

---

# WUC

Water Utility Council of the  
PA-Section, American Water  
Works Association (PA-AWWA)



## GOVERNMENT RELATIONS UPDATE

From Milliron & Goodman Government Relations, LLC.

---

200 North 3<sup>rd</sup> Street ♦ Suite 1500 ♦ Harrisburg, PA 17101 ♦ Phone: 717-232-5322 ♦ Erik A. Ross, Senior Associate ♦ [www.millirongoodman.com](http://www.millirongoodman.com)

---

Harrisburg, PA

[Erik@millirongoodman.com](mailto:Erik@millirongoodman.com)

October 17, 2021 -- Issue 1253

---

### New Technology Allows Bacteria to be Monitored in Near Real-Time in the Urban Corridor of the Delaware River

The Delaware River Basin Commission (DRBC) has partnered with the United States Geological Survey's (USGS) New Jersey Water Science Center to install an advanced next generation water-quality instrument to monitor bacteria indicators in Camden County's Pyne Poynt Park, in Camden, N.J.

The Fluidion Alert System instrument advances DRBC, USGS and the Basin community's knowledge of the changing water quality in the urban Delaware River Estuary by providing near real-time bacterial data. Last year, a similar gauge was installed on the Philadelphia side of the river. The addition of the Camden instrument provides a more comprehensive picture of water quality in the most urbanized section of the 330-mile-long river.

"We cannot improve what we don't first measure," said DRBC Executive Director Steve Tambini. "The DRBC and Basin community want to continue to improve the water quality in the urban corridor of the Delaware River. We are always seeking better ways to monitor what is in our waters. From there we can continue our collective efforts to apply science, engineering and

policy to understand and reduce sources of pollution."

Bacteria levels in the urban corridor of the Delaware River can change rapidly. Under current traditional sampling and monitoring practices for bacteria, sampling is labor intensive and expensive, and there often is a multi-day lag time between sample collection and receipt of results. Daily or hourly fluctuations of bacteria indicator concentrations in the Delaware River are not captured. Urban runoff and combined sewer overflows contribute to higher bacteria concentration following rainfall events. The Fluidion Alert System instrument uses rapid sampling and analysis methods and wireless transmission and is being evaluated to deliver timely and efficient results.

"In this partnership, the USGS will be providing near real-time information on water quality and bacteria levels in a portion of the Delaware River," said USGS Supervisory Hydrologist Anna Boetsma. "These data will inform water resource managers and local officials as they work both to ensure the safety of recreational activities and make decisions focused on reviving the health of the river."

"The quality of the water running through the Delaware River is a matter of the utmost concern for Camden County. The city and county are joined at the hip with the river, which has helped make the area a center for economic commerce since its founding. The installation of a Fluidion gauge in the vicinity of Pyne Poynt Park is an important step in a

decades-long effort to improve the quality of the river for our residents," said Camden County Commissioner Jeffrey Nash, who serves as the liaison to the Camden County Parks Department. "We applaud the commitment shown by the Delaware River Basin Commission and the United States Geological Survey -- with support from the William Penn Foundation -- to improve the quality of our waterways."

Funding for the Fluidion instrument came from the U.S. EPA Urban Waters Federal Partnership and from a grant provided by the William Penn Foundation.

The DRBC is a federal/interstate 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 [www.drbc.gov](http://www.drbc.gov).

For more information on DRBC's bacteria monitoring program, please visit <https://www.nj.gov/drbc/programs/quality/bacteria.html>.

**Editor's Note:** Fluidion is a registered trademark of Fluidion SAS of Creteil, France.

**Source:** DRBC Press Release, 10/12/2021

## Senate Republicans Introduce Bills to Limit Influence of Lobbyists, Political Consultants

A package of bills introduced by Senate Republicans would subject lobbyists and political consultants to new transparency

and ethical standards to limit their level of influence in state government.

The bills were introduced by Senator Bob Mensch (R-Montgomery), Senator Kristin Phillips-Hill (R-York), Senator Lisa Baker (R-Luzerne) and Senator Tommy Tomlinson (R-Bucks).

Senate President Pro Tempore Jake Corman (R-Bellefonte) made the lobbyist reform package a top priority this legislative session and is a cosponsor of all five bills.

"It is important to draw a bright line between legislators, lobbyists and political consultants," Corman said. "Adding the necessary layers of transparency and separation between all of these entities will help prevent conflicts of interest and ensure lobbyists and political consultants cannot play an inappropriate role in the legislative process."

**Senate Bill 801**, sponsored by Mensch, would require lobbyists to register any clients seeking state financial assistance or grants and prohibit kick-backs and inducements for referrals or performance bonuses for a successful application for taxpayer-funded grants.

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=s&type=b&bn=801>

**Senate Bill 802**, sponsored by Phillips-Hill, would prohibit any state entity from hiring an outside lobbyist or political consultant to lobby any branch of government. The bill would also prohibit former lobbyists who become employees of the General Assembly from being lobbied by their previous colleagues for one year after separation from employment. This would prevent the revolving door of individuals leaving a lobbying firm to join the legislature and immediately being influenced by their former coworkers.

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=s&type=b&bn=802>

**Senate Bill 803**, sponsored by Baker, would prevent lobbyists from also being registered as political consultants and prohibits a political consultant from lobbying a state official who was a

client for the remainder of the term for which consulting services were provided.

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=s&type=b&bn=803>

**Senate Bill 804**, sponsored by Tomlinson, would require all registered lobbyists to complete mandatory annual ethics training developed by the Department of State.

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=s&type=b&bn=804>

Another lobbying reform became law in July. **Act 70 of 2021**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=H&type=B&bn=0336> requires lobbyists to disclose any equity they hold in any entity for which they are lobbying.

**Source:** Senate Republican Communications, 10/13/2021

## **Anglers Warned to Not Eat Fish from Neshaminy Creek Basin Perfluorooctane Sulfonate (PFOS) risk from all species**

**T**he Pennsylvania departments of Environmental Protection (DEP), Agriculture (PDA), and Health (DOH), along with the Pennsylvania Fish and Boat Commission (PFBC), announced a "Do Not Eat" advisory for all fish species caught in the Neshaminy Creek basin in Bucks and Montgomery counties due to extremely high levels of Perfluorooctane Sulfonate (PFOS). The advisory extends to all fish throughout the Neshaminy Creek basin, including Neshaminy Creek State Park and Tyler State Park.

PFOS is one of a group of perfluoroalkyl and polyfluoroalkyl chemical substances (PFAS) that readily bioaccumulates in fish tissue. Prior to this year, Pennsylvania's Fish Consumption Advisory Program has been evaluating sport-caught fish in

Pennsylvania waters for various contaminants, including PCBs, pesticides, and heavy metals. This past year, Pennsylvania has adopted tiered meal advice for PFOS and has begun collecting and analyzing fish tissue samples for PFOS. Levels detected in fish tissue samples from the Neshaminy Creek watershed had levels over the 0.2 parts per million Do Not Eat advisory level.

As a result of the "Do Not Eat" advisory, the commission will discontinue fish stocking in the Neshaminy Creek basin until further notice. The commission will work to identify nearby replacement waters to redirect trout previously stocked in the basin to provide continued recreational angling opportunities for stocked trout. Fishing is still allowed in the basin, but anglers are urged to practice catch-and-release practices.

The first step in addressing this contamination is identifying sources, several of which have already been identified, including military installation superfund sites. Steps have been taken at these sites to remediate contaminated soils and groundwater. DEP is working to identify additional sources by asking permit holders in the Neshaminy Creek watershed to sample their discharges for PFAS.

"An advisory like this is not something that we recommend lightly," said DEP Secretary Patrick McDonnell. "The possible PFOS levels found in fish tissue is greatly concerning. DEP will continue to sample fish species and revisit this recommendation in the future."

"Whenever a stream or lake is removed from our trout stocking list, we take every opportunity to keep the fish local and place them in nearby waters for anglers to enjoy," said Tim Schaeffer, PFBC executive director. "We intend to do the same in this case to preserve the opening day and trout season experiences that are so important and valued in Bucks and Montgomery Counties and across the commonwealth."

For more information on Neshaminy Creek visit <http://www.dep.pa.gov/neshaminy>.

More information on PFOS and other PFAS chemicals [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).

More information on fish consumption advisories <https://www.dep.pa.gov/Business/Water/CleanWater/WaterQuality/FishConsumptionAdvisory/Pages/default.aspx>.

**Source:** DEP Press Release, 10/13/2021

## **New Grant Program Aids in Monitoring Groundwater Well Levels**

**E**xecutive Director Andrew Dehoff announced that the Susquehanna River Basin Commission has approved more than \$110,000 in grants for groundwater level monitoring projects across the Susquehanna Basin. The funds will help more than 30 municipalities and businesses purchase and install equipment needed to track water levels in their production wells. They are the first recipients of this SRBC grant initiative.

"With this funding, we are supporting our approved projects in meeting regulatory requirements designed to improve our understanding of local water resources," said Mr. Dehoff. "It is important that we invest in our water infrastructure and help ensure reliable water supplies for Basin residents."

Projects approved by the Commission to withdraw groundwater are required to monitor and report operational data. The data are beneficial to the project to provide support for a renewal request and for ongoing evaluation of an aquifer's condition and performance of the well and pump.

Across the Susquehanna Basin, projects are sometimes challenged in making necessary improvements to their complex infrastructure, from recording operational data to water quality testing. Measurement of water levels or upgrading equipment in wells is a small but important part of a facility's water monitoring program - one that may lose priority when financial resources are

constrained. Data compiled as a result of this effort can accrue information about the sustainability of water resources for years to come.

Grants may be used for projects that are not currently collecting water level data from their well(s) or for projects interested in upgrading equipment. The funds can help address equipment failure, achieve better accuracy, improve efficiency, or automate water level measurement and recording.

The average grant award was \$3,545, with two projects receiving the maximum grant award of \$7,500. Grant awardees include 26 public water suppliers, four golf courses, and four industrial facilities. Twenty-nine projects are located in Pennsylvania, and five projects are located in New York state. Projects involving Environmental Justice areas received \$16,500.

**Source:** SRBC Press Release, 10/14/2021

## **CBF Applauds NFWF Grants to Improve PA's Water Quality and Urges Greater Federal Support**

**S**hannon Gority, executive director for the Chesapeake Bay Foundation (CBF) in Pennsylvania, issued this statement applauding National Fish and Wildlife Foundation (NFWF) grants totaling roughly \$3.88 million to clean and restore polluted rivers and streams in the Commonwealth. About \$5.2 million in matching contributions could produce a total of nearly \$9 million of on-the-ground improvements and protections for Keystone State waters.

The Commonwealth will share an additional \$1.4 million in NFWF grants and matching contributions with the State of New York for projects in the headwaters to the Chesapeake Bay watershed.

These NFWF investments are made through the Chesapeake Bay Stewardship Fund, funded primarily by the Environmental Protection Agency

and through the federal-state Chesapeake Bay Program.

For 2021, the Stewardship Fund will make 49 grants totaling \$10.03 million for projects in the Bay region. An anticipated matching amount of about \$12 million would lead to a total on-the-ground impact of over \$22 million.

Of the NFWF grants to Pennsylvania projects, Ms. Gority said:

“These investments through the Chesapeake Bay Program will improve water quality in Lancaster County with floodplain restoration, new corporate clean water partnerships, and stormwater treatment projects. Creekside trees will be planted, and a stream stabilized in Lebanon County, projects in upstate Pennsylvania and New York will improve headwaters to the Bay, and more.”

“With the 2025 deadline looming, achieving the Clean Water Blueprint depends on a greater commitment from Congress and increased funding through the Chesapeake Bay Program, U.S. Department of Agriculture (USDA), and other sources.

“Increased investments in regenerative agriculture strategies in Pennsylvania are good for farm productivity and keeping soil and nitrogen on the land instead of running into local waters.

“Congress is currently negotiating a multi-trillion-dollar budget package that would boost funding for USDA conservation programs by as much as \$28 billion over the next decade. A significant portion of that increase would go to providing farmers the financial and technical support to adopt and maintain beneficial practices.

“The \$1.2 trillion Infrastructure Investment and Jobs Act making its way through Congress is another opportunity to bolster federal funding and calls for the Chesapeake Bay Program to get an additional \$238 million over the next five years. Pennsylvania would see a portion of the extra \$47.6 million a year to fund important conservation work.

“It’s long past time for federal and state leaders to step up and make things right for Pennsylvanians

and all 18 million people who live, work and play in the Bay watershed.”

**NOTE:** The NFWF press release and specific grant details can be found here <https://www.nfwf.org/sites/default/files/2021-10/NFWF-Chesapeake-20211012-GSpdf>.

**Source:** CBF Press Release, 10/15/2021

## **DEP Awards Over \$4.1 Million in Grants to 13 Projects Statewide to Restore the Health of Local Watersheds**

**T**he Pennsylvania Department of Environmental Protection (DEP) awarded over \$4.1 million to 13 projects statewide that will help communities restore impaired local watersheds.

"Healthy watersheds are like the circulatory system of our environment, providing drinking water, sustaining fish and other aquatic life, supporting habitats, and enabling the recreation opportunities that add to our quality of life and help sustain our economy in Pennsylvania," said DEP Secretary Patrick McDonnell. "Yet around the state, streams and rivers are degraded by increasing nonpoint source pollution. The Section 319 Grants program supports public and private partners working with the goal of reducing this pollution across their local watersheds."

Nonpoint source pollution is water pollution that doesn't come from a single specific discharge point, such as a pipe, but rather from diffuse sources. About 95 percent of water-quality-impaired watersheds in Pennsylvania are affected by nonpoint source pollution. Section 319 Nonpoint Source Management Grants focus on reducing:

Nitrogen, phosphorus, and sediment pollution from agricultural activities, urban stormwater runoff, and streambank and shoreline erosion; and Iron, aluminum, and acidity pollution associated

with energy resource extraction and acid mine drainage (AMD).

### The **Section 319 Nonpoint Source Management Grants**

<https://www.dep.pa.gov/Business/Water/PlanningConservation/NonpointSource/Pages/default.aspx>

program supports projects that carry out best management practices (BMPs) specified in Watershed Implementation Plans for **36 watersheds around the state**

[https://files.dep.state.pa.us/Water/BWEW/Watershed%20Management/WatershedPortalFiles/NonpointSourceManagement/Section\\_319\\_Nonpoint\\_Source\\_Management\\_Grants/PA%20WIP%20map.pdf](https://files.dep.state.pa.us/Water/BWEW/Watershed%20Management/WatershedPortalFiles/NonpointSourceManagement/Section_319_Nonpoint_Source_Management_Grants/PA%20WIP%20map.pdf),

with special consideration for projects in Pennsylvania's share of the Chesapeake Bay Watershed. The program also supports development of new Watershed Implementation Plans for additional impaired watersheds.

Grouped by location, the following projects received Section 319 Grants:

#### Statewide

- **Pennsylvania Association of Conservation Districts:** \$362,565 to support nonpoint source pollution education by county conservation district offices. This includes training for watershed specialists across the state and educational outreach to citizens on actions they can take to reduce pollution, as well as a small grants program that funds projects to reduce nonpoint source pollution prevention from various sources, including agriculture and stormwater.

#### Bedford County

- **Broadtop Township:** \$209,000 and \$299,000 for treatment improvements to existing AMD passive treatment systems in two locations in Six Mile Run. The improvements will further remediate AMD discharges and achieve acidity, iron, aluminum, and manganese reduction goals for the creek. Twenty-one AMD sources have been remediated upstream, starting in the headwaters, in the past 20 years. This is the next to last major AMD remediation project before the mouth of Six Mile Run.

#### Clearfield County

- **Clearfield County Conservation District:** \$722,661 for design, permitting, and construction of a passive treatment system to remediate Korb 4 AMD discharge in Little Anderson Creek in Bloom Township. This high-priority project will reduce acidity, iron, aluminum, and manganese in the creek and, along with other projects to be completed, will restore this cold-water fishery.

#### Dauphin and Lebanon Counties

- **Doc Fritchey Trout Unlimited Chapter:** \$132,759 to develop a Watershed Implementation Plan for Spring Creek Watershed in Palmyra Borough and Derry, South Londonderry, North Londonderry, and Conewago townships. The watershed is 91 percent impaired, primarily by siltation, but also by organic enrichment, habitat alteration, and flow modification. The plan will prioritize sites that contribute high pollutant loads to streams in the watershed; prioritize best management projects and quantify how much pollution they'll remove; and identify project cooperators, approximate financial costs, and an implementation schedule.

#### Jefferson County

- **Headwaters Charitable Trust:** \$64,352 for design and permitting of a passive treatment system to remediate three AMD discharges in Pine Run on State Gamelands Number 320 in Porter Township. Acidity removal and alkalinity generation are the primary goals, but iron and aluminum removal will also be considered in the passive treatment design.

#### Lancaster County

- **Donegal Chapter of Trout Unlimited:** \$832,440 for agricultural and stream restoration projects in three locations in the Little Conowingo subwatershed in East Drumore and Fulton townships. Barnyard runoff controls, rotational grazing, livestock crossings, and streambank restoration with fencing and vegetative buffers will be implemented.

- **Lancaster County Conservation District:** \$121,000 to identify and implement projects to install streambank buffers, streambank fencing, and livestock crossings on various tributaries in Mill Creek Watershed to get streams off impaired lists quickly in Lancaster City; New Holland Borough; and East Lampeter, West Lampeter, Earl, East Earl, Leacock, and Upper Leacock townships.

Lebanon County

- **Doc Fritchey Trout Unlimited:** \$161,081 to restore 2,781 linear feet of stream and plant a 35-foot-wide streambank buffer along Bachman Run on two properties in South Annville Township. In addition, the project will convert heavily impacted pasture into a half-acre of emergent wetland in the adjacent floodplain.

Schuylkill County

- **Schuylkill Conservation District:** \$240,000 to design a streambank restoration project for the Swatara Creek floodplain in Ravine, Tremont Township. A section of the creek is severely eroded on both sides, with banks over eight feet high. Flooding in summer 2018 exacerbated the problem. Erosion has resulted in over 1,500 tons of sediment entering the creek since 2006 and is shifting the creek close to Interstate 81. Project design will likely incorporate bank sloping, hard armoring, floodplain restoration, wetland creation, and vegetation to stabilize the streambank and create up to 2.5 acres of floodplain and wetlands.

York County

- **Center for Watershed Protection:** \$168,057 to design and permit a project to restore sections of South Branch Codorus and Centerville creeks in the Codorus Creek watershed, Codorus and Springfield townships.
- **York County Conservation District:** \$508,581 to design, permit and construct a stream restoration project, including streambed and bank stabilization, on Willis Run, a tributary to Codorus Creek, and in the west branch of Codorus Creek, in the City of York. The project

also will install 1.5 acres of new streambank vegetation buffers at Lincoln Park. The project has an educational component, primarily funded with partner contributions, including an unveiling event, public education signage, and an education day with several local schools.

- **York County Conservation District:** \$280,898 for Codorus Creek Watershed stream restorations. The project will complete the design, permitting and construction for three stream restoration project sites on the South Branch Codorus Creek, Mill Creek, and Inners Creek in Springfield and York townships.

The projects in Pennsylvania's share of the Chesapeake Bay Watershed also advance Countywide Action Plan priority initiatives and the state Phase 3 Watershed Implementation Plan to improve the health of the watershed.

Grant funding is provided by the U.S. Environmental Protection Agency and authorized through Section 319(h) of the federal Water Pollution Control Act.

Source: DEP Press Release, 10/14/2021

## **Guidance on Notification Requirements for Spills, Discharges, and other Incidents of a Substance Causing or Threatening Pollution to Waters of the Commonwealth Under Pennsylvania's Clean Streams Law**

The Department of Environmental Protection announced the availability of technical guidance documents (TGDs) at the department's website at <http://www.depgreenport.state.pa.us/elibrary/>. The changes include guidance on notification requirements for spills and discharges.

**NOTE:** The proposed new technical guidance on Notification Requirements for Spills, Discharges and Other Incidents that Threaten to Cause Pollution of the Waters of the Commonwealth as required by the state Clean Streams Law. (DEP ID: 383-4200-003)

<https://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=3963581&DocName=GUIDANCE%20ON%20NOTIFICATION%20REQS.%20FOR%20SPILLS%20DISCHARGES%20%20%26amp%3B%20OTHER%20INCIDENTS%20OF%20A%20SUBSTANCE%20CAUSING%20OR%20THREATENING%20POLLUTION%20TO%20WATERS%20OF%20THE%20COMMONWEALTH%20UNDER%20PA%26%2339%3BS%20CLEAN%20STREAMS%20LAW.PDF>.

The purpose of this document is to provide guidance on the immediate notification requirements for spills, discharges, and other incidents of a substance causing or threatening pollution to waters of the Commonwealth.

Questions regarding this TGD can be directed to Bob Kachonik at [rkachonik@pa.gov](mailto:rkachonik@pa.gov) or (717) 783-3863.

Additional information is available on the Pennsylvania Bulletin.

**Source:** Pennsylvania Bulletin, 10/16/2021

## **PUC - Waiver of Regulations Regarding Service Requirements**

The Public Utility Commission waived the regulations regarding service requirements in accordance with Gov. Tom Wolf's proclamation of disaster emergency in response to the COVID-19 pandemic until April 1, 2022 at a public meeting on September 15, 2021. Additional information is available on the Pennsylvania Bulletin at <http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol51/51-42/1745.html>.

**Source:** Pennsylvania Bulletin, 10/16/2021

## **Public Water System Technical Assistance Center Board Meeting Cancellation**

The October 28, 2021, meeting of the Public Water System Technical Assistance Center Board (Board) is **cancelled**. The Board's meeting dates for 2022 have not yet been determined.

Information about the next year's Board meetings will be published in a future issue of the Pennsylvania Bulletin. Information will be provided on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at <http://www.dep.pa.gov> (select "Public Participation," then "Advisory Committees," then "Water," then "Public Water System Technical Assistance Center (TAC) Advisory Board").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the Board can be directed to Dawn Hissner at [dhissner@pa.gov](mailto:dhissner@pa.gov) or (717) 772-2189.

**Source:** Pennsylvania Bulletin, 10/16/2021  
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol51/51-42/1732.html>

#####

*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.*