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GOVERNMENT RELATIONS UPDATE

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DEP Releases Draft 2022 Pennsylvania Integrated Water Quality Report, Invites Public Comment

The Pennsylvania Department of Environmental Protection (DEP) has released for public comment the draft **Pennsylvania 2022 Integrated Water Quality Monitoring and Assessment Report** <https://storymaps.arcgis.com/stories/b9746eec807f48d99decd3a583eede12>, the biennial update on the health of streams and lakes statewide.

"The Integrated Water Quality Report is a vital tool for Pennsylvanians to be informed on the health of their streams, rivers, and lakes," said DEP Secretary Patrick McDonnell. "We're committed to continuing to make it as robust as possible to equip Pennsylvanians to take action and be part of solutions to address challenges to water quality, whether in their neighborhood, county, or watershed."

DEP submits the Integrated Water Quality Report to the U.S. Environmental Protection agency and the public every two years, as required by the federal Clean Water Act of 1972. Waters are assessed for one or more of four uses—drinking water, fish consumption, aquatic life, and recreational use—and determined to be attaining or impaired.

DEP welcomes comments on the report. Comments can be made online through the **DEP eComment system** <https://www.ahs.dep.pa.gov/eComment/>, may be emailed to ecomment@pa.gov, or can be mailed to the DEP Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105. All comments must include the commenter's name and address.

The deadline for comments is March 1.

People can visit the **DEP web site** <https://www.dep.pa.gov/Business/Water/CleanWater/WaterQuality/IntegratedWatersReport/Pages/2022-Integrated-Water-Quality-Report.aspx> for a video that walks them through how to use the interactive features of the 2022 Integrated Water Quality Report for fullest effect.

A color-coded interactive map in the "2020 to 2022 Changes" section makes it easy for Pennsylvanians to see whether their local lake or stream is attaining or impaired and whether this reflects a change in status over the past two years. With one click, users can see the details on which use (or uses) DEP assessed the waterway for. If it is impaired, they can see both the cause, such as habitat alteration, flow change, siltation, or another factor, and the source.

For the 2022 report, DEP expanded assessment of waterways, with 5,844 stream miles and 25,742 public lake acres newly assessed for a use. DEP reassessed 5,334 stream miles and 14,262 public

lake acres. Based on new assessments and reassessments, the percentage of impaired stream miles rose from 30 to 33 percent compared with 2020.

The 2022 report also showcases water quality restoration, noting that since 2004, approximately 920 miles of streams and 28,000 acres of public lakes have been restored. A color-coded interactive map shows which waterways have been restored for which uses and when.

To underscore the connections between water quality and climate change and nonpoint source pollution, the report also includes information on DEP's 2021 state Climate Action Plan and the "Healthy Waters, Healthy Communities" effort in the Chesapeake Bay Watershed.

Pennsylvania is a national leader in the extent of its water quality assessment. The 2022 Integrated Water Quality Report reflects the cumulative assessment of 99 percent (84,977 miles) of stream miles and 97 percent (109,819 acres) of lake acres statewide since Pennsylvania began reporting for the Clean Water Act.

This year marks the 50th anniversary of the federal Clean Water Act, which established the structure for regulating discharges of pollutants and regulating quality standards for surface waters in the United States.

Source: DEP Press Release, 1/18/2022

CBF Calls for Greater Investments to Reduce Pollution as Number of Impaired Waters Increases

Shannon Gority, executive director for the Chesapeake Bay Foundation (CBF) in Pennsylvania, said that an increase in the number of miles of impaired waters listed in the Pennsylvania Department of Environmental Protection's (DEP) Draft 2022 Integrated Water Quality Report sends a clear message that not

enough is being done to clean and protect Commonwealth rivers and streams.

DEP's latest biennial report lists 27,886 miles of Pennsylvania waters, 2,418 miles more than in its 2020 report, as being harmed by pollution.

The report found that 33 percent of Pennsylvania's more than 85,000 miles of rivers and streams do not meet water quality standards for water supply, aquatic life, recreation, or fish consumption.

The top three major sources of water quality impairment identified in the 2022 report are: abandoned mine runoff, 7,356; agricultural runoff, 6,430; and stormwater runoff, 3,502 miles.

In response to DEP's report, Shannon Gority said:

"That the latest report includes over 2,400 more miles of impaired rivers and streams than in 2020 is a sad reminder that Pennsylvania must accelerate its rate of installing practices that reduce pollution to local waters.

"It is time for our Commonwealth to accelerate implementation of its Clean Water Blueprint by providing the funds necessary to do more than plan.

"State and federal leaders need to follow-through on pending legislation that supports the many boots on the ground, landowners, and communities working hard every day to protect and restore local rivers and streams. They want to do more.

"Following through on the commitment to clean and protect our rivers and streams is vital to our health, economic well-being, and quality of life."

Source: CBF Press Release, 1/18/2022

Governor Wolf Builds on Commitment of a Lead-Free PA, Announces \$168 Million Investment in Water

Infrastructure Projects in 13 Counties

Building on his commitment for a Lead-Free PA, Governor Tom Wolf announced the investment of \$168 million for 15 drinking water, wastewater, and stormwater projects across 13 counties through the Pennsylvania Infrastructure Investment Authority (PENNVEST).

"Making critical investments like the ones announced today help to revitalize our communities across the commonwealth," said Gov. Wolf. "Perhaps more importantly, they also play a vital role in addressing commitments we've made as Pennsylvanians toward our own environment, by honoring our role in cleaning up the Chesapeake Bay tributary region, restoring our lakes and streams, and minimizing our impact on fresh waters in every region of the state."

The funding for these projects originates from a combination of state funds approved by voters, Growing Greener, Marcellus Legacy funds, federal grants to PENNVEST from the Environmental Protection Agency, and recycled loan repayments from previous PENNVEST funding awards. Funds for these projects are disbursed after expenses for work are paid and receipts are submitted to PENNVEST for review.

"With more than \$10 billion in community investments, PENNVEST has highlighted the importance and value of our state revolving loan fund," said Gov. Wolf. "Offering affordable financing for large-scale infrastructure projects has allowed Pennsylvania's communities to grow and rebuild without burdening residents with unreasonable financial demands, paving the way for stronger communities and more opportunities for Pennsylvanians to prosper and thrive."

A list of project summaries follows:

Drinking Water Projects

Blair County

- **Curryville Water Authority* - received a \$210,790 loan and a \$2,178,210 grant to install approximately 7,500 feet of water line connection and an additional chlorine booster injection system. The project will provide an interconnect to the Martinsburg Municipal Authority, ensuring reliable, potable water for residents in that service area.

Luzerne County

- **Hazleton City Authority* - received a \$19,835,000 loan to replace approximately 34,000 feet of distribution system piping and associated water mains. The project will replace aging, deteriorated system components, reduce unaccounted-for water loss, and improve fire protection capabilities.

Potter County

- *Galeton Borough Authority* - received a \$353,908 loan to install new electrical systems, motor actuated valves, and flow meters to ensure automatic monitoring of treated water quality, alarms, and shutdown capability. The project will satisfy a Department of Environmental Protection Consent Order and Corrective Action Plan to prevent the delivery of improperly treated water to users in the event of malfunctions.

Wastewater Projects

Armstrong County

- ***Freeport Borough* - received an \$11,000,000 loan to construct a new wastewater treatment plant, utilizing sequencing batch reactor technology. The project will eliminate untreated or inadequately treated discharge and current hydraulic overloads that are impacting Buffalo Creek.

Blair County

- *Northern Blair County Regional Sewer Authority* - received an \$8,774,181 loan to replace and/or rehabilitate approximately 5,000 feet of gravity mainline, 10,000 feet of gravity mainline lining, and approximately 150 gravity

lateral connections. The project will address an existing system beyond its useful life and inflow and infiltration issues.

Centre County

- *Moshannon Valley Joint Sewer Authority* - received a \$2,371,000 loan to replace an existing chlorine gas disinfection system with a dual-channel ultraviolet disinfection system. The project will replace infrastructure that has reached the end of its useful life.

Clearfield County

- ****City of DuBois** - received a \$57,566,897 loan and a \$4,433,103 grant to construct a new wastewater treatment plant and replace approximately 12,500 feet of sanitary sewer and sewer interceptor lines. The project will meet required effluent limits in accordance with the National Pollutant Discharge Elimination System (NPDES) permit.

Dauphin County

- ****Halifax Area Water and Sewer Authority** - received a \$6,519,652 loan and a \$10,587,348 grant to construct approximately 13,600 feet of gravity sewer, pump stations and grinder pumps, and approximately 19,800 feet of associated force mains. The project will provide public sewer service to areas currently served by failing onlot sewer systems.

Fayette County

- ****North Union Township Municipal Services Authority** - received a \$10,229,112 loan to install approximately 55,000 feet of sewer line and four new pump stations. The project will address malfunctioning onlot systems, wildcat discharges, and an inadequate, privately-owned treatment plant.

Indiana County

- *Blairsville Municipal Authority* - received a \$680,000 loan to restore an existing pump station, serving 1,788 households in Blairsville Borough and Burrell Township. The project

will extend the useful life of existing infrastructure and ensure adequate wastewater service to area residents.

Union County

- *Lewis Township* - received a \$1,648,932 loan and a \$209,268 grant to rehabilitate and expand an existing wastewater treatment plant with new technologies, eliminating a Marsh and Meadow system treatment process. The project will decommission malfunctioning onlot systems throughout the community.

Washington County

- ****Cecil Township Municipal Authority** - received a \$13,876,149 loan to construct a new wastewater treatment plant, eliminating a collection of wildcat sewers with environmental discharge locations currently in use. The project will ensure reliable wastewater treatment service for the Village of Lawrence and eliminate discharges of raw sewage into tributaries of the Chartiers Creek.

Westmoreland County

- *City of Monessen* - received a \$2,370,000 loan to replace approximately 3,400 feet of sewer pipe, reducing overflow incidents. The project will alleviate the potential for human contact with untreated sewage and significantly decrease overflows into the Monongahela River.

Stormwater Projects

Philadelphia County

- ****City of Philadelphia** - received an \$8,670,000 loan to install 37 green stormwater infrastructure systems, as well as rain gardens and stormwater bump outs in the neighborhoods of Packer Park, South Philly, Overbrook, Lawndale, and Holmesburg. The project will reduce the volume of untreated water entering local streams and rivers.
- ****City of Philadelphia** - received a \$6,825,000 loan to install 34 green stormwater infrastructure systems, as well as infiltration

trenches, and stormwater bump outs in the neighborhoods of South Philly, Saunders Park, Fairmount, and Harrowgate. The project will reduce the volume of stormwater entering the combined sewer system in an environmental justice community.

* denotes projects that have Drinking Water State Revolving Funds

** denotes projects that are funded with Clean Water State Revolving Funds

Source: Governor Wolf's Press Office, 1/19/2022

DRBC Announces Additional Public Hearing on Proposed Regulations Addressing Importation and Exportation of Water and Prohibiting the Discharge of Wastewater from High Volume Hydraulic Fracturing

On January 20, 2022, the Delaware River Basin Commission (DRBC) announced it will hold an additional public hearing on February 3, 2022, at 1:30 p.m. on proposed regulations it published in October 2021, concerning water importations and exportations and certain wastewater discharges.

The DRBC invites and welcomes individuals and organizations throughout the Basin to attend the public hearing and to provide oral or written comment on the proposed regulation. The following additional measures are intended to expand opportunities for public participation in the Commission's current rulemaking process:

- The public hearing on February 3, 2022, will include enhanced language access to include real-time English-to-Spanish and Spanish-to-English professional translation, on a pilot basis.

Attendees may choose to participate in the virtual hearing in either English or Spanish.

- The February 3, 2022, public hearing will be held virtually; for individuals who may not have access to a computer or the internet, or for individuals who choose to join the virtual hearing by phone, toll-free numbers will be provided.
- For individuals who are unable to use the DRBC's online comment system but would like to provide written comments, exception-seekers may submit their request and proposed comment by mail simultaneously. No reasonable request for an exception will be denied.
- The DRBC recently upgraded its website to provide an interactive language translation widget that can translate web-based formatted text on any of DRBC's web pages from English to over 100 different languages. The DRBC has posted the draft rules and rulemaking notice in Spanish (including certificate of translation) on its website and has established a process for requesting certified translation of documents related to this rulemaking into additional languages.
- The DRBC announced on November 16, 2021, an extension from January 28, 2022, to February 28, 2022, of the period for written comment on the proposed regulations.
- The DRBC's proposed rules, first announced October 28, 2021, update existing regulations on importations of water into and exportations of water from the Delaware River Basin. They also prohibit the discharge of wastewater from high volume hydraulic fracturing and related activities to waters or land within the Basin, and they incorporate this prohibition into the DRBC's Water Quality Regulations.

Those interested in attending the public hearing and providing oral or written comment on the proposed regulations are encouraged to review the Notice of Proposed Rulemaking, including the text of the proposed rules, in either English or Spanish, along with related materials and information on the DRBC's web site at:

https://www.state.nj.us/drbc/meetings/proposed/notice_import-export-rules.html.

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.

Source: DRBC Press Release, 1/20/2022

Wolf Administration Announces \$3.5 Million for Watershed Restoration and Protection Projects in Southeast PA

On January 20, 2022, the Pennsylvania Department of Environmental Protection (DEP) announced that 14 projects in Southeast Pennsylvania, totaling more than \$3.5 million, aimed at watershed restoration and protection will be funded through this year's Growing Greener grants.

"Growing Greener is the single largest investment of state funds that goes directly towards addressing critical environmental concerns of the 21st century," said DEP Southeast Regional Director Pat Patterson. "As we continue to see the impacts of climate change, it is imperative that we use funds to invest in, protect, and restore our watersheds."

Growing Greener grants are awarded for projects in three categories: watershed restoration and protection; abandoned mine reclamation; and abandoned oil and gas well plugging projects. Statewide, this year's awards exceed \$18 million

and will fund projects focused on design, construction, education, and outreach.

Three other agencies also received funds to distribute for appropriate projects: the Pennsylvania Department of Agriculture to administer farmland preservation projects, the Pennsylvania Department of Conservation and Natural Resources for state park renovations and improvements, and the Pennsylvania Infrastructure Investment Authority for water and sewer system upgrades.

Approved projects include:

Bucks

- *Langhorne Manor Borough*: Comly Avenue Water Quality Improvements, \$230,000.
- *Bucks County Audubon Society at Honey Hollow*: Honey Hollow Creek Dam Reregulation, Stream Stabilization and Floodplain Restoration: Design and Permitting, \$154,100.
- *Northampton Township*: Northampton Crossing Basin Retrofit, \$300,000.

Chester

- *Stroud Water Research Center, Inc.*: Agricultural Best Management Practices (BMPs) and Forested Buffers for Red Clay Creek 2022, \$495,944.
- *Chester County Conservation District*: Mushroom Farm Resource Conservationist, \$199,680.
- *Tredyffrin Township*: Tredyffrin Township Rain Garden Program, \$12,740.
- *Tredyffrin Township*: Bair Road/Trout Creek Infiltration, Water Quality and Flood Mitigation Project, \$340,000.
- *Brandywine Conservancy and Museum of Art*: Assessing and Improving Water Quality in the Brandywine-Christina Watershed. \$269,298.

Delaware

- *Radnor Township*: West Wayne Preserve Water Quality Improvements and Flood Reduction Project, \$480,000.
- *Glenolden Borough*: Improving Wildlife and Aquatic Habitat in Glenolden Community Park, \$224,475.
- *Darby Township*: Conway Park Streambank Restoration Water Quality Improvement Project, \$216,300.

Delaware and Philadelphia

- *Pennsylvania Resources Council, Inc.*: Growing Greener Communities, \$244,475.

Philadelphia

- *Pennsylvania Horticultural Society*: TreeVitalize Watersheds 16, \$250,000.

Source: DEP Press Release, 1/20/2022

Pennsylvania’s Unemployment Rate Falls to 5.4 Percent in December; Commonwealth continues to regain lost jobs, bounce back from pandemic

On January 21, 2022, the Pennsylvania Department of Labor & Industry (L&I) released its preliminary employment situation report for December 2021.

Pennsylvania’s unemployment rate was down three-tenths of a percentage point over the month to 5.4 percent in December. During that same time, the US. rate also fell three-tenths of a percentage point to 3.9 percent. Over the year, the commonwealth’s unemployment rate was 1.7 percentage points below its December 2020 level and the national rate was down 2.8 points.

Pennsylvania’s civilian labor force – the estimated number of residents working or looking for work – decreased 18,000 over the month.

Pennsylvania’s total nonfarm jobs were up 14,300 over the month to 5,804,600 in December. Jobs increased in eight of the 11 industry supersectors.

Trade, transportation & utilities – which increased by 9,400 – made up the largest share of the December gain.

The next largest increase was a boost of 3,300 leisure & hospitality jobs.

The largest volume drop from November was in professional & business services, down 4,100.

Over the year, total nonfarm jobs were up 202,200 with gains in 10 of the 11 supersectors.

Leisure & hospitality had the largest 12-month gain, adding back 80,400 jobs.

All supersectors remained below their pre-pandemic February 2020 job levels as of December 2021.

Additional information is available on the L&I website at www.dli.pa.gov.

Note: The above data are seasonally adjusted. Seasonally adjusted data provide the most valid month-to-month comparison. A breakdown of Pennsylvania’s employment statistics follows.

Source: PA Dept. of Labor & Industry, 1/21/2022

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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.