

# GOVERNMENT RELATIONS

From Milliron and Goodman Government Relations, LLC, Harrisburg, PA

**Berks County  
Water & Sewer**  
ASSOCIATION

April 22, 2019, Issue 58

## Gladys Brown Dutrieuille Reappointed as PUC Chairman

**O**n April 17, 2019, the Pennsylvania Public Utility Commission (PUC) recognized Gov. Tom Wolf's reappointment of Gladys Brown Dutrieuille of Dauphin County as the PUC's Chairman, effective immediately.

"I am honored by the Governor's reappointment to this important position," Chairman Brown Dutrieuille said. "The Commission is steadfastly committed to our key public safety, consumer protection, economic and quality of service regulatory oversight responsibilities, and I look forward to continuing to work on these critical issues with my fellow Commissioners and our dedicated PUC staff."

Gov. Tom Wolf said in his official letter to Chairman Brown Dutrieuille, "Please accept my best wishes for your continued success as chair. I appreciate your

commitment to public service to the Commonwealth and the Commission." Chairman Brown Dutrieuille is now serving her second term as a Commissioner and Chairman for the Commission, after being nominated by Gov. Tom Wolf on Feb. 13, 2018, and unanimously confirmed by the Pennsylvania Senate on April 17, 2018. She began her service at the PUC in 2013, and was first appointed as Chair of the Commission in 2015. Her term expires April 1, 2023. Chairman Brown Dutrieuille has pledged to use the same fair and balanced approach in dealing with PUC issues that she used in her more than 22 years as an aide and counsel in the Pennsylvania Senate. She has highlighted that one of her goals on the Commission is to increase efforts to educate consumers.

A native of Middletown and a resident of Harrisburg, Chairman Brown Dutrieuille earned her bachelor's and juris doctorate degrees from the University of Pittsburgh. She is a member of the Pennsylvania Bar Association, Dauphin County Bar Association, the James S. Bowman Inns of Court, the Keystone Bar Association and the Central Pennsylvania

Food Bank Board of Directors. She is an active member at Bethel African Methodist Episcopal Church in Harrisburg. She also is an active member in Epsilon Sigma Omega Chapter of Alpha Kappa Alpha Sorority Inc and the Harrisburg Chapter of AABE (American Association of Blacks in Energy). Chairman Brown Dutrieuille also serves on the National Association of Regulatory Commissioners (NARUC) committees on Critical Infrastructure and Electricity.

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](http://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, 4/17/2019

## **Governor Wolf Announces \$69 Million Investment in Water Infrastructure Projects in 14 Counties**

**O**n April 17, 2019, Governor Tom Wolf announced the investment of \$69 million for 20 drinking water, wastewater, storm water, and non-point source projects across 14 counties through the Pennsylvania Infrastructure Investment Authority (PENNVEST).

"The projects included in today's approvals demonstrate our commitment to investing in clean water for Pennsylvanians," said Governor Wolf. "The funding provided by the PENNVEST Board delivers the financial support necessary for communities to make the improvements required to ensure potable drinking water, adequate wastewater treatment, and storm water management that all work to strengthen our communities."

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.

"Funding through PENNVEST is critical in rebuilding the commonwealth's aging water infrastructure, but our communities have countless infrastructure needs that are not currently covered by existing state resources," said Governor Wolf. "We need **Restore Pennsylvania** <https://www.governor.pa.gov/wp-content/uploads/2019/02/20190204-Restore-PA.pdf> to truly address the local infrastructure needs the needs of our municipalities."

A list of project summaries follows:

## Drinking Water Projects

### Beaver County

- **New Sewickley Township Municipal Authority** - A \$717,653 loan to replace 5,200 feet of aging asbestos cement distribution water mains with ductile iron pipe. The project will address related health concerns, unreliable service, and improve water quality.

### Bedford County

- **Bedford Borough Municipal Authority\*** - A \$3,880,000 loan to replace 18,450 feet of antiquated asbestos cement and cast-iron water lines with polyvinyl chloride pipe. Fire hydrants and service lines reconnecting customers will also be added or replaced as necessary. The project will address unaccounted for water loss and improve service reliability.

### Blair County

- **Williamsburg Municipal Authority\*** - A \$4,384,420 loan to install a new well pump, construct a new disinfection system/building, install two new packaged water booster pump stations, replace 7,300 feet of asbestos cement waterline, and install 3,700 feet of new waterline along Ridge Road to connect new customers. The project will provide for adequate disinfection, reduce high unaccounted for water loss, increase service reliability, and provide service to an area that is using private wells with insufficient yields during drier months.

### Monroe County

- **East Stroudsburg Borough** - A \$2,416,000 loan to replace the existing

raw water supply intake and transmission pipeline. The project is being undertaken in conjunction with rehabilitation work on the Middle Dam water supply reservoir and is replacing the existing transmission line that is over 100 years old and at the end of its useful life.

### Northampton County

- **Easton Suburban Water Authority\*** - A \$7,617,500 loan to construct a new 3.74 million gallon per day pumping station, install 2,600 feet of suction main, 6,900 feet of discharge main, and 7,600 feet of water main. The project includes nine new fire hydrants, and up to 75 service connection replacements. Fire flows, service reliability/efficiency, and water pressure will be improved with the implementation.

## Wastewater Projects

### Bedford County

- **Bedford Borough Municipal Authority\*\*** - A \$3,132,121 loan and a grant of \$2,427,879 to install 29,900 feet of vitrified clay sanitary sewer pipe with new polyvinyl chloride pipe. The project will reduce inflow and infiltration due to wet weather conditions and raw sewage discharges into the Juniata River, and satisfy a consent order and agreement with the Department of Environmental Protection.

### Cambria County

- **East Carroll Township\*\*** - A \$342,429 loan and a grant of \$1,176,571 to construct a wastewater collection system to serve customers near the Village of Reilly's. The project includes 13,000 feet

of gravity sewer main and appurtenances and will address a documented 87 percent on lot system failure rate allowing untreated wastewater in publicly accessible areas. Sewage will be conveyed to the Patton Municipal Authority for treatment.

- **City of Johnstown** - A \$5,200,000 grant to install 4,500 feet of sanitary sewer lateral piping and 2,465 feet of pipe to connect to the Johnstown Redevelopment Authority interceptor system. The project will reduce wet weather overflows of raw sewage into Little Conemaugh River and help satisfy the Consent Order and Agreement with the Department of Environmental Protection
- **Johnstown Redevelopment Authority** - A \$11,125,000 loan to install 6,400 feet of gravity sewer, 275 feet of sewer installed by boring; 1,750 feet of sewer line rehabilitation and 6,000 feet of interceptor sewers to be cleaned in order continue to accept flows from Lower Yoder Township, Westmont Borough, and the City of Johnstown. The project will reduce wet weather overflows of raw sewage into Little Conemaugh River and help satisfy the Consent Order and Agreement with the Department of Environmental Protection.
- **Middle Taylor Township Sewer Authority** - A \$997,231 loan and a \$2,622,769 grant to construct 27,000 feet of gravity wastewater sewers to an area currently served by wildcat sewers and malfunctioning on-lot systems at a rate of 54 percent. Sewage will be conveyed to the Johnstown Redevelopment Authority for treatment.

#### Erie County

- **North East Borough Sewer Authority** - A \$12,618,000 loan to construct a pump station and force main to convey treated effluent from the North East Site 2 wastewater treatment plant offshore into Lake Erie. Upgrades to the chlorination disinfection system, grease/oil removal system, replacement of a failing clarifier, and a backup generator will be included. The project will address operational issues and effluent violations.

#### Lackawanna County

- **Greenfield Township Sewer Authority** - A \$2,000,000 loan to install a new influent screen, fine bubble aeration system, automated dissolved oxygen control system, new ultraviolet light disinfection control panel, and improvements to the chlorine contact tank. The project will improve operations and aid in the maintenance of the treatment facilities, and water quality of the receiving streams.

#### Mifflin County

- **Union Township Municipal Authority** - A \$2,500,000 loan to install a new aerobic digester, a new raw pump station, replace two aeration blowers, improve the aerobic digester tank, and replace the reed beds. The project will address operational issues and bring the treatment plant into compliance with permit standards, ensuring proper treatment prior to discharge to the Kishacoquillas Creek, a tributary to the Juniata River.

#### **Storm Water Projects**

#### Allegheny County

- **Bethel Park** - A \$1,367,000 loan to install underground detention tank, rain gardens, reconstruct a flow splitting structure and expand retention ponds. The project will address the hazards associated with inadequate control of storm water flows causing flooding in residential areas and runoff of pollutants into the nearby unnamed tributary to Greaser's Run.

#### Westmoreland County

- **Penn Township** - A \$1,454,866 loan to construct a detention pond, drainage swells various inlets and piping, and replace three culverts with associated piping. The project will eliminate periodic flooding in residential areas and reduce sediment into Bushy Run.

#### York County

- **Delta Borough Municipal Authority** - A \$650,000 loan to install 5,282 feet of pipe, 66 new inlets, 10 new headwalls and 295 feet of swales. The project will alleviate issues with deteriorated and collapsing storm sewer pipes causing flooding on private property and runoff into streams.

### **Non-point Source Water Quality Improvement Projects**

#### Lancaster County

- **Chester County Conservation District** - A \$420,625 grant to pay for a manure storage facility, manure reception pit, concrete cattle lot, reinforced gravel animal walkways, fencing, swales, roof gutters, and downspouts on the Michael King farm located in Bart Township Lancaster County. The project is expected to eliminate over 4,081 pounds

of nitrogen, 1,854 pounds of phosphorus and 5,020 pounds of sediment from the West Branch of the Octoraro Creek, a High Quality Cold Water Fishery. Lancaster County Conservation District - A \$736,000 grant to cover the costs related to construction of manure storage facilities, waste transfer system, roofed stacking structure, heavy use areas, walkways, fencing infiltration bed, and storm water controls on the Elmer K. King farm located in Paradise Township, Lancaster County. The project is expected to eliminate 6,727 pounds of nitrogen, 2,926 pounds of phosphorus, and 4,800 pounds of sediment from entering Pequea Creek, an agriculturally impaired stream and is a Warm Water Fishery.

#### Tioga County

- **Tioga County Conservation District** - A \$783,044 grant to construct a liquid and dry waste storage and collection systems, covered heavy use area, animal fencing, critical planning and vegetation restoration, vegetative buffer, improved access roads, storm water drainage, diversion swales, and structural storm water controls on the Metzler Dairy farm in Shippen Township, Tioga County. The project is estimated to eliminate 17,470 pounds of nitrogen, 5,329 pounds of phosphorus and 2,680 pounds of sediment from West Branch of Stony Fork a tributary to Pine Creek.
- **Tioga County Conservation District** - A \$659,132 grant to construct a waste storage system, reception pit, waste transfer system, covered heavy use and feedlot areas, concrete feed pad, animal fencing, critical planting/vegetated treatment, improved access road, storm water drainage swales, gutters, and

downspouts at the Slaymaker Dairy Farm in Sullivan Township, Tioga County. Project will address issues associated with a notice of violation issued by the Department of Environmental Protection and is estimated to eliminate 13,765 pounds of nitrogen, 4,469 pounds of phosphorus, and 2,140 pounds of sediment from entering Elk Creek.

\* denotes projects that have Drinking Water State Revolving Funds

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

For more information, visit [www.pennvest.pa.gov](http://www.pennvest.pa.gov) or call 717-783-6798.

**Source:** PENNVEST Press Release, 4/17/2019

## Pennsylvania's Unemployment Rate at Record Low 3.9 Percent

*Unemployment Rate Lowest Since 1976, Jobs Numbers Hit another Record High, Biggest Gain in Professional & Business Services Jobs*

**O**n April 19, 2019, the Pennsylvania Department of Labor & Industry (L&I) released its employment situation report for March 2019.

Pennsylvania's unemployment rate decreased one-tenth of a percentage point to a record low 3.9 percent in March -- the lowest rate since 1976. The national rate was unchanged from February at 3.8 percent. The Pennsylvania unemployment rate

declined by one-half of a percentage point from March 2018.

The estimated number of Pennsylvania residents working or looking for work, known as the civilian labor force, was up 5,000 over the month. The number of employed Pennsylvanians rose by 10,000 to a record high of 6,219,000. The number of unemployed residents was down 6,000 from February to its lowest level since it was matched in August 2000.

The estimated number of jobs in Pennsylvania, referred to as total nonfarm jobs, was up 4,000 from February to a record high of 6,044,500. Highlights from this month's jobs report include:

- Fourth consecutive gain as well as fourth consecutive record high.
- Total nonfarm jobs increased from February in six of the 11 industry supersectors.
- The largest volume change was in professional & business services, up 2,200.
- Education & health services and leisure & hospitality both rose to record high job levels.

Over the past 12 months, jobs increased 0.8 percent in the commonwealth with gains in eight of the 11 supersectors. Education & health services had the largest volume 12-month gain.

Additional information is available on the L&I website at [www.dli.pa.gov](http://www.dli.pa.gov).

**Note:** The above data are seasonally adjusted. Seasonally adjusted data provide the most valid month-to-month comparison.

**Source:** PA Department of Labor & Industry, 4/19/2019

## Alternative Fuels Incentive Grant Program; Grant Opportunity

The Department of Environmental Protection's Energy Programs Office announced an opportunity to apply for grants under the Alternative Fuels Incentive Grant Program.

Program guidelines and application instructions are available on the Department's web site at <http://www.dep.pa.gov> (select "Citizens," then "Grants, Loans and Rebates," then "Alternative Fuels Incentive Grant").

Applications will be accepted online through the Department of Community and Economic Development **eGrants system** at <http://www.esa.dced.state.pa.us/>.

Approximately \$6 million in grants will be available for school districts, municipal authorities, political subdivisions, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in this Commonwealth to support:

- Incremental cost expenses relative to retrofitting vehicles to operate on alternative fuels as a bi-fuel, dual-fuel, hybrid or dedicated vehicle.
- Incremental cost expenses to purchase bi-fuel, dual-fuel, hybrid or dedicated vehicles.
- The cost to purchase and install the necessary fleet refueling or workplace, home or intermediary refueling equipment for bi-fuel, dual-fuel, hybrid or dedicated vehicles.
- The cost to perform research, training, development and demonstration of new applications or next-phase technology related to alternative fuel vehicles.

**Source:** Pennsylvania Bulletin, 4/20/2019 <https://www.pabulletin.com/secure/data/vol49/49-16/575.html>

## DEP Releases Report on Impaired Waterways in Pennsylvania, Stresses Need for Restore Pennsylvania for River Health

The Pennsylvania Department of Environmental Protection (DEP) released its **2018 Integrated Water Quality Monitoring and Assessment Report** <https://www.dep.pa.gov/Business/Water/CleanWater/WaterQuality/IntegratedWatersReport/Pages/2018-Integrated-Water-Quality-Report.aspx>, which details the health of rivers, streams, and lakes across Pennsylvania. With the release of this biennial report, DEP Secretary Patrick McDonnell highlighted how Restore Pennsylvania can help clean up Pennsylvania's polluted waterways.

The report evaluates whether waterbodies across Pennsylvania are achieving the water standards that protect clean water. Streams, lakes, rivers, and other water resources are

evaluated on how well each waterway is meeting its assessed use, such as drinking water supply, aquatic life, recreation, and fish consumption.

"Clean water is vital to the health and safety of Pennsylvanians, our wildlife, and our land," McDonnell said. "As we continue to protect and restore water quality in Pennsylvania, the commonwealth's support is critical to funding restoration projects. Restore Pennsylvania prioritizes environmental protection in its infrastructure revitalization plans and would direct funding so that Pennsylvanians can better protect and fully enjoy our natural resources."

Restore Pennsylvania is a statewide plan to aggressively address the commonwealth's vital infrastructure needs, including protecting waterways by funding restoration projects. Funded through a commonsense severance tax, Restore Pennsylvania is the only plan that will help make Pennsylvania a leader in the 21st century.

Thanks to new scientific analysis techniques pioneered by DEP staff, the 2018 Integrated Report includes, for the first time, aquatic life use assessments of the middle and lower reaches of the Susquehanna and Juniata rivers.

"DEP remains committed to continuing work on the Susquehanna River, and has completed extensive work resulting in a new assessment methodology that will increase our ability to monitor Pennsylvania's waterways," said DEP Secretary Patrick McDonnell. "For the first time, we've been able to assess the middle and lower reaches of the Susquehanna River. Additionally, this is the first fully digital interactive Integrated Report, making it the most user-friendly and transparent Integrated Report ever created."

DEP has determined that the Juniata River from the confluence of the Raystown Branch in Huntingdon County to the mouth at Duncannon, Perry County and the Susquehanna River from the confluence of the Juniata River at Duncannon to the Route 462 bridge near Columbia, Lancaster County are both impaired for aquatic life use due to high pH. DEP is currently evaluating the sources of impairment.

These impairment determinations are consistent with the Chesapeake Bay Total Maximum Daily Load (TMDL) goal to reduce nutrients and sediment.

The report also notes that smallmouth bass population levels have returned to near-record levels in previous areas of concern. Collaborative work between DEP, the Pennsylvania Fish and Boat Commission (PFBC), and several other partners identified the two most likely causes of the smallmouth bass disease and population decline as endocrine-disrupting compounds and pathogens, such as Largemouth Bass Virus and parasites. The aquatic life use impairments on the Susquehanna and Juniata rivers are based on physiochemical water quality and benthic macroinvertebrate monitoring data. These assessments have been arrived at independently of the decline and subsequent recovery of smallmouth bass populations in the Susquehanna and Juniata rivers over the past decade and a half.

A requirement of the federal Clean Water Act, the Integrated Report is a biennial comprehensive analysis of the water quality status of the more than 86,000 miles of streams and rivers and more than 160,000 acres of lakes in Pennsylvania. Rivers, lakes, and streams are assessed in four categories: Aquatic Life, Water Supply, Fish Consumption, and Recreation.



The full report and supporting documents can be found at [https://www.depgis.state.pa.us/2018\\_integrated\\_report/index.html](https://www.depgis.state.pa.us/2018_integrated_report/index.html).

An interactive map of Pennsylvania waterways and use assessments can be found at [https://www.depgis.state.pa.us/integrated\\_report\\_viewer/index.html](https://www.depgis.state.pa.us/integrated_report_viewer/index.html). With this mapping tool, users can identify individual stream/river segments and any applicable use assessments and their causes.

**Source:** DEP Press Release, 4/18/2019

## PA Chamber Urges DEP to Fully and Carefully Evaluate Cap and Trade Petition

Following the Environmental Quality Board's vote on April 16, 2019 to accept for further study a rulemaking petition that seeks to establish an economy-wide cap and trade program, the PA Chamber urged the Department of Environmental Protection to carefully evaluate the far-ranging impacts of such a program. In early April, the PA Chamber joined more than a dozen business and industry groups in sending a **letter** [https://pachamber.org/advocacy/legislative\\_agenda/communications/Coalition\\_Letter\\_on\\_EQB\\_Cap\\_and\\_Trade\\_Petition\\_040119.pdf](https://pachamber.org/advocacy/legislative_agenda/communications/Coalition_Letter_on_EQB_Cap_and_Trade_Petition_040119.pdf) to the board raising a number of policy and regulatory concerns with the petition - including its constitutionality and the impact that such a program would have on the state's economy.

"This regulation, if enacted, would be among the most costly and sweeping regulatory programs ever implemented by

state government," said PA Chamber President and CEO Gene Barr. "As evidenced by the deliberations of the Environmental Quality Board today, many questions remain unanswered - including the underlying constitutionality of the Department of Environmental Protection's authority to implement such a measure. It is imperative the department proceed deliberatively and carefully weigh the costs, legality and effectiveness of this proposal."

Following the affirmative vote by the EQB, the department will next conduct a legal, economic and technical analysis of the petition. While the department has 60 days to conduct the analysis, it can be extended to allow for further review.

"As the petition moves further along the review process, we trust that DEP will address the various economic concerns and regulatory and policy issues we raised in our joint letter to the members of the board," Barr added.

*The Pennsylvania Chamber of Business and Industry is the state's largest broad-based business association, with its statewide membership comprising businesses of all sizes and across all industry sectors. The PA Chamber is The Statewide Voice of Business.*

**Source:** PA Chamber Press Release, 4/16/2019

## Yaw Statement on Rulemaking Petition to Establish a Statewide Greenhouse Gas

## Emission Reduction Program

State Sen. Gene Yaw (R-23), Chairman of the Senate Environmental Resources and Energy Committee, issued the following statement on the Environmental Quality Board's (EQB) consideration of a rulemaking petition to establish a statewide, multi-sector cap and trade program:

"I have serious concerns with respect to the rulemaking petition submitted by the Clean Air Council, Widener University Commonwealth Law School Environmental Law and Sustainability Center and other petitioners. Quite frankly, the Pennsylvania Department of Environmental Protection (DEP) does not have the statutory authority to undertake such a rulemaking regulating greenhouse gas emissions. This action intrudes on the General Assembly's exercise of powers, and I believe action on this rulemaking would set a dangerous precedent moving forward.

Any revenues collected through this carbon pricing scheme would essentially impose an unconstitutional tax, a tax which has not been authorized by the General Assembly. I'd echo the concerns expressed by the Pennsylvania Chamber of Business and Industry. Have the petitioners, or those supporting this measure, given any consideration to the impacts this petition would have on our workforce, our economy, our residents and households? This petition would have far-reaching consequences on our economy, consumer costs and job creators which have not been adequately considered by the Department.

I believe there are ways to reduce carbon emissions and my Committee will continue

to focus on those technologies moving forward, but we do it in a way that's responsible and sensitive to our system of government. I'm open to ways on what that may look like. This rulemaking petition is an overreach. I have voted "no" and will explore all options to ensure that the Department and EQB adhere to our rule of law."

**Source:** Senator Yaw Statement, 4/16/2019

## Senator Yudichak Statement on EQB Meeting

State Senator John Yudichak (D-Luzerne/Carbon) has released the following statement regarding action taken today by the Environmental Quality Board:

"Today, at a meeting of the Environmental Quality Board (EQB) - of which I am a voting member, I voted to accept for consideration a rulemaking petition submitted by the Clean Air Council to adopt a proposed regulation establishing an economy-wide cap-and-trade program to reduce greenhouse gas emissions. The submitted petition passed this procedural step, and now the proposed regulation goes to the Pennsylvania Department of Environmental Protection for evaluation.

However, I believe that the EQB rulemaking petition process is not the appropriate way for environmental policy of this breadth to be made, regardless of the validity of the idea. In our system of government, the elected officials of the General Assembly make the laws. And policy proposals that would touch every aspect of our state economy, such as this,

must be considered by those of us directly accountable to the citizens.

To that end, soon I will be introducing a resolution requiring the Legislative Budget and Finance Committee to conduct an in-depth study of how such a cap-and-trade system would work in Pennsylvania. I hope that this will shift the discussion to its appropriate branch of government, and that it will provide the General Assembly with the information it needs to move forward in addressing the devastating effects of climate change."

**Source:** Senator Yudichak, 4/16/2019

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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.***