

GOVERNMENT RELATIONS

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**Berks County
Water & Sewer**
ASSOCIATION

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DEP Announces PFAS Sampling Plan to Identify Possible Water Contamination

As a part of the Wolf Administration's efforts to address contamination from per- and polyfluoroalkyl substances (PFAS), the Pennsylvania Department of Environmental Protection (DEP) announced a statewide sampling plan to identify impacted drinking water supplies.

The sampling plan will test water taken from more than 300 public water supplies (PWS) with elevated potential for contamination, based on proximity to common sources of PFAS, such as military bases, fire training sites, landfills, and manufacturing facilities. The sampling plan will begin collecting information in May 2019, and the first planned phase will last approximately one year.

"Addressing PFAS in drinking water is

one of the top priorities for DEP," said DEP Secretary Patrick McDonnell. "DEP is taking unprecedented steps to address PFAS, including beginning the process to set a Maximum Contaminant Level for the first time, and this sampling plan will shed light on the extent of PFAS contamination in Pennsylvania."

DEP announced that it is beginning the process of setting a Maximum Contaminant Level (MCL) for PFAS after the U.S. Environmental Protection Agency (EPA) did not commit to doing so in February 2019. This will mark the first time that DEP has set an MCL rather than adopting standards set by the federal government, as it has with all other regulated drinking water contaminants.

"DEP will not hesitate to step up when the federal government fails to," said McDonnell.

The sampling plan will be discussed at the **next PFAS Action Team meeting** <http://www.ahs.dep.pa.gov/NewsRoomPublic/SearchResults.aspx?id=21657&typeid=1> ,

scheduled for April 15, 2019, at the Abington Senior High School. Governor Tom Wolf created the **PFAS Action Team** <https://www.governor.pa.gov/executive-order-2018-08-perfluoroalkyl-and-polyfluoroalkyl-substances-pfas-action-team/> in September 2018 to address PFAS contaminants across the commonwealth and protect Pennsylvania residents.

The sampling plan will not be the first time that Pennsylvania PWSs will have been tested for PFAS. In 2012 EPA had sample results collected from 175 systems under the "unregulated contaminant monitoring rule" (UCMR) which collects data on chemicals suspected to be present in water, but do not have set regulations. In the third iteration of the UCMR, EPA sampled for six PFAS chemicals, including PFOS and PFOA. These chemicals now have an EPA health advisory limit of 70 parts per trillion (ppt). In Pennsylvania, this sampling included some of the largest systems, including Philadelphia and Pittsburgh, both of which were found to be below the 70 ppt level.

More information on PFAS in Pennsylvania can be found [here](http://www.dep.pa.gov/pfcs) <http://www.dep.pa.gov/pfcs>.

Source: DEP Press Release, 4/12/2019

ADVISORY – Abington – Media Availability Prior to PFAS Action Team

The next meeting of the Wolf Administration's PFAS Action Team will take place on Monday, April 15, 2019, from 6:00-9:00 PM at Abington Senior High School.

There will be a media availability with Department of Environmental Protection (DEP) Secretary Patrick McDonnell, Secretary of Health Dr. Rachel Levine, and Department of Military and Veterans Affairs Brig. Gen. Michael Regan from 5:30-6:00 PM for accredited media in the Audion room.

The meeting will include an opportunity for members of the public to provide comment in person. Commenters are asked to present no more than three minutes of remarks. Residents unable to attend or who would like to submit remarks in writing can use DEP's **eComment system** <https://www.ahs.dep.pa.gov/eComment/>.

Visit **PFAS Action Team** https://www.dep.pa.gov/Citizens/My-Water/drinking_water/Perfluorinated%20Chemicals%20%E2%80%93PFOA%20and%20PFOS%20%E2%80%93in%20Pennsylvania/Pages/default.aspx for more information.

WHAT: PFAS Action Team Public Meeting
WHERE: Auditorium, Abington Senior High School
900 Highland Avenue
Abington, PA 19001
WHEN: Media Availability 5:30-6:00 PM Meeting 6:00-9:00 PM
Monday, April 15, 2019

Source: DEP Press Release, 4/12/2019

PUC Marks 'Safe Digging Month'; Highlights Actions of Damage Prevention Committee

In conjunction with National Safe Digging Month, the Pennsylvania Public Utility Commission (PUC) reminded consumers, businesses and contractors of the importance of identifying underground infrastructure before digging to help ensure safety and highlighted the actions of the Damage Prevention Committee (DPC).

“This time of the year often brings more construction and home improvement projects,” said Commissioner John F. Coleman Jr. “Every year, 6,000 hits are reported on underground facilities across Pennsylvania, with each one of these incidents posing a danger to contractors, utility workers and nearby residents, along with the possibility of service interruptions, environmental damage and costly repairs to damaged lines. It is important to contact the **Pennsylvania One Call (PA One Call) system** <http://www.pa1call.org/PA811/Public/> by calling 8-1-1 before any excavation work, to ensure that lines are properly located and marked.”

Coleman also noted that since its first hearing in November of last year, the DPC has filed approximately 415 disciplinary actions resulting in more than \$302,000 in total fines against facility owners, excavators and project owners. The creation of the DPC was authorized by **Act 50 of 2017** http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=3918, which enhances Pennsylvania’s Underground Utility Line Protection Act – also known as the “One Call Law.”

The DPC is part of the PUC’s independent Bureau of Investigation and Enforcement, which also includes the Pipeline Safety Division. Modeled after

successful programs in other states, the **focus of the committee** http://www.puc.pa.gov/utility_industry/transportation/pipeline_safety/pa_one_call_enforcement.aspx is a reduction in the number of “hits” on underground utilities. The DPC meets regularly to review alleged violations of the Act and makes determinations as to the appropriate response including, but not limited to, the issuance of warning letters or administrative penalties. The committee holds public meetings in Hearing Room 1 of the Commonwealth Keystone Building, Harrisburg, and each of the meetings is livestreamed on the **PUC’s website** http://www.puc.pa.gov/about_puc/live_streaming_video.aspx.

State law requires contractors and residents to contact **PA One Call** <http://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.

The Pennsylvania Public Utility Commission balances the needs of consumers and utilities; ensures safe and reliable utility service at reasonable rates; protects the public interest; educates consumers to make independent and informed utility choices; furthers economic development; and fosters new technologies and competitive markets in an environmentally sound manner.

For recent news releases and video of select Commission proceedings or more information about the PUC, visit our **website** at www.puc.pa.gov. Follow the PUC on Twitter – @PA_PUC for all things

utility. “Like” Pennsylvania Public Utility Commission on Facebook for easy access to information on utility issues.

Source: PUC Press Release, 4/19/2019

DEP Invites Comments on Draft Plan to Reduce Pollution and Improve Water Quality in Pennsylvania’s Part of the Chesapeake Bay Watershed

The Pennsylvania Department of Environmental Protection (DEP) invites comments from residents, communities, farmers, and local government leaders on a draft plan to improve water quality in streams and rivers by removing nitrogen, phosphorus, and sediment pollution in the Susquehanna and Potomac watersheds.

The draft Pennsylvania **Phase 3 Chesapeake Bay Watershed Implementation Plan** [https://www.dep.pa.gov/Business/Water/Pennsylvania%E2%80%99s%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-\(Watershed-Implementation-Plans\).aspx](https://www.dep.pa.gov/Business/Water/Pennsylvania%E2%80%99s%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-(Watershed-Implementation-Plans).aspx) (Phase 3 WIP) was developed with input from local government leaders, agricultural operators, community organizations, county residents, university researchers, federal agency partners, expert volunteers, and a steering committee led by DEP, the Pennsylvania Department of Agriculture, and the Pennsylvania Department of Conservation and Natural Resources (DCNR) The Phase 3 WIP is part of U.S. Environmental Protection Agency

mandated reductions of nitrogen and phosphorous in local streams and rivers in Pennsylvania’s 43 counties in the Chesapeake Bay Watershed by 2025.

“Pennsylvania is fortunate to have many state and local partners committed to improving the health of local streams and rivers and bringing their communities the benefits of better water quality,” said DEP Secretary Patrick McDonnell. “County level planning will be critical to this effort, and several counties are leading the way in identifying on-the-ground projects to reduce water pollution. DEP, DCNR, and the Department of Agriculture will continue to work with county and municipal governments as well as our agricultural community to identify and implement projects that prevent and reduce pollution in local streams and rivers.”

The plan recommends actions for the agriculture, forestry, stormwater, and wastewater sectors and state government initiatives, such as legislative actions to ensure stable funding for water quality projects and privacy protection for farmers who put projects in place.

Recommendations include ways to maximize federal, state, and local funding sources and to distribute funds more flexibly and efficiently.

Comments on the Phase 3 WIP can be submitted at <https://www.ahs.dep.pa.gov/eComment/> or via email to ecomment@pa.gov. The comment period ends on June 7, 2019, and the final version of the Phase 3 WIP will be submitted to Chesapeake Bay Program Partnership on August 9, 2019.

Source: DEP Press Release, 4/12/2019

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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.