

# GOVERNMENT RELATIONS

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

**Berks County  
Water & Sewer**  
ASSOCIATION

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## Governor Wolf Announces New Funding to Help Attack PFAS Contamination of 17 Wells in Bucks County

**O**n March 26, 2019, Governor Tom Wolf announced the approval of funding through the Commonwealth Financing Authority (CFA) for projects that will remove contamination of harmful perfluoroalkyl and polyfluoroalkyl substances (PFAS) from the Warminster/Horsham and Warrington areas in Bucks County.

"Access to safe drinking water is one of the fundamental rights of every Pennsylvanian," Governor Wolf said. "This funding will provide clean and safe water for residents, and will help ensure the public health of these communities in Bucks County in the years ahead. Through the PFAS Action Team, we will continue addressing this serious issue across Pennsylvania."

PFAS are man-made chemicals, are resistant to heat, water and oil, and persist in the environment and the human body. PFAS are not found naturally in the environment. They have been used to make cookware, carpets, clothing, fabrics for furniture, paper packaging for food, and other materials that are resistant to water, grease, or stains. They are also used in firefighting foams and in a number of industrial processes.

The CFA board approved a \$5 million grant for the Warminster Municipal Authority (WMA) through the H2O PA program. WMA owns and operates the water supply and distribution system that serves Warminster Township, Ivyland Borough, and Warwick Township. Thirteen WMA wells have been contaminated by PFAS as a result of the use of firefighting foam at military bases in the area. The contamination caused the shutdown of the wells and required WMA to purchase water from another source at a much higher cost. This project will install treatment systems that will allow the wells to be placed back in service as a water supply source.

Additionally, the board approved a \$3 million grant through the H2O PA program

for Warrington Township, Bucks County, to renovate four groundwater wells in the township contaminated by PFAS as a result of the use of firefighting foam. The township will equip the wells with ion exchange and granular activated carbon treatment systems to reduce contaminants to a "non-detect" level.

In September 2018, Governor Wolf announced the **establishment of a multi-agency PFAS Action Team** <https://www.governor.pa.gov/governor-wolf-takes-executive-action-address-pfas-concerns-protect-pennsylvanians/> and other executive actions to address growing national concerns surrounding PFAS. The PFAS Action Team, along with today's approved projects to treat PFAS contamination, places Pennsylvania at the forefront of states taking proactive action to address PFAS and other water contaminants.

"Sites in southeast Pennsylvania, and Bucks County, in particular, have been affected by PFAS contamination in Pennsylvania," said Department of Environmental Protection Secretary Patrick McDonnell, who chairs the PFAS Action Team. "The Action Team will be continuing to pursue solutions to addressing existing contamination and preventing new contamination."

Additionally, Governor Wolf's bipartisan **Restore Pennsylvania proposal** <https://www.governor.pa.gov/governor-wolf-outlines-plan-restore-critical-pennsylvania-infrastructure/> seeks to further provide funding for eliminating PFAS contaminants in drinking water. While programs like H2O PA and the Hazardous Sites Cleanup program can help provide relief to some cases of PFAS contamination, additional resources are needed to combat the problem comprehensively across

Pennsylvania. Restore Pennsylvania is a statewide plan to aggressively address the commonwealth's vital infrastructure needs. Funded through a commonsense severance tax, Restore Pennsylvania is the only plan that will help make Pennsylvania a leader in the 21st century. View the **full Restore Pennsylvania plan** here <https://www.governor.pa.gov/wp-content/uploads/2019/02/20190204-Restore-PA.pdf>.

Also at today's CFA meeting, the board approved a \$650,484 grant through the H2O PA program to rehabilitate the Middle Dam in East Stroudsburg Borough, Monroe County, which is classified as a high-hazard, unsafe dam. The project includes rehabilitation of the intake structures, gate valves, and concrete spillway to ensure the dam returns to a safe condition.

More information about the Commonwealth Financing Authority can be found on the **Department of Community and Economic Development (DCED) website** at <https://dced.pa.gov/programs-funding/commonwealth-financing-authority-cfa/>

**Source:** Governor Wolf's Press Office, 3/26/2019

## **Boback Bill Guarantees Lead-Free Drinking Water in PA Schools**

**W**ith a reminder that pure water is a constitutional right, state Rep. Karen Boback (R-Lackawanna/Luzerne/Wyoming) introduced **House Bill 930** <https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=h>

[&type=b&bn=930](#) , legislation that would require public and non-public schools to test all outlets used for cooking and drinking annually for the presence of lead, and to ensure that said water is safe to consume.

"Clean water is not only deemed a right by the Pennsylvania Constitution, it is an expectation and an assumption," Boback said. "When we open a faucet and fill a glass, or when a child drinks from a school drinking fountain, he or she does so almost mindlessly, because we expect what comes out to be clean. It almost always is, but almost always isn't good enough."

Pennsylvania received another failing grade from PennEnvironment, a statewide, citizen-based environmental advocacy organization that today issued "Get the Lead Out," its nationwide report on individual states' efforts to provide clean drinking water to students and staffs.

"We don't appear to even be attempting to fix this problem," added Boback. "Five years ago, a survey of federal data found Pennsylvania had the highest number of schools with elevated levels of lead in their drinking water. This legislation, which never even drew a committee vote when I introduced it last session, is long overdue for passage."

The legislation has bipartisan support, with nearly 40 members from both sides of the aisle already signed on as co-sponsors.

Questions about this or any state government issue should be directed to Boback's Dallas district office at 570-675-6000 or her Tunkhannock office at 570-836-4777.

**Source:** Rep. Karen Boback Press Release, 3/26/2019

## PA One Call' Disciplinary Actions Announced Against Facility Owners, Excavators and Project Owners Involved in Cases across PA

The 'PA One Call' Damage Prevention Committee (DPC) this month filed nearly 70 disciplinary actions resulting in approximately \$75,000 total fines against 33 facility owners, excavators and project owners.

### A comprehensive list of summaries and actions

[http://www.puc.pa.gov/transport/gassafe/pdf/DPC\\_Agendas/2019/DPC\\_Case\\_Summaries031219.pdf](http://www.puc.pa.gov/transport/gassafe/pdf/DPC_Agendas/2019/DPC_Case_Summaries031219.pdf) from the DPC meeting in Harrisburg is available on the Public Utility Commission's (PUC's) website. Fines are payable to the Commonwealth of Pennsylvania. The Commission will offset the costs of administering this program through the fines collected.

### Digging Safety -- PA One Call

Every year, underground lines across the state are struck more than 6,000 times -- which means that during the average workday a pipeline or other vital utility system is hit every 20 minutes. While underground lines are often "out of sight and out of mind," every hit poses a risk to the contractors and homeowners who are doing the digging; to utility workers and emergency responders who are mobilized when lines are struck; and to bystanders who live, work or travel near the locations of the incidents.

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.

### About the DPC

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](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** at [http://www.puc.pa.gov/about\\_puc/live\\_streaming\\_video.aspx](http://www.puc.pa.gov/about_puc/live_streaming_video.aspx).

Creation of the committee was authorized by **Act 50 of 2017** [http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=3918](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."

### About the Bureau of Investigation & Enforcement

As the independent investigation and enforcement bureau of the PUC, I&E enforces state and federal pipeline safety and motor carrier safety laws and regulations and represents the public interest in ratemaking and service matters before the PUC's Office of Administrative Law Judge. I&E has the authority to bring enforcement action, seek emergency orders from the Commission or take other steps to ensure public safety.

**Source:** PUC Press Release, 3/26/2019

## **Wolf Administration Highlights How Restore Pennsylvania Could Address Water System Infrastructure Needs**

**O**n March 27, 2019, Pennsylvania Department of Environmental Protection (DEP) Secretary Patrick McDonnell addressed the critical need to improve drinking water systems across the state and highlighted how the Wolf Administration's Restore Pennsylvania plan would comprehensively address this issue.

Restore Pennsylvania is an aggressive plan to address the commonwealth's vital infrastructure needs, including clean drinking water systems. Communities still face issues with contaminants like lead and Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS), threatening the safety of

drinking water and the health of residents, especially our most vulnerable populations.

"Clean drinking water is critical for everyday life. It's a basic human right. Pennsylvania residents need to know that the water flowing from their faucets is safe to drink," said Secretary McDonnell during a tour of the construction of a new public drinking water system in Intercourse, Lancaster County.

The water system is being constructed due to the area's groundwater being contaminated with trichloroethylene (TCE), a chemical commonly used as an industrial solvent, which has adversely impacted private drinking wells. The first of two phases, the installation of the distribution system, was completed in November of 2017. The second phase, installing laterals from the distribution piping to residences and businesses is ongoing. The first homes are expected to be online later this year. When completed in the spring of 2020, the new water system will service more than 350 residences and businesses.

"This project represents a significant effort to safeguard drinking water for the community, and while I'm pleased to see that this project is already being addressed, its one example of the numerous infrastructure issues across Pennsylvania that are impacting drinking water," McDonnell said. "We must continue to work together on the local and state levels to ensure that projects like these are addressed and implemented. Governor Wolf's Restore Pennsylvania initiative would directly help communities that have aging infrastructure systems and need assistance."

Restore Pennsylvania proposes a commonsense severance tax that would invest \$4.5 billion over the next four years

in significant high-impact projects throughout the commonwealth. Restore Pennsylvania is the only plan that will help make Pennsylvania a leader in the 21st century.

To learn more, view the **full Restore Pennsylvania plan** <https://www.governorpa.gov/wp-content/uploads/2019/02/20190204-Restore-PA.pdf>.

**Source:** DEP Press Release, 3/27/2019

## **EQB – Proposed Rulemaking – Water Quality Management and National Pollution Discharge Elimination System Permit Application and Annual Fees**

**T**he Environmental Quality Board proposed to amend Chapters 91 and 92a, relating to general provisions; and National Pollutant Discharge Elimination System permitting, monitoring and compliance, to establish new fee schedules for Water Quality Management (WQM) permit applications, National Pollution Discharge Elimination System (NPDES) permit applications and NPDES annual fees, and to make clarifications. This proposed rulemaking was adopted by the board at its meeting of December 18, 2018.

More information is available on the Pennsylvania Bulletin. For further information contact Sean Furjanic, PE, Environmental Program Manager, Bureau of

Clean Water, PO Box 8774, Rachel Carson State Office Building, Harrisburg, PA 17105, (717) 787-2137; or Margaret O. Murphy, Assistant Director, Bureau of Regulatory Counsel, PO Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105, (717) 783-7472.

Written comments, suggestions, support or objections regarding this proposed rulemaking may be submitted to the board here <https://www.ahs.dep.pa.gov/eComment/> by **May 14, 2019**. Comments may also be emailed to [RegComments@pa.gov](mailto:RegComments@pa.gov), or mailed to the Environmental Quality Board, PO Box 8477, Harrisburg, PA 17105.

The board scheduled a public hearing for accepting public comments on the proposed rulemaking. The hearing will be held at **1 p.m.** on the following date:

**May 1, 2019**

Department of Environmental Protection  
Southcentral Regional Office  
Susquehanna Rooms A and B  
909 Elmerton Avenue  
Harrisburg, PA 17110

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, PO Box 8477, Harrisburg, PA 17105, (717) 783-8727. More information on presenting testimony is available on the Pennsylvania Bulletin.

**Source:** Pennsylvania Bulletin, 3/30/2019 <https://www.pabulletin.com/secure/data/vol49/49-13/453.html>

## DEP: Extension of General Permit for the

## Beneficial Use of Biosolids by Land Application (PAG-08)

**T**he Department of Environmental Protection extended for 12 months the availability of the current General Permit for the Beneficial Use of Biosolids by Land Application (PAG-08). More information is available on the Pennsylvania Bulletin. The general permit and related documents are available **here** <https://www.dep.pa.gov/Pages/default.aspx>.

Questions regarding the PAG-08 General Permit should be directed to Jay Patel at [jaypatel@pa.gov](mailto:jaypatel@pa.gov) or (717) 787-5017.

**Source:** Pennsylvania Bulletin, 3/30/2019 <https://www.pabulletin.com/secure/data/vol49/49-13/461.html>

## DEP: Extension of General Permit for the Beneficial Use of Exceptional Quality Biosolids by Land Application (PAG-07)

**T**he Department of Environmental Protection extended the availability of the current General Permit for the Beneficial Use of Exceptional Quality Biosolids by Land Application (PAG-07). The general permit and related documents are available **here** <https://www.dep.pa.gov/Pages/default.aspx>.

Questions regarding the PAG-07 General Permit should be directed to Jay Patel at [jaypatel@pa.gov](mailto:jaypatel@pa.gov) or (717) 787-5017.

**Source:** Pennsylvania Bulletin, 3/30/2019  
<https://www.pabulletin.com/secure/data/vol49/49-13/462.html>

## DEP: Extension of General Permit for the Beneficial Use of Residential Septage by Land Application (PAG-09)

The Department of Environmental Protection extended for 12 months the availability of the current General Permit for the Beneficial Use of Residential Septage by Land Application (PAG-09). More information is available on the Pennsylvania Bulletin.

Questions regarding the PAG-09 General Permit should be directed to Jay Patel at [jaypatel@pa.gov](mailto:jaypatel@pa.gov) or (717) 787-5017.

**Source:** Pennsylvania Bulletin, 3/30/2019  
<https://www.pabulletin.com/secure/data/vol49/49-13/463.html>

## EQB to consider accepting Petition to Create Cap-and-Trade Program to Reduce Greenhouse Gas Emissions on April 16

The Environmental Quality Board is scheduled to consider whether or not to accept for study a **rulemaking petition to create a Cap-And-Trade**

### Program

[http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/02\\_Petition\\_GHG%20Emissions/GHG%20Emission%20Petition\\_February%2028,%202019.pdf](http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/02_Petition_GHG%20Emissions/GHG%20Emission%20Petition_February%2028,%202019.pdf) for reducing greenhouse gas emissions in Pennsylvania at its April 16 meeting.

The petition was originally submitted in November, but was resubmitted with additional information on February 28 with over 100 groups and individuals on the petition.

Robert B. McKinstry, Jr., the Clean Air Council, Widener University Environmental Law and Sustainability Center and eco(n) law LLC were the primary petitioners who originally submitted the petition to the EQB last November.

The 407-page rulemaking petition asks the Environment Quality Board to establish a market-based cap-and-trade greenhouse gas emission reduction program that eliminates those emissions from major sources by 2052 in Pennsylvania.

The petitioners said these reductions would put Pennsylvania on track to meet the greenhouse gas reduction goals established by the 2015, achieving the reductions that the most **recent report of the Intergovernmental Panel On Climate Change** <https://www.ipcc.ch/2018/10/08/summary-for-policymakers-of-ipcc-special-report-on-global-warming-of-1-5c-approved-by-governments/> indicates are necessary to avoid the worst impacts of climate disruption.

Also on the EQB agenda is a proposed regulation to reduce the current limit of 500 ppm of sulfur in heating oil to 15 ppm.

For more information and available handouts, visit the **Environmental Quality Board webpage** at <https://www.dep.pa.gov/PublicParticipation/EnvironmentalQuality/Pages/2019-Meetings.aspx>.

Questions should be directed to Laura Edinger by calling 717-772-3277 or sending email to: [ledinger@pa.gov](mailto:ledinger@pa.gov).

**Source:** PA Environmental Digest, 4/1/2019

## **Wolf Administration Outlines Spring Flooding Outlook, Shares Important Preparedness Information**

**O**n March 28, 2019, the Wolf Administration reviewed the spring flooding outlook for Pennsylvania and shared steps Pennsylvanians can take today to prepare for flooding and keep loved ones safe.

“2018 was the wettest year on record for the state,” said state meteorologist Jeff Jumper. “We’re still seeing above-average precipitation so far for 2019, so even though the commonwealth is looking at a risk for minor river flooding this spring, we can’t let down our guard because localized flooding is still a very dangerous threat.”

PEMA Deputy Director for Preparedness Stephen Beganich said that there are two significant roadblocks to recovery after

flooding – flooding is commonly happening outside federally designated flood plains where people often don’t have flood insurance, and changing federal standards make it harder for the state to qualify for Individual Assistance from the federal government.

“In 2018, more than 5,200 homes sustained some level of damage during multiple weather-related events across the state,” Beganich said. “But no single event met the threshold of 800 homes with major damage or destroyed. It leaves people in limbo during a recovery process that can take months or even years.”

Governor Wolf’s Restore Pennsylvania proposal would benefit disaster survivors when damages do not meet federally established thresholds for federal aid. Restore Pennsylvania is a statewide plan to aggressively address the commonwealth’s vital infrastructure needs. Funded through a commonsense severance tax, Restore Pennsylvania is the only plan that will help make Pennsylvania a leader in the 21st century.

Jumper said the following steps are a good start in getting ready for possible flooding:

- Learn the difference between a weather watch and weather warning, since each requires different steps to stay safe:
  - A flood watch means that flooding may occur. Residents should stay alert, closely monitor rivers and streams, and be prepared to move to high ground quickly.
  - A flood warning means that there is actual flooding. Residents should act at once and move to high ground.



- Sign up to get weather alerts from a trusted source on your cell phone;
- Determine how you would leave your neighborhood if you needed to evacuate your home;
- Identify where you would meet up with your family (both in your town and an out-of-town location) in the event you were separated when the flooding started;
- Have important documents and essential supplies all in one place so they can be easily taken with you if you need to evacuate; and
- Purchase flood insurance, even if you don't live in a federally-designated flood zone.

“Standard homeowners’ insurance typically does not cover flood damage,” said Insurance Department Consumer Liaison David Buono. “Homeowners who live in federally designated Special Flood Hazard Areas (SFHAs) are likely required to have flood insurance by their mortgage lenders, but we encourage all homeowners to consider this added protection.”

Buono noted the National Flood Insurance Program (NFIP), the federal government run flood insurance, says 20 percent of its claims come from outside of SFHAs. Also, CoreLogic, a firm which provides property-based information to financial institutions, said in a fall 2018 survey that 515,000 properties in Pennsylvania outside of SFHAs are at moderate or high risk of flooding.

“Flood insurance is now available through both the NFIP and private insurers.

The Insurance Department has a one-stop flood insurance web page where information on both the federal government insurance program, and private coverage, is available,” Buono said. “I encourage homeowners to visit this page, make some calls, and shop around for the best coverage deal for their particular property.”

Buono also recommended renters consider flood insurance to protect their possessions, which are typically not covered by either a standard renters’ insurance policy, or a landlord’s policy which covers the building.

Department of Environmental Protection (DEP) Executive Deputy Secretary for Programs Ramez Ziadeh offered actions that individuals and communities can take to minimize the environmental impact of a flood event. DEP created a brochure, **Guidelines for Maintaining Streams in Your Community** [http://files.dep.state.pa.us/Water/FactSheets/StreamMaintenance/StreamMaintenanceBooklet\\_forWeb.pdf](http://files.dep.state.pa.us/Water/FactSheets/StreamMaintenance/StreamMaintenanceBooklet_forWeb.pdf), that offers actions to prevent flooding adjacent to streams. Additionally, DEP recommended investing in infrastructure projects that reduce surface runoff volume and control flooding.

“A flood can take place at any time, and the effects of climate change will continue to make storms more frequent and more intense, making flood preparation even more crucial. That’s why flood preparedness and prevention efforts are critical to have in place before a single rain drop falls,” said DEP Executive Deputy Secretary for Programs Ramez Ziadeh. “By informing residents and communities about taking preventive steps and by investing in our infrastructure, we will help prevent or reduce potentially devastating and costly damage to homes, businesses, transportation

infrastructure, and our precious natural resources.”

“Floodwater can be toxic and dangerous, so we encourage people to avoid coming in contact with it,” Department of Health Secretary Dr. Rachel Levine said. “Sewage and hazardous materials are often found in floodwater, which contaminates water sources and can lead to gastrointestinal illness. Sharp objects, such as glass and other damaged objects can also be found in the water, these can cause injuries and infections such as tetanus.”

A partnership between the five National Weather Service offices that service Pennsylvania, state agencies and private partners, Flood Safety Awareness Week in Pennsylvania is March 25 – 29.

**Source:** PEMA Press Release, 3/28/2019

## PFAS Action Team to Provide Updates on Upcoming Sampling Plan, Solicit Resident Feedback

The Wolf Administration’s PFAS Action Team announced the next public meeting of the Action Team will take place on **Monday April 15, 2019, from 6:00-9:00 PM at the Abington Senior High School in Abington, PA. Governor Wolf formed the Action Team** <https://www.governor.pa.gov/executive-order-2018-08-perfluoroalkyl-and-polyfluoroalkyl-substances-pfas-action-team/> in September 2018 to address perfluoroalkyl and polyfluoroalkyl substances (PFAS) contaminants across the

commonwealth and protect Pennsylvania residents.

“At this meeting we will hear updates from DEP on a sampling plan to identify potentially contaminated drinking water sources and from the Department of Health on the pilot study for blood levels,” said Department of Environmental Protection (DEP) Secretary Patrick McDonnell.

Representatives from local governments and utilities will also present on the challenges of managing PFAS chemicals, as well as working with the commonwealth and the federal government to address cleanup.

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 the **PFAS Action Team webpage** [https://www.dep.pa.gov/Citizens/My-Water/drinking\\_water/Perfluorinated%20Chemicals%20E2%80%93PFOA%20and%20PFOS%20E2%80%93in%20Pennsylvania/Pages/default.aspx](https://www.dep.pa.gov/Citizens/My-Water/drinking_water/Perfluorinated%20Chemicals%20E2%80%93PFOA%20and%20PFOS%20E2%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:** 6:00-9:00 PM  
Monday, April 15, 2019

**Source:** DEP Press Release, 4/1/2019

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