governor Wolf Signs Fourth Renewal of COVID-19 Disaster Declaration to Aid in Response and Recovery

On February 19, 2021, Governor Tom Wolf signed a fourth renewal <https://www.governor.pa.gov/wp-content/uploads/2021/02/TWW-COVID-disaster-emergency-amendment-digital-sig-2-19-21.pdf> of his 90-day Proclamation of Disaster Emergency for the COVID-19 pandemic. The first proclamation was signed on March 6, following the announcement of the first two presumptive positive cases of the virus in Pennsylvania.

"COVID-19 vaccinations have begun, but we are still in the early stages of vaccine administration," said Governor Wolf. "We will continue to prioritize a safe, efficient and equitable distribution process, and expect vaccinations to increase as the federal government makes more vaccine available to states. This renewal will allow the commonwealth to maintain its response and support efforts as we continue testing, contact tracing and vaccination efforts to keep Pennsylvanians safe."

The emergency disaster declaration provides for increased support to state agencies involved in the continued response to the virus and recovery for the state during reopening. This includes expediting supply procurement and lifting certain regulations to allow for efficient and effective mitigation.

The disaster declaration has allowed for waivers and extensions to continue to provide for Pennsylvanians and businesses under the unprecedented circumstances of the pandemic, including the ability to waive the one-week waiting period to receive unemployment compensation, work search requirements, and the registration with PA CareerLink for applicants, and to provide relief from charges for employers; and allowing the commonwealth to suspend numerous training requirements and certification and licensure renewals for health care professionals, child care workers, direct care workers, direct support professionals, among other professional groups who provide life-sustaining services to our children, seniors, and vulnerable residents. It allows the commonwealth to increase the number of vaccine providers and improve vaccine distribution.

Through the disaster declaration, PEMA has been able to mission assign the National Guard to provide various types of support for long term care facilities, including providing direct patient care support, ancillary support, and testing, and at community-based testing sites. It also provides PEMA with the ability to leverage continued federal support such as non-congregate sheltering.

The renewed disaster declaration will continue to support all of these efforts, as well as allow the commonwealth to rapidly scale response efforts and employ new intervention tactics.

The Department of Health's Department Operations Center at PEMA continues to be active,

as is the Commonwealth Response Coordination Center there.

A Proclamation of Disaster Emergency is effective for a 90-day period unless sooner rescinded or extended by official action of the Governor.

Source: Governor Wolf's Press Office, 2/19/2021

House, Senate Democrats call for repairs to hazardous, toxic schools across the commonwealth

State Sen. Vincent Hughes (D-Phila./Montgomery) and Rep. Elizabeth Fiedler (D-Phila.) were joined by several Democratic House and Senate members from across Pennsylvania to **call for repairs to hazardous and toxic schools across Pennsylvania** <https://www.senatorhughes.com/sen-hughes-rep-fiedler-unveil-plan-to-repair-hazardous-toxic-public-schools-buildings-across-pa/> .

Sen. Jim Brewster (D-Allegheny/Westmoreland), Sen. Judy Schwank (D-Berks) and Rep. Kyle Mullins (D-Lackawanna) pointed to public school buildings in their districts in desperate need of repair during the virtual news conference. The legislators spoke in support of recently unveiled proposals in the House and Senate pushing for significant investment in school infrastructure.

"Today's event addressed conditions in schools all across the commonwealth, and make no mistake, these same hazardous and toxic conditions exist in communities represented by the Republican caucuses," Hughes said. "Rural, suburban and urban communities alike face daunting challenges because of our aging public school buildings. We cannot wait any longer to act. I am grateful to my colleagues for their support on this legislation, as well as the awareness they are helping raise for this important issue."

The first proposal would expand the Redevelopment Assistance Capital Program by \$1 billion to help address health hazards in public school buildings across Pennsylvania. Gov. Tom Wolf put forth the RACP proposal as a top priority in his recent 2021-22 budget address.

"Our schools were already dangerous places for students, educators and staff before the pandemic hit," Fiedler said. "As we seek to make schools safe in the age of COVID, we are determined to also remediate the lead, asbestos and other toxins. Our coalition is powerful. Together, we are committed to investing state dollars in our public buildings and giving communities across Pennsylvania the schools they deserve!"

The second proposal would create the Public School Building Emergency Repair and Renovation Grant program, distributing grants to public schools for emergency repairs, including lead and asbestos abatement or remediation, HVAC repair or replacement, electrical system repair or replacement, plumbing repair or replacement, roof and window repair or replacement and other repairs or replacements that present a health or safety issue. This proposal would rely on federal funding provided through the American Rescue Plan.

"Safe and healthy school environments are vital to the success of our students, teachers and staff," Brewster said. "As a former educator, I know firsthand the importance of a safe environment for a student's physical health and academic achievement. While touring schools throughout the district and discussing concerns with numerous school officials, it is evident that assistance in bringing our public school buildings up to date is a top priority. The proposals discussed this morning will give districts the opportunity to make these necessary upgrades."

Pennsylvania has some of the oldest school buildings in the nation. Most school buildings were constructed between 1950 and 1959. More than 200 buildings constructed prior to 1950. The aging buildings pose many health hazards including lead in the drinking water; asbestos in cracked floor tiles; mold outbreaks in classrooms; broken boilers in the winter; and no air conditioning in the summer.

"Pennsylvania students' ability to access a quality education is fundamental to our Commonwealth's future," Schwank said. "But how can we expect our students to learn if they are in unfit and unsafe classrooms? Too many schools were in terrible physical condition even prior to the pandemic. They should have been repaired long ago, and now we are facing a crisis. If we truly want to provide a safe environment for our students, faculty and staff, these bills must be passed."

The legislators said they are hopeful to gain bipartisan support for the initiative to repair schools statewide. Beyond the clear benefits in creating healthier, safer schools, they point to the potential economic impact from the jobs that would be created as a result of the infrastructure investment.

"No child's health, safety or the quality of their education should be safeguarded any less simply because of what school district they happen to live in," Mullins said. "It is long overdue that state leaders finally rectify these chronic inequities across our school districts and recognize these as matters of civil rights and public health."

In 2018, the Public School Building Construction and Reconstruction Advisory Committee released the PlanCon final report. The legislature has not funded programs to address the facilities issues raised in the PlanCon report. Conditions in many districts have worsened, and become more costly, as a result of inaction.

Click here to watch the **full news event**
<https://spaces.hightail.com/receive/fuDAkSv1xd>

Source: House Democratic Caucus, 2/19/2021

SRBC Telephonic Commission Meeting

The Susquehanna River Basin Commission will conduct its regular business meeting telephonically on **Friday, March 12, 2021, at 9 a.m.** For further information contact Jason E. Oyler, general counsel and secretary, (717) 238-0423, fax (717) 238-2436.

The public is invited to attend the commission's business meeting by telephone conference and may do so by dialing (888) 387-8686, and the conference room code number is # 9179686050.

Written comments pertaining to items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or **submitted electronically here**
<https://www.srbc.net/about/meetings-events/business-meeting.html>.

Additional information may be found on the Pennsylvania Bulletin at
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol51/51-8/272.html>.

Source: Pennsylvania Bulletin, 2/20/2021

Rescheduled! DRBC Water Management Advisory Committee to Meet March 16 (NOT Feb. 25)

Please note that the DRBC Water Management Advisory Committee (WMAC) meeting scheduled for Thursday, February 25, 2021, has been **rescheduled for Tuesday, March 16, 2021, from 10 a.m. to 12 p.m.**

This change is to accommodate a special public meeting of the DRBC on February 25, at 10:30 a.m.
https://www.nj.gov/drbc/meetings/meeting_feb252021.html.

The March 16 WMAC Meeting will be held via Zoom and is open to the public. Please visit <https://www.nj.gov/drbc/meetings/advisory/> for a draft agenda and the details on how to join.

Please contact Evan Kwityn
evan.kwityn@drbc.gov, with any questions.

Source: DRBC, 2/18/2021

Delaware River Basin Commission News: Notice of Special Public Business Meeting - Re: Hydraulic Fracturing - February 25, 2021

The Delaware River Basin Commission (DRBC) will hold a special public business meeting on Thursday, February 25, 2021, at 10:30 a.m.

At this meeting, the Commissioners will consider final action on DRBC's Proposed Amendments to the Administrative Manual and Special Regulations Regarding Hydraulic Fracturing Activities; Additional Clarifying Amendments ("Draft Rule"), published for public comment on November 30, 2017. The public comment period closed on March 30, 2018.

The meeting is open to the public, and will be held remotely via Zoom Webinar, as well as livestreamed on YouTube.

Learn more about the Feb. 25, 2021, Special Meeting
https://www.nj.gov/drbc/meetings/meeting_feb252021.html.

Learn more about the Pending Rulemaking, published for comment in 2017
https://www.nj.gov/drbc/meetings/proposed/notice_hydraulic-fracturing.html.

Source: DRBC, 2/17/2021

Snyder praises review commission's recommendation to delay RGGI

State Rep. Pam Snyder, D-Greene/Fayette/Washington, has applauded a decision by the Independent Regulatory Review Commission to delay Pennsylvania's enrollment in the Regional Greenhouse Gas Initiative, or RGGI.

"This week's decision by IRRC shows that RGGI is definitely the wrong path for our state to take, notably during a pandemic," said Snyder. "In fact, several industry representatives, including the Pennsylvania Manufacturers Association and the International Brotherhood of Electrical Workers, are rightfully concerned that such a move would impose a carbon tax and lead energy companies in my communities to close and frankly, that would be beyond devastating. We can't afford for that to happen.

"It is imperative that the governor must take these recommendations from IRRC seriously and put an end to RGGI. My region is among those that would be adversely impacted and if those energy jobs leave our state, we'll be paying the price for years and generations to come."

The commission has asked the state's Environmental Quality Board to delay entry into RGGI by one year. Several industry officials and representatives across Pennsylvania have opposed RGGI, saying it will increase energy rates for consumers and businesses, lead to the elimination of family-sustaining jobs, and not provide a substantial reduction in carbon dioxide emissions, as proponents of RGGI have claimed.

In 2019, Snyder joined many of her colleagues <https://www.pahouse.net/Snyder/InTheNews/NewsRelease/?id=111501> in the House in urging Gov. Tom Wolf and the Pennsylvania Department of Environmental Protection to suspend the state's efforts to join RGGI. Last year, she co-sponsored House Bill 2025 with fellow Reps. Donna Oberlander, R-Armstrong/Clarion/Forest, and Jim Struzzi, R-Indiana, which would have required legislative support before Pennsylvania could join RGGI. That bill, which passed with bipartisan support in the House and Senate, was vetoed by the governor.

Note: IRRC's Comments on CO2 Budget Trading Program can be found at <http://www.irrc.state.pa.us/docs/3274/IRRC/3274%2002-16-21%20COMMENTS.pdf>.

Source: Rep. Pam Snyder Press Release, 2/18/2021

Speaker Cutler Appoints Boback to Pennsylvania Emergency Management Council

Speaker Bryan Cutler (R-Lancaster) has announced the appointment of Rep. Karen Boback (R-Lackawanna/Luzerne/Wyoming) to serve on the Pennsylvania Emergency Management Council for the 2021-22 Legislative Session.

"I am honored to receive this appointment by Speaker Cutler to serve on PEMA's Council," said Boback. "This council is instrumental in creating the policy for emergency management throughout the Commonwealth and leading its direction. As majority chair of the House Veterans Affairs and Emergency Preparedness Committee, I look forward to coordinating these two positions regarding good policy and good legislation, ultimately supporting the protections people of the Commonwealth have come to expect."

The council membership includes the governor; the lieutenant governor; the secretaries of the various state departments with emergency response and recovery capabilities; the leadership of the General Assembly; and representatives of county and municipal government associations, labor, business and industry, and the private sector.

The council also acts as the State Emergency Response Commission which oversees the various hazardous materials emergency preparedness and response requirements contained in the federal Superfund Amendments and Reauthorization Act of 1986 (SARA Title III).

Source: Rep. Karen Boback Press Release, 2/18/2021

PennDOT Announces 'Major Bridge P3 Initiative' Next Steps, Private-Sector Opportunities

As part of its study to explore sustainable transportation funding methods and completing critical projects, the Pennsylvania Department of Transportation (PennDOT) today announced the bridges being considered for its PennDOT Pathways Major Bridge Public-Private Partnership (P3) Initiative, and the coming industry opportunities to participate.

"Our reliance on funding models from the last century leaves us especially vulnerable to fund losses stemming from volatile economic conditions and the increasing transition to alternative-fuel or electric vehicles," PennDOT Secretary Yassmin Gramian said. "This initiative will help us make much-needed improvements without compromising the routine projects our communities and industry partners rely on."

To support PennDOT Pathways, an alternative funding Planning and Environmental Linkages (PEL) study is underway to identify near- and long-term funding solutions for the overall transportation system and establish a methodology for their evaluation. One of the early findings of the PEL study is that tolling of major bridges in need of replacement or rehabilitation appears to be a viable near-term solution. To advance this funding alternative, PennDOT is pursuing the first initiative of the PennDOT Pathways Program: The Major Bridge P3 Initiative.

The Pennsylvania P3 Board approved the Major Bridge P3 Initiative on November 12, 2020, which allows PennDOT to use the P3 delivery model for major bridges in need of rehabilitation or replacement, and to consider alternative funding methods for these locations. Through the P3 model, PennDOT can leverage private investment to rebuild critical bridges during a period with historically low interest rates and a favorable labor market. This initiative can provide a dedicated source of revenue for these infrastructure

improvements and could create significant savings over the life of the program while ensuring the vitality of the state's transportation system and economy.

The bridges being considered for tolling through the Major Bridge P3 Initiative are structures of substantial size that warrant timely attention and would require significant funds to rehabilitate or replace. Additionally, these bridges were selected based on the feasibility of construction beginning in two to four years to maximize near-term benefits, and with the intention that their locations are geographically balanced to avoid impact to just one region. Projects being considered, and for which a public involvement process begins this spring, include:

- I-78 Lenhartsville Bridge Replacement Project (Berks County).
- I-79 Widening, Bridges and Bridgeville Interchange Reconfiguration (Allegheny County).
- I-80 Canoe Creek Bridges (Clarion County).
- I-80 Nescopeck Creek Bridges (Luzerne County).
- I-80 North Fork Bridges Project (Jefferson County).
- I-80 Over Lehigh River Bridge Project (Luzerne and Carbon counties).
- I-81 Susquehanna Project (Susquehanna County).
- I-83 South Bridge Project (Dauphin County).
- I-95 Girard Point Bridge Improvement Project (Philadelphia County).

Each bridge's project scope, surrounding roadway network, and traffic flow is being evaluated for inclusion in one or more project bundles to be advertised this spring. PennDOT is analyzing potential structures for project bundles to ensure fair, competitive, and local participation in the P3 procurement to replace these bridges and anticipates issuing a Request for Information to industry partners in the week of February 22 to gather industry feedback on the project, with a Request for Qualifications anticipated this spring. Private-sector partners can find a presentation outlining the anticipated process and project benefits on the Major Bridge P3 project page

<https://www.penndot.gov/ProjectAndPrograms/p3forpa/Pages/Major-Bridges.aspx>.

Bridge tolling provides funds to reconstruct or replace these costly bridges without depleting PennDOT's ability to deliver its current program of projects, thus allowing existing funding to continue to be used for needed roadway and bridge safety and operational improvements. Tolling would be all electronic and collected by using E-ZPass or license plate billing. The funds received from the toll would go back to the bridge where the toll is collected to pay for the construction, maintenance and operation of that bridge.

Over the next year, PennDOT will evaluate these candidate bridges through individual environmental documents being prepared or re-evaluated for each bridge. More information on each individual bridge project, and when the public will have an opportunity to engage on those projects, can be found at www.penndot.gov/funding and on the project pages.

As Pennsylvania's mobility needs have grown, the amount of funding required to support our highway and bridge network has continued to increase. PennDOT's current highway and bridge budget for construction and maintenance is about \$6.9 billion per year – less than half of the \$15 billion needed to keep Pennsylvania's highways and bridges in a state of good repair and address major bottlenecks on our roadway network.

These are the latest in the agency's efforts to support and grow the state's transportation network in the face of growing needs and shrinking resources. Much of PennDOT's current highway and bridge funding comes from gas taxes, which are declining due to alternative fuels and fuel efficiency. PennDOT Pathways aims to identify reliable, future-focused funding solutions that will meet the overall transportation system's growing needs while serving communities. The PennDOT Pathways PEL study will evaluate additional alternative funding solutions and will be available for public comment in the spring.

For more information about PennDOT Pathways and the Major Bridge P3 Initiative, visit www.penndot.gov/funding.

Source: PennDOT Press Release, 2/18/2021

Sen. Langerholc Raises Serious Concerns with PennDOT's Plan to Toll Bridges

On February 18, 2021, the Pennsylvania Department of Transportation (PennDOT) unveiled a plan to toll nine existing bridges on the Interstate System in this Commonwealth through a Public-Private Transportation Partnership (P3). Since being appointed Chairman of the Senate Transportation Committee on January 13, 2021, PennDOT's bridge tolling initiative has been a top priority of the committee. Senator Wayne Langerholc, Jr. (R-35) has met with the Secretary of PennDOT, stakeholders, and held a **public hearing on January 25, 2021** <https://transportation.pasenategop.com/012521-2/> to address concerns regarding this initiative. In addition, Langerholc has issued a **co-sponsorship memo** <https://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=S&SPick=20210&cosponId=34743> to introduce legislation that would bring transparency and accountability to the P3 statute (Title 74, Chapter 91).

"I have serious concerns with PennDOT's authority to essentially tax and appropriate funds without additional oversight from the General Assembly," said Senator Langerholc. "At a time when transparency to our constituents is of paramount concern, we must ensure the voices of our constituents are heard and that they are involved in the process."

Act 88 of 2012 authorized the creation of the P3 Board to expedite project delivery in Pennsylvania. In fact, there are various P3s benefiting the transportation system, such as the construction of compressed natural gas fueling stations at transit

agencies and the rapid replacement of 558 state-owned bridges.

The P3 Board, under PennDOT's jurisdiction, supported a proposal on November 12, 2020, to impose user fees or tolls on six to 10 bridges on the Interstate System in Pennsylvania. This was the first time in the P3 Board's history to consider a proposal with user fees.

"I look forward to working with PennDOT to address the many transportation challenges facing the Commonwealth," said Senator Langerholc. "We must work together and in a bipartisan manner to find creative ways to address funding discrepancies and ensure that revenue is properly allocated to the sources it is derived for. I welcome that transparent dialogue."

Source: Senator Langerholc Press Release, 2/18/2021

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