
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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SRBC Announces Final Rule and Three Groundwater Review Policies

At its September 17th Commission Meeting, the Susquehanna River Basin Commission adopted a rulemaking and three related groundwater review policies. The **rule** <https://www.srbc.net/regulatory/policies-guidance/docs/final-rulemaking-review-approval-projects-20211001.pdf> improves the Commission's existing authorities to manage the water resources of the basin, and the three accompanying policies offer implementing **guidance for Aquifer Testing** <https://www.srbc.net/regulatory/policies-guidance/docs/aquifer-testing-guidance-policy-2021-02.pdf> (replacing former Policy No 2007-01), the **new Alternative Hydrogeologic Evaluation (AHE)** <https://www.srbc.net/regulatory/policies-guidance/docs/alternative-hydrogeologic-evaluation-policy-2021-01.pdf>, and the **Pre-drill Well Site Review** <https://www.srbc.net/regulatory/policies-guidance/docs/pre-drill-review-guidance-policy-2021-03.pdf>.

Through the rulemaking, the Commission sought to provide clarity to the regulated community, establish a more efficient and effective framework to review groundwater withdrawals, and solidify processes to manage an anticipated 200-250 groundwater renewal applications over the next five years. With the recent successful implementation of

grandfathering registration, the rule simplifies regulations for grandfathered projects through elimination of several items that formerly prompted full Commission review. The rule also codifies and builds upon program changes for the Commission's natural gas consumptive use program, its minor modification regulations, and general project review regulations. The changes will benefit both the Commission and the regulated community, while providing more balanced oversight and focus on maintaining the sustainability of the basin's water resources. The rule will also ensure wells are permitted and monitored effectively to help reduce costs, both to systems that are smaller and those that have economic challenges.

Alternative Hydrogeologic Evaluation Policy 2021-01 (New)

<https://www.srbc.net/regulatory/policies-guidance/docs/alternative-hydrogeologic-evaluation-policy-2021-01.pdf>

The purpose of this policy is to provide guidance to project sponsors and their consultants for the preparation of an AHE, which has replaced the Aquifer Testing Plan Waiver process described in the Aquifer Testing Plan Guidance (formerly Policy 2007-01). The purpose of an AHE is to promote better management of the water resources in the Basin and reduce costs to the project by allowing project sponsors to more effectively utilize and evaluate existing and site-specific information and operational data during the review process in place of completing new aquifer testing. This policy provides the guidance for project sponsors to follow

a streamlined, risk-based approach to evaluate their existing data and/or information for the requested withdrawal's sustainability and potential impacts to other users and to the environment.

Aquifer Testing Guidance Policy 2021-02 (Updated)

<https://www.srbc.net/regulatory/policies-guidance/docs/aquifer-testing-guidance-policy-2021-02.pdf>

This policy offers updated and clarified guidance for the Commission's former Aquifer Testing Plan Guidance (Policy 2007-01) for groundwater projects. This policy clarifies the regulatory requirements and procedures that should be followed by project sponsors regarding an aquifer test for most projects. Specifically, updates to the policy include:

- An explanation that waivers and project modifications have been replaced.
- Guidance for using the online forms.
- Clarification of common or recurring issues with submittals and implementation of Plans.

Pre Drill Well Site Review Policy 2021-03 (New)

<https://www.srbc.net/regulatory/policies-guidance/docs/pre-drill-review-guidance-policy-2021-03.pdf>

This policy is new but formalizes an existing technical service offered by the Commission since 2013. The Policy is designed to provide guidance in evaluating potential well locations through the provision of technical assistance by Commission staff. This process can identify potential water resources management limitations or conflicts at the well site prior to drilling.

The proposed rule and policies were released in March 2021 for public review and comment. The Commission held two informational webinars explaining the proposals on April 6 and April 14, 2021. The Commission convened a public hearing held by telephone on May 6, 2021. A written comment period was held open for the rulemaking and policies through May 17, 2021, during which three comments were received. The Commission

prepared a **comment and response document** <https://www.srbc.net/regulatory/policies-guidance/docs/final-rulemaking-comment-response-20211001.pdf> addressing these comments.

The voting Commissioners and alternates were: Amy Guise, Chair of the Commission and Chief of the Planning Division, Baltimore District, U.S. Army Corps of Engineers; Aneca Atkinson, Deputy Secretary, Office of Water Programs, Pennsylvania Department of Environmental Protection; Suzanne Dorsey, Assistant Secretary, Maryland Department of the Environment, and Diane English, Chief, Water Quality Management Division, New York State Department of Environmental Conservation.

Source: SRBC Press Release, 9/21/2021

Susquehanna River Basin Commission Hosts Oct. 14 Webinar on Revised Regulations, Policies, Updated Natural Gas Program

The Susquehanna River Basin Commission will host an October 14 webinar on **Revised Regulations and Policies to Make its Permit Review Processes more Efficient** <https://mdw.srbc.net/pwsap/index.html> starting at 1:00 p.m.

Anyone with a regulated groundwater withdrawal project should attend this webinar!

The Commission will provide an in-depth look at improvements to regulations and policies including:

- Amended rules and requirements for groundwater withdrawals
- Removal of several regulatory triggers related to grandfathered sources
- Significant changes for the approval process for small capacity wells
- Elimination of the consumptive use trigger for projects withdrawing less than 0.100 mgd (30-day average)

- Replacement of the Aquifer Testing Waiver process with the Alternative Hydrogeologic Evaluation (AHE) Policy
- New policy for the Pre-Drill Well Site Review
- Updated Aquifer Testing Plan Guidance Policy

The webinar will also touch on regulations that build upon successful program changes with the Commission's natural gas consumptive use (ABR(f)) program, its minor modification regulation, and general project review regulations.

Click here to **register and for more information**

<https://mdw.srbc.net/pwsap/index.html>. Questions should be directed to Dave Haklar at (717) 238-0423 ext. 1108 or Mike Appleby, P.G. at (717) 238-0423 ext. 1208, or PWSAP@srbc.net.

For more information on programs, training opportunities and upcoming events, visit the SRBC website at <https://www.srbc.net/>.

Source: PA Environmental Digest, 9/20/2021
http://paenvironmentdaily.blogspot.com/2021/09/squehanna-river-basin-commission.html?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+PaEnvironmentDaily+%28PA+Environment+Daily+Blog%29

Laboratory Accreditation Advisory Committee Meeting Cancellation

The Department of Environmental Protection's Laboratory Accreditation Advisory committee canceled the October 7 meeting.

Questions concerning the committee can be directed to Annmarie Beach at anbeach@pa.gov or (717) 346-8212.

Source: Pennsylvania Bulletin, 9/25/2021
<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol51/51-39/1621.html>

DEP Withdrawal of Technical Guidance

The Department of Environmental Protection announced the withdrawal of a technical guidance document (TGD) related to the Pennsylvania sewage Facilities Act Program.

Questions regarding this TGD can be directed to Brian Schlauderer at bschlauder@pa.gov or (717) 772-5620. Additional information is available on the Pennsylvania Bulletin.

Source: Pennsylvania Bulletin, 9/25/2021
<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol51/51-39/1624.html>

Bill Limiting Firefighter Exposure to PFAS, Safeguarding Environment Approved by Senate

A bill restricting the use of “Class B” firefighting foams containing added per- and polyfluoroalkyl substances (PFAS) for training purposes and testing was approved by the Senate. The measure now moves to the House of Representatives for consideration.

Some PFAS linger in the environment and in the human body – they don’t break down and can accumulate over time. There is evidence that exposure to PFAS can lead to adverse human health effects.

Senate Bill 302

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=S&type=B&bn=0302> would restrict the use of foam containing PFAS chemicals beginning July 1, 2022 and direct the Pennsylvania Emergency Management Agency, in consultation with the State Fire Commissioner, to assist firefighting entities with evaluating and determining how to transition to the use of Class B firefighting foam that does not contain a PFAS chemical. The legislation would not impact the

continued use of firefighting foams during emergency situations.

Source: Senate Republican Caucus, 9/23/2021

Summary - September 23, 2021 IRRC Public Meeting

On September 23, 2021, the Independent Regulatory Review Commission (IRRC) met and approved the following regulations:

Regulation Approved

1. Agency – Environmental Quality Board #7-552
Title – *Administration of the Land Recycling Programs*
<http://www.irrc.state.pa.us/regulations/RegSrchRslts.cfm?ID=3262>
IRRC #3251
Vote – 5-0
2. Agency – Bureau of Professional and Occupational Affairs #16A-7103
Title – *Schedule of Civil Penalties - Crane Operators*
<http://www.irrc.state.pa.us/regulations/RegSrchRslts.cfm?ID=3284>
IRRC #3273
Vote – 5-0

Commissioners Participating:

- Chairman George D. Bedwick
- Vice Chairman John F. Mizner, Esq.
- John J. Soroko
- Murray Ufberg, Esq.
- Dennis A. Watson, Esq.

The Independent Regulatory Review Commission provides oversight and review of all proposed and existing rules and regulations issued by all departments, boards, commissions, agencies or other authorities of the Commonwealth, excluding the Legislature, Fish and Boat Commission, the Game Commission, and any court, political subdivision, or municipal or local authority. IRRC also acts as a clearinghouse for complaints, comments and other input regarding

existing, proposed, final-form and final-omitted regulations.

For recent news and updates on Commission proceedings or information about IRRC, visit our website at <http://www.irrc.state.pa.us/> and follow IRRC on Twitter: @PA_IRRC.

Source: IRRC Press Release, 9/23/2021

Stefano Bill Offering Low-Interest Loans to Fire Companies Receives Senate Support

The Senate unanimously supported legislation sponsored by Sen. Pat Stefano (R-32) to implement the will of the people made clear during the primary election. **Senate Bill 739** <https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=S&type=B&bn=0739> would provide access to low-interest loans for municipal fire companies.

The bill would permit municipal fire departments or companies that provide services through paid personnel and emergency medical services companies to participate in the Emergency Services Loan Assistance Program, which has been historically limited to volunteer fire companies.

“As chairman of the Senate Veterans Affairs and Emergency Preparedness Committee, I am deeply aware of the financial struggles facing our fire companies across the state. They need all the help we can give them, so I am thankful the public supported the ballot referendum that made my bill possible,” Sen. Stefano said.

Senate Bill 739 would also ensure representation on the loan program’s Application Review Committee of the Pennsylvania Professional Firefighters Association, the Pennsylvania Career Chiefs Association, as well as the Department of Community and Economic Development and the Pennsylvania Department of Conservation and Natural Resources.

As the bill received unanimous support in the Senate, it now advances to the House of Representatives for consideration.

Source: Senator Stefano Press Release, 9/22/2021

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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.