
WUC

Water Utility Council of the
PA-Section, American Water
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GOVERNMENT RELATIONS UPDATE

From Milliron & Goodman Government Relations, LLC.

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Sens. Yaw, Martin, Laughlin Seek Clean Water, Environmental Improvement Funding through Recent Stimulus Appropriation

Three Senate Republicans are pushing for increased funding towards clean water initiatives through the most recent federal stimulus payment to the Commonwealth.

Senator Gene Yaw (R-Lycoming), Senator Scott Martin (R-Lancaster) and Senator Dan Laughlin (R-Erie) are seeking \$250 million of Pennsylvania's allocation from the American Rescue Plan Act of 2021 (ARPA) to establish a "Clean Streams Fund" for Pennsylvania. The fund will be used to protect and restore Pennsylvania's streams and rivers to stimulate economic growth in communities and improve the quality of life for all Pennsylvanians.

"As Chair of the Senate Environmental Resources and Energy Committee and a member of the Chesapeake Bay Commission, I have been proud to work towards the betterment of Pennsylvania's 85,000 miles of rivers and streams," Sen. Yaw said. "Unfortunately, a legacy of intensive land use has left almost one-third of those waters unsafe for either humans or aquatic life. By restoring these waters, we will reduce the cost of drinking water treatment and invest in our top two industries - tourism and agriculture - by helping

farms improve soil health and increasing recreational opportunities throughout the Commonwealth."

Of the known sources of pollution, 70 percent are attributed to either agriculture or abandoned mine drainage. These "non-point" sources of pollution are diffuse throughout the landscape and regulated differently from end-of-pipe "point" sources such as wastewater treatment plants.

Senator Martin, also a Chesapeake Bay Commission member, stated that "without any ratepayers or user fees to support them, the burden of mitigating non-point sources falls on individual farmers and landowners, but the impacts of this pollution - and the benefits of its clean-up - are felt by all of us."

"I have heard many concerns from local farmers about the cost of compliance with the unfunded mandates coming from the federal government," Martin said. "This funding could play a critical role in helping Pennsylvania meet these clean water requirements without asking more from property owners or taxpayers."

Senator Laughlin, Chair of the Senate Game & Fisheries Committee, added that "non-point mitigation requires materials, equipment and labor that are sourced locally. For every one dollar invested, \$1.60 is returned to the community. For every mile of stream improved, over \$100,000 will be generated in the local economy from improved fishing and boating opportunities. Every ten

percent increase in tree cover reduces water treatment costs by 20 percent."

"The investments made in rehabilitating and improving Pennsylvania's waterways provide tangible economic benefits to local communities, while enhancing recreational activities for anglers and boaters and preserving these valuable resources for future generations," Laughlin said. "Pennsylvania is committed to protecting and restoring the natural beauty of our waterways and the Clean Streams Fund would provide a substantial boost to those efforts."

ARPA money cannot be used to reduce taxes or fund government pension systems. States can only use ARPA money for certain actions to mitigate the impacts of the pandemic on households, businesses, and government operations, or to make new investments in water, sewer or broadband infrastructure. Pennsylvania's total allocation is expected to be \$7 billion and is only available through 2024.

Source: Senate Republican Communications, 4/6/2021

Senate Environmental Committee Briefing Provides Overview of Chesapeake Bay Improvement Efforts

Hearing Video

<https://www.senatorgeneyaw.com/2021/04/01/040621/>

On April 6, 2021, the Senate Environmental Resources and Energy Committee held a briefing on the 'State of the Chesapeake Bay' with staff from the Chesapeake Bay Commission and the Pennsylvania Department of Environmental Protection (DEP) participating.

Half of the land area of Pennsylvania drains to the Chesapeake Bay from four major river basins, including the Susquehanna River Basin, and Pennsylvania comprises 35 percent of the entire Chesapeake Bay Watershed.

The Chesapeake Bay Commission, a tri-state legislative commission advising the general assemblies of Maryland, Virginia and Pennsylvania on matters of Bay-wide concern, is the only legislative branch member of the federal-state Chesapeake Bay Program that includes the six Bay states, the District of Columbia, and the federal government. Along with commitments to address fisheries, habitat, stewardship and other measures of Bay watershed health, the region is facing a deadline of 2025 to have all the practices and programs in place to achieve water quality in the Bay.

By 2025, Pennsylvania is challenged to meet reductions goals which include:

- **Nitrogen:** Reduce by 34 million pounds per year;
- **Phosphorus:** Reduce by 0.7 million pounds per year;
- **Sediment (soil):** Reduce by 531 million pounds per year.

"We are at a critical juncture in our Bay restoration efforts," Chairman Yaw said. "However, we are making progress on the Phase 3 Watershed Implementation Plan to improve the health of Pennsylvania's share of the Chesapeake Bay Watershed."

The Phase 3 Watershed Implementation Plan (Phase 3 WIP) is the state-coordinated initiative to reduce nitrogen, phosphorus and other pollutants in rivers and streams and improve water quality to benefit Pennsylvania's local communities, economy, and quality of life, while meeting U.S. Environmental Protection Agency (EPA) requirements for the Bay. The 43 Pennsylvania counties within the Bay watershed are currently developing or beginning to implement county-specific plans to achieve the TMDL goals.

During the briefing, several pieces of legislation were highlighted including:

- **Dedicated Water Fund**
<https://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=S&SPick=20210&cosponId=35126> using federal

funds from the American Rescue Plan Act (seeking co-sponsors)

- **Nutrient Procurement Bill**
<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2021&sind=0&body=S&type=B&bn=0475> (SB 475)
- **Agricultural Cost-Share Bill**
<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2021&sind=0&body=S&type=B&bn=0465> (SB 465)
- **Fertilizer Bill**
<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2021&sind=0&body=S&type=B&bn=0251> (SB 251)

"We all want to have and protect clean water in our streams and the residents of my district work very hard at being good stewards of our resources," Yaw added. "Being a member of the Commission for a number of years, and now Chairman of the Pennsylvania delegation, along with my northern tier roots, gives me a good understanding of where we need to target our clean-up efforts for the Bay, most of which begins south of Harrisburg."

For a video and submitted comments, visit the Committee website at:
<https://environmental.pasenategop.com/>.

Source: Senator Yaw Press Release, 4/8/2021

PA Senator Gene Yaw Reintroduces Bill to Boost Agricultural Conservation Efforts

State Sen. Gene Yaw (R-23) has reintroduced legislation to increase conservation and technical assistance for farmers in order to further reduce pollution impacts on local creeks and streams. The bill, Senate Bill 465, along with separate legislation known as the "Clean Streams Fund" announced earlier this week by Yaw and Republican colleagues, would work to restore and improve Pennsylvania's waterways and clean water efforts.

"Agriculture is looked to for significant reductions to meet pollution reduction goals for the Chesapeake Bay and other major watersheds in the state," Sen. Yaw said. "Nevertheless, almost one-third of our Commonwealth's streams do not meet standards for drinking, fishing or recreation, and agriculture remains one of the largest sources of impairment. To meet the challenges, I have again introduced legislation to establish an Agricultural Conservation Assistance Program."

Senate Bill 465

<https://www.legis.state.pa.us/cfdocs/Legis/CSM/showMemoPublic.cfm?chamber=S&SPick=20210&cosponId=33768> will provide for local county conservation districts (CCD's) throughout the Commonwealth to directly receive and manage funding for agricultural conservation projects determined by local officials in order to significantly improve local water quality. Modeled after the state's Dirt and Gravel Road Program that apportions funding to CCD's based on a formula that considers relative volumes of dirt roads and impaired streams in each district, the program would apply similar criteria in driving targeted dollars to areas with the highest need for improvement. CCD's would work with participating farmers and landowners to determine the best management practices that will work best for their area.

Senate Bill 465 is a collaborative effort of governmental and non-governmental representatives, including the Pennsylvania Farm Bureau (PFB), the Chesapeake Bay Foundation (CBF) and Penn State University.

"Pennsylvania farmers have long been conservation minded and manage their farms in a way that protects natural resources," said PFB President Rick Ebert. "However, challenges remain in meeting water quality goals, especially within the Chesapeake Bay Watershed. We are pleased that lawmakers such as Senator Yaw acknowledge that farmers cannot go it alone, while also recognizing that environmental challenges are not going away. This agriculture conservation bill will help farmers make conservation improvements on their farm and bring Pennsylvania closer to meeting those water quality goals."

"Farmers are willing to do the right thing and conservation districts are standing by to help. But both lack the resources. CBF thanks Sen. Yaw for an important first step," said Shannon Gority, CBF Executive Director in Pennsylvania. "Everyone wants agriculture to succeed and it is long past time that it gets the resources and technical assistance to finish the job. Our economy, health, heritage, and quality of life depend on it."

"Agricultural water quality has been a priority issue in Pennsylvania and our college for many years," stated Richard Roush, Dean of the Penn State College of Agricultural Sciences. "We enjoy long-standing relationships with diverse agricultural and conservation associations that share our passion for this issue. We believe arming Pennsylvania farmers with the latest science-based information, best practices, and technical support in their conservation efforts will reap huge dividends for healthy rivers, but also for farmers in making better use of soil and nutrients."

"Given the challenges of meeting a 2025 deadline to have all practices in place to meet the Chesapeake Bay cleanup plan, now is the time for Pennsylvania to enact legislation that will provide a roadmap for meeting those goals," Senator Yaw added. "I look forward to a vote on this bill in the near future."

Senate Bill 465 has been referred to the Senate Agricultural and Rural Affairs Committee for consideration.

For more state-related news and information, visit Senator Yaw's website at <http://www.senatorgeneyaw.com/> or on Facebook and Twitter @SenatorGeneYaw.

Senator Gene Yaw represents Pennsylvania's 23rd Senatorial District, which includes all or portions of Bradford, Lycoming, Sullivan Susquehanna and Union counties.

Source: Senator Yaw Press Release, 4/8/2021

Agenda Available for DRBC's April 15 Water

Quality Advisory Committee Meeting

DRBC's Water Quality Advisory Committee will meet on Thursday, April 15, 2021, beginning at 9:30 a.m. The meeting is open to the public and is being held remotely via Zoom.

Please visit

<https://www.nj.gov/drbc/meetings/advisory/> for the details on how to join and to download the draft agenda.

Two other things I wanted to share:

1. On April 21, 2021, DRBC staff will be participating in the 12th National Monitoring Conference, happening virtually from April 19-23 and themed "Working Together, Virtually, for Clean Water." Staff will be discussing "Data-Driven Water Resource Management of Shared Waters in Delaware River Basin" and also "Coupled Hydrodynamic and Water-Quality Models to Quantify the Impacts of Nutrient Loads on Dissolved Oxygen Dynamics in the Delaware Estuary." **View the entire program** at [https://urldefense.com/v3/https://www.nalms.org/2021nmc/program/;!!J30X0ZrnC1oQtbA!Ytgst6wJAYx2WHDDLJom1HKrAn2LYGhT9W39Dfi3RYjec1t_0fhHqtTQtr1XmwX2pAwYdB5wF4\\$](https://urldefense.com/v3/https://www.nalms.org/2021nmc/program/;!!J30X0ZrnC1oQtbA!Ytgst6wJAYx2WHDDLJom1HKrAn2LYGhT9W39Dfi3RYjec1t_0fhHqtTQtr1XmwX2pAwYdB5wF4$).
2. DRBC's Delaware Estuary Water Quality Monitoring Program has begun for 2021. This program is one of the longest-running monitoring programs in the world. Samples are collected at 22 stations, helping ensure water quality criteria are being met. DRBC posts the bacterial data on its website; the rest are submitted to the U.S. EPA's Water Quality Portal. View the March 2021 **bacteria data** at <https://www.nj.gov/drbc/programs/quality/boat-run.html>.

Please contact John Yagecic

john.yagecic@drbc.gov, with any questions.

Source: DRBC, 4/9/2021

PUC Damage Prevention Committee Meets Virtually on April 13

The Pennsylvania Public Utility Commission (PUC) will hold a virtual meeting of the Damage Prevention Committee (DPC) on Tuesday, April 13, at 9 a.m.

Members of the public, the media and others will be able to access the virtual conference by clicking on this **Microsoft Teams**

https://teams.microsoft.com/l/meetup-join/19%3ameeting_YjExNjZlZDktOWU0NC00ZmEzLTgyYzAtZGJiNTA0MTUzYzdl%40thread.v2/0?context=%7b%22Tid%22%3a%22418e2841-0128-4dd5-9b6c-47fc5a9a1bde%22%2c%22Oid%22%3a%2266b01118-9010-4670-b905-5f1f3ebc829b%22%7d event link or by calling into the telephone conference by dialing 267-332-8737, and then entering passcode 819 102 071# to listen to the meeting. The meeting **agenda** is available on the PUC's website https://www.puc.pa.gov/media/1434/dpc_agenda_041321v2.pdf.

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, 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** <https://www.puc.pa.gov/pipeline/damage-prevention-committee/> 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.pa1call.org/> 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, 4/9/2021

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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.