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# WUC

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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### State Senate Approves Yaw Measure Regulating Lawn Fertilizer Application, Updating 1956 Act

**A** bill aimed at modernizing Pennsylvania's 1956 Fertilizer Act was overwhelmingly approved today by the state Senate, according to prime sponsor, Sen. Gene Yaw (R-23).

"Pennsylvania's Fertilizer Act was first passed in 1956 and has not been substantially modernized since," Sen. Yaw said. "The updates I am proposing, in consultation with industry and state agencies, will unquestionably reduce the environmental impact of fertilizer applied to lawn and turf areas, while ensuring that the land will be able to receive adequate nutrients. Homeowners investing in lawn care services have no way to know if the employees applying fertilizer to their yards are properly trained, and the Department of Agriculture has no authority to investigate irresponsible or illegal applications. This bill will change that."

#### Senate Bill 251

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=S&type=B&bn=0251> will establish best management practices for the use of fertilizer; creates a certification program for commercial and public applicators of fertilizer; promotes homeowner and private agricultural fertilizer education through public outreach;

enhances required labeling of all fertilizer products; provides for the exemption of local laws and regulations; re-establishes enhanced reporting requirements and provides a broad-based increase of fees, while repealing the separate classification for small package fees for inspections.

"The bill seeks to level the playing field so everyone, not just farmers, can decrease nutrient run-off and be part of the solution for cleaner Pennsylvania waters," Sen. Yaw added.

Similar legislation has already been enacted in Maryland, Virginia and New Jersey, and the industry has expressed a strong desire for consistency across the region and state.

Several organizations voiced support for the measure including The Scotts Miracle-Gro Company, the world's largest marketer and distributor of lawn and garden products.

"As a fertilizer manufacturer, we know the importance of applying fertilizer in order to maintain a healthy lawn, said Robert Luria, Manager, Government Relations, The Scotts Miracle-Gro Company. "It is to our advantage if consumers use the products as directed and as they are intended, and we are glad to support responsible application."

The Chesapeake Bay Foundation, Pennsylvania Landscape and Nursery Association, Pennsylvania Environmental Council, and Trout Unlimited also weighed-in, supporting Senate Bill 251.

The legislation now moves to the House of Representatives 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.

**Source:** Senator Yaw Press Release, 5/12/2021

## **Innamorato, Muth legislation would close 30-year hazardous waste loophole, protect Pennsylvanians**

*Current law allows toxic drilling waste to contaminate PA drinking water*

**T**o continue their efforts to protect the public health of Pennsylvanians and the environment, state Rep. Sara Innamorato, D-Allegheny, and state Sen. Katie Muth, D-Berks/Chester/Montgomery, are reintroducing legislation that would close a decades-long loophole regarding the disposal of toxic drilling waste.

Under the Pennsylvania Solid Waste Management Act, passed 30 years ago, oil and gas companies are excluded from the requirement to thoroughly test or treat waste before disposing of it in municipal landfills and, in turn, wastewater treatment plants, neither of which are capable of treating such waste. Oil and gas waste is so radioactive that it kills the microbes meant to treat waste intended for these wastewater treatment facilities. This means that not only the hazardous waste not meant for wastewater treatment facilities shoots right through the wastewater treatment facility, but normal waste that should be treated by the facility can also make it untreated into rivers.

"Right now, under the supervision of both the DEP and EPA, billions of gallons of radioactive frack waste is being discharged each year into waterways of our Commonwealth," Muth said. "This legislation would provide long overdue protections needed to keep our drinking water, land

and air safe from the radioactive harm of the extraction industry."

Oil and gas wastewater contains chemicals -- harmful radioactive elements, hydrocarbons, heavy metals and salts -- that can be detrimental to both Pennsylvanians and the environment. As a result of the current law, this toxic waste ends up in our water supplies, putting communities at risk.

"This is a huge oversight in the Solid Waste Management Act that is having severe impacts on our neighbors and our environment. We cannot allow the current practice of dangerous toxic waste disposal to continue. Pennsylvanians deserve better. Our planet deserves better," Innamorato said.

Innamorato and Muth are introducing a package of three bills in their respective chambers that would hold the oil and gas industry to the same standards as other industries. House Bill 2925/Senate Bill 645 would include drilling waste in the SWMA's definition of hazardous waste. House Bill 2926/Senate Bill 644 would repeal the language in the SWMA that exempts oil and gas industries from testing or treating drilling wastewater before disposal. House Bill 2927/Senate Bill 646 would subject oil and gas waste to testing before it is accepted in or released from municipal and sanitary landfills. That would prevent landfills from acting as a gateway for hazardous and radioactive waste to enter our drinking water via wastewater treatment facilities.

"These bills would hold the oil and gas industry accountable for the waste it produces. By requiring that companies test their waste, we can ensure it's properly treated and disposed of," said Innamorato. "By closing this loophole, we will be prioritizing the health of our citizens, workers and environment over companies who make billions of dollars from our communities' natural resources."

Innamorato and Muth tried to champion this legislation last session, but members of the majority party didn't consider it a priority. They're reintroducing these important bills once again in an attempt to make Pennsylvania a safe place to live.

**Source:** House Democratic Communications Office, 5/12/2021

# Gov. Wolf Joins Chesapeake Bay Watershed Governors, Officials Urging Congress to Support 'Billion for The Bay Initiative' To Jumpstart Final Restoration Efforts

On May 13, the Governors of each of the states in the Chesapeake Bay Watershed, the Mayor of Washington, D.C. and the Chair of the Chesapeake Bay Commission wrote to the leaders of Congress asking them to support a new Billion For The Bay Initiative to jumpstart the final phase of Bay restoration efforts.

The letter was signed by Gov. Tom Wolf, Gov. John Carney (DE), Gov. Larry Hogan (MD), Gov. Andres Cuomo (NY), Gov. Ralph S. Northam (VA), Gov. Jim Justice (WV), Mayor Muriel Bowser of the District of Columbia and David L. Bulova, Chair, Chesapeake Bay Commission.

"We write today to request your support for a bold plan to stimulate state and local economies in the Mid-Atlantic region and restore America's largest estuary – the Chesapeake Bay.

"Our proposal is the Billion for the Bay Initiative: a significant and much needed infusion of new funds that will jumpstart the final phase of Bay restoration and put people to work building clean water infrastructure, including green infrastructure that will reduce stormwater and agricultural water pollution, the restoration of natural landscapes, and helping us adapt to the impacts of climate change.

"We face a 2025 deadline under the Chesapeake Bay Total Maximum Daily Load (TMDL) to meet pollution reduction goals that will ensure clean water in the Bay and its tributaries across six states and the District of Columbia.

"While we are making great progress and appreciate recent increases in funding for the Environmental Protection Agency's Chesapeake Bay Program, the lion's share of fiscal

responsibilities for these efforts falls on our jurisdictions.

"As you know, state and local government budgets have been hit hard during the COVID-19 pandemic, making it much more difficult to afford wastewater treatment plant upgrades, enhanced stormwater management systems, stream, forest, and wetlands restoration, and agricultural best management practices necessary to restore the Bay.

"Many individuals, including farmers and ratepayers who must share in the cost of these upgrades, are also struggling.

"The specific benefits of the Billion for the Bay Initiative are two-fold:

1. Enhance and maintain efforts to meet the 2025 deadline for Bay cleanup: Each of the Bay states and the District of Columbia have developed a jurisdiction specific Watershed Implementation Plan (WIP) identifying the most strategic practices and geographic regions for investment.

In addition, our unique partnership has prepared a separate WIP to tackle pollution flowing over the Conowingo Dam. Distribution of the Billion for the Bay dollars should reflect our established priorities and can be distributed through existing programs within the Environmental Protection Agency, Department of Agriculture, National Oceanic and Atmospheric Administration, and National Fish and Wildlife Foundation that have proven track records of success.

"This initiative would leverage significant state and local funding and energize private capital through conservation financing to support cost-effective, long-term environmental solutions.

2. Create jobs and grow economic activity: Every million dollars invested in clean water infrastructure can create more than 16 jobs, so the Billion for the Bay Initiative will also add tens of thousands of job opportunities to help spur our economic recovery.

Further, a clean Bay will generate more than \$22 billion dollars each year in new economic value from improved commercial and recreational fishing,

reduced drinking water treatment costs, resilience to climate change, and improved property values and quality of life in the region.

“As you consider infrastructure and climate-related funding, we ask that you include the Billion for the Bay Initiative.

“This is an opportunity to achieve the long-elusive goal of restoring the Chesapeake Bay, while creating significant new job opportunities, building resilience to climate change, and protecting landscapes and waterways across multiple states.

“We look forward to additional conversations with you and your colleagues from the region on how to design and implement this important program for maximum success.”

Click here for a **copy of the letter**  
[https://drive.google.com/file/d/1ZUMV-j69sZh1bv\\_ATwKLPZLHVi2UIeYV/view](https://drive.google.com/file/d/1ZUMV-j69sZh1bv_ATwKLPZLHVi2UIeYV/view).

### Reaction

Chesapeake Bay Foundation President William Baker issued this statement in reaction to the letter:

“The future of the Chesapeake Bay is now in jeopardy. Scientific recommendations to save it must be accelerated; if not, the Chesapeake Clean Water Blueprint will fail. The watershed states and their federal partners must increase investments to meet the 2025 goal.

“This is especially critical for Pennsylvania and New York, which supply 50 percent of the Bay’s fresh water, and the Bay’s pollution.

“To finish the job, EPA leadership must embrace the Clean Water Act’s mandates and hold the states accountable.

“Pennsylvania’s current plan only achieves 75 percent of its nitrogen pollution reduction goal and has a self-identified shortfall of more than \$300 million annually.

“The vast majority of the pollution reduction needed must come from Pennsylvania. The majority

of this new funding must be directed toward the Commonwealth.

“The Clean Water Blueprint is our last, best hope for clean water across the region. For our children and grandchildren, we must demand success.”

For more on Chesapeake Bay-related issues in Pennsylvania, visit the **Chesapeake Bay Foundation-PA webpage**  
<https://www.cbf.org/about-cbf/locations/pennsylvania/>.

**Source:** PA Environmental Digest, 5/13/2021

## **CBF Issues Statement on the Billion for the Bay Initiative**

**C**hesapeake Bay Foundation (CBF) President William C. Baker commended the region's leaders for the Billion for the Bay Initiative proposed in a letter to Congressional leaders today. The letter was signed by the Governors of Virginia, Maryland, Delaware, New York, West Virginia, and Pennsylvania, along with the Mayor of the District of Columbia and Chair of the Chesapeake Bay Commission, and calls for a significant increase in federal funding to restore local rivers, streams, and the Chesapeake Bay, while supporting new jobs and implementing practices that reduce damage from climate change.

"The future of the Chesapeake Bay is now in jeopardy. Scientific recommendations to save it must be accelerated; if not, the Chesapeake Clean Water Blueprint will fail. The watershed states and their federal partners must increase investments to meet the 2025 goal. This is especially critical for Pennsylvania and New York, which supply 50% of the Bay's fresh water, and the Bay's pollution.

"To finish the job, EPA leadership must embrace the Clean Water Act's mandates and hold the states accountable. Pennsylvania's current plan only achieves 75 percent of its nitrogen pollution reduction goal and has a self-identified shortfall of more than \$300 million annually. The vast majority of the pollution reduction needed must come from Pennsylvania. The majority of this new funding must be directed toward the Commonwealth.

"The Clean Water Blueprint is our last, best hope for clean water across the region. For our children and grandchildren, we must demand success."

**Source:** Chesapeake Bay Foundation Press Release, 5/13/2021

## Wolf Administration to Increase Indoor and Outdoor Events and Gatherings Maximum Capacity on May 17

The Wolf Administration today announced that event and gathering maximum occupancy limits will be increased to 50 percent for indoor events and gatherings and 75 percent for outdoor events and gatherings effective Monday, May 17 at 12:01 AM.

"As more Pennsylvania adults get vaccinated and guidance from the CDC evolves, we can continue to move forward with the commonwealth's reopening efforts," said Governor Wolf. "We recognize the significant strain businesses have faced during COVID-19 mitigation efforts. Throughout the last year and half, we have seen businesses continue to put the safety of their patrons first and I believe they will continue to do so even with this capacity increase."

This update will not prevent municipalities, school districts, restaurants and venues from continuing and implementing stricter mitigation efforts. Based on current **CDC guidance** <https://www.cdc.gov/coronavirus/2019-ncov/communication/guidance-list.html?Sort=Date%3A%3Adesc&Audience=General%20Public%20%E2%80%A2Employers%2C%20Business%20Owners%20%E2%80%A2Community%20Leaders>, social distancing is strongly recommended for municipalities, school districts, restaurants, and venues.

An event or gathering is defined as a temporary grouping of individuals for defined purposes, that takes place over a limited timeframe, such as hours or days. For example, events and gatherings include

fairs, festivals, concerts or shows and groupings that occur within larger, more permanent businesses, such as shows or performances within amusement parks, individual showings of movies on a single screen/auditorium within a multiplex, business meetings or conferences, or each party or reception within a multiroom venue.

Face coverings are still to be worn indoors and outdoors if you are away from your home. In accordance with the latest Centers for Disease Control and Prevention (CDC) guidance, fully vaccinated Pennsylvanians are not required to wear a mask during **certain activities** <https://www.media.pa.gov/Pages/Health-Details.aspx?newsid=1425>. The current order requiring Pennsylvanians to wear masks will be lifted when 70 percent of Pennsylvanians age 18 and older are fully vaccinated.

"As we continue implementing our reopening plan as quickly as possible, the safety of Pennsylvanians remains at the forefront of our decision making," said Gov. Wolf. "During the pandemic, all Pennsylvanians have worked collaboratively to stop the spread of COVID-19. We must continue that same mindset during our reopening efforts. I urge each eligible Pennsylvanians to get vaccinated to help protect your neighbors and loved ones as we work to safely reopen our beloved commonwealth communities."

Currently, maximum occupancy is 25 percent for indoor events and gatherings and 50 percent for outdoor events and gatherings, regardless of venue size and only if attendees and workers are able to comply with the 6-foot physical distancing requirement.

All Pennsylvanians ages 16 and older are eligible to schedule a COVID-19 vaccine. To find a vaccine provider, visit <https://www.vaccines.gov/>.

Pennsylvanians with questions about the vaccination process can call the Department of Health's hotline at 1-877-724-3258.

**Source:** Governor Wolf's Press Office, 5/11/2021

# Wolf Administration Awards More Than \$5 Million in Funding to Communities for Water and Sewer Improvements

Governor Tom Wolf announced that more than \$5.4 million in Community Block Grant Development (CDBG) competitive, set-aside funding to help five communities update existing water and/or sewer systems, helping to improve the quality of life for residents in Butler, Fayette, Indiana, Jefferson, and Potter counties.

“The projects approved today will provide a significant benefit to residents across the commonwealth, helping them keep their waterways clean, receive access to drinkable water, and protect public health and safety,” said Gov. Wolf. “Water and sewer systems are often things that we overlook and take for granted but are a necessity for a good quality of life, and these improvements will preserve the wellbeing of our communities and environment.”

The following projects were included in the most recent block of CDBG funding approvals:

- \$1 million to Butler County to assist with the construction of a new sewer system in the Village of Boyers. The township must build a new system to handle the sewage needs of the Boyers area residents, including 24 homes on the old sewer system, 72 homes currently using on-lot systems and approximately 15 businesses in the area that must connect to the new system. A recirculating sand filter system will replace the current system.
- \$860,000 to Fayette County to install a new sewer line to serve the residents of West Leisenring and connect to an existing public sanitary sewer system owned and operated by the North Union Township Municipal Services Authority. The project will involve the installation of approximately 3,398 linear feet of low-pressure sanitary line, cleanouts, valves,

and grinder pumps. Once the system is in place, the streets in the village will be reconstructed, benefitting nearly 50 households. The township will also provide financial assistance to low- and moderate-income households to install lateral connections from the public curb on private property to the residents for connection to the system.

- \$230,000 to Indiana County to provide public water service to residents of the Metz Road area in White Township. The 31 occupied households in this area currently have private wells producing water that is undrinkable and/or an insufficient quantity to support daily living. The project will be conducted in three phases, with one of the phases funded through CDBG. That phase will construct 5,200 linear feet of water line from the beginning of Metz Road to the intersection of Ferguson Road, providing water service to 13 households.
- \$2,755,275 to Jefferson County to support the Henderson Township Municipal Authority (HTMA) in a water system improvement project to replace the existing water distribution lines within the system to reduce extensive water loss and construct an elevated water storage tank to increase system water pressure and provide fire protection throughout the community. The existing waterlines, constructed of thin single wall plastic, have been in place for nearly 50 years and have deteriorated into extremely poor condition. This project will support 110 residential and six commercial connections.
- \$1 million to Potter County to complete a water/sewer improvement project in Galeton Borough. The Galeton Borough Authority Wastewater Treatment Plant was initially constructed in 1986 and needs significant rehabilitation. Currently, this plant provides wastewater and storm-water services to 528 families. The treatment plant has an old sludge holding tank which lacks the ability to properly store waste solids, resulting in these solids building up in the wastewater treatment units and washing out in Pine Creek during high flow-wet weather events. This has negatively impacted the water quality of Pine Creek and

could subject concentrations of harmful bacteria in the stream.

CDBG funds enable communities to effectively address local community development needs by providing federal funds to develop viable communities through the provision of modest housing and a suitable living environment. Funds are also used to expand economic opportunities geared to low-and moderate-income individuals and to improve infrastructure critical to community health and welfare.

For more information, visit the DCED website <https://dced.pa.gov/>.

**Source:** Governor Wolf's Press Office, 5/12/2021

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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.*