

# GOVERNMENT RELATIONS

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

**Berks County  
Water & Sewer**  
ASSOCIATION

July 22, 2019 Issue 70

## PUC Damage Prevention Committee Actions Announced Against Underground Facility Owners, Excavators and Project Owners

**A** total of 88 disciplinary actions, including \$44,150 in administrative penalties, have been taken against 53 underground facility owners, excavators and project owners in the **latest enforcement actions**

[http://www.puc.pa.gov/transport/gassafe/pdf/DPC\\_Agendas/2019/DPC\\_Case\\_Summaries/s070919.pdf](http://www.puc.pa.gov/transport/gassafe/pdf/DPC_Agendas/2019/DPC_Case_Summaries/s070919.pdf) by the Public Utility Commission's (PUC's) Damage Prevention Committee (DPC). These actions were taken during the DPC's June 2019 meeting.

The DPC is tasked with enforcing the state's Underground Utility Line Protection Act - also known as the "PA One Call Law."

**A comprehensive list of summaries and actions**

[http://www.puc.pa.gov/transport/gassafe/pdf/DPC\\_Agendas/2019/DPC\\_Case\\_Summaries/s070919.pdf](http://www.puc.pa.gov/transport/gassafe/pdf/DPC_Agendas/2019/DPC_Case_Summaries/s070919.pdf) from DPC meetings is available on the PUC's website. Penalties are payable to the Commonwealth of Pennsylvania. The Commission will offset the costs of administering this program through the penalties 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**

<https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2017&sessInd=0&act=50> requires contractors and residents to

contact PA One Call 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 meeting is **livestreamed** [http://www.puc.pa.gov/about\\_puc/live\\_streaming\\_video.aspx](http://www.puc.pa.gov/about_puc/live_streaming_video.aspx) on the PUC's website.

### 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, 7/17/2019

## **Governor Wolf Joins Front Lines in Battle against Spotted Lanternfly**

**O**n July 16, 2019, Governor Tom Wolf joined Agriculture Secretary Russell Redding and representatives from the Pennsylvania Department of Agriculture (PDA), Penn State University, and USDA at a Harrisburg site populated with Spotted Lanternflies to view the treatment being conducted across the commonwealth.

"Although Pennsylvania had the unlucky fate of being the first state in the nation to be visited by the Spotted Lanternfly, we faced that challenge head-on and have made incredible strides in containment and control," said Gov. Wolf. "This is a team effort and all hands are on deck, committed to protecting Pennsylvania's agricultural products, preserving our quality of life, and keeping commerce flowing here in the commonwealth."

Under the governor's PA Farm Bill - a package of legislation designed to expand and protect agriculture infrastructure - the Pennsylvania Rapid Response Disaster Readiness Account will provide \$3 million toward the containment of the Spotted Lanternfly. This is the second year in a row the governor has allocated funding in the state budget to increase Spotted Lanternfly detection, control, and eradication efforts. Over the past few years the administration

has allocated more than \$10 million to protect Pennsylvania business and agriculture. Additionally, USDA recently dedicated more than \$6.2 million in new funding to Pennsylvania's efforts.

This May, PDA introduced the Spotted Lanternfly permit system to train businesses and employees on recognizing the life stages of the Spotted Lanternfly. Since then, the department has issued more than 900,000 permits to businesses that travel in and out of the quarantine area. Additionally, PDA and USDA teams continue to assess and treat high-risk properties, with survey teams scouting for insects across the state after receiving reports of sightings outside of the quarantine area. Penn State has taken the lead on conducting outreach and research.

"Pennsylvania's progress in controlling the Spotted Lanternfly is due in part to the historic partnership we've made with USDA and Penn State and the critical funding we received through the state and federal budgets," said Sec. Redding. "However, it's important that Pennsylvanians remember that they play a significant role in this fight. They can treat their property with approved sprays, band their trees, or even use something as simple as a fly swatter to help control populations right in their own backyard."

Businesses can obtain a **Spotted Lanternfly permit** at <https://extension.psu.edu/spotted-lanternfly-permit-training>. Homeowners with questions about treatment, including approved sprays, can learn more through **Penn State Extension** at <http://extension.psu.edu/spotted-lanternfly>.

For more information on the Spotted Lanternfly, visit

<https://www.agriculture.pa.gov/spottedlanternfly>.

**Source:** Gov. Wolf's Press Office, 7/16/2019

## **Governor Wolf Announces \$136 Million Investment in Water Infrastructure Projects in 17 Counties**

**O**n July 17, 2019, Governor Tom Wolf announced the investment of \$136 million for 17 drinking water, wastewater, storm water, and non-point source projects across 17 counties through the Pennsylvania Infrastructure Investment Authority (PENNVEST).

"The approvals for these water quality infrastructure projects are an important component of our support for clean water in Pennsylvania," said Governor Wolf. "The funding provided by PENNVEST delivers the financial backing necessary for communities to make improvements that ensure potable drinking water, adequate wastewater treatment, and storm water management facilities improve our quality of life and 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.

A list of project summaries follows:

of Sigel, addressing water quality and quantity issues with private wells.

## Drinking Water Projects

### Centre County

- **State College Borough Water Authority\*** - received a \$24,950,000 loan to construct a new membrane filter water treatment plant and upgrade appurtenances in the Nixon and Kocher wells. The project will provide backup treatment facilities and ensure a continued reliable supply of potable water.

### Erie County

- **Corry Municipal Authority\*** - received a \$6,590,000 loan to construct new treatment facilities, a finished water reservoir, booster pump stations, and standby generators. The project will address structural and safety issues with the existing facilities and increase system reliability.

### Franklin County

- **Waynesboro Borough Authority\*** - received a \$5,743,200 loan to upgrade their existing treatment facilities, replacing equipment at the end of its useful life in order to ensure a continued supply of reliable potable water. This project also supports a commercial opportunity in the Wharf Road Park resulting in the preservation of 136 existing and 36 new manufacturing jobs.

### Jefferson County

- **Eldred Township Municipal Authority** - received a \$2,406,096 loan and a grant of \$2,188,027 to extend water service to areas beyond the Village

### McKean County

- **Bradford City Water Authority\*** - received an \$11,520,000 loan to construct a second water transmission main between the water filtration plant and the finished water reservoir. The project will ensure continued reliable service to the system and provide necessary redundancy allowing for maintenance

### Westmoreland County

- **Latrobe Municipal Authority** - received a \$2,691,060 loan to replace 7,000 feet of water line, gate valves and associated reconnections to the new waterline. The project will address water loss issues estimated at 40 percent and increase reliability to ensure water service in the area.

## Wastewater Projects

### Cambria County

- **Forest Hills Municipal Authority\*\*** - received a \$4,467,500 loan to extend 23,000 feet of gravity sewers, 1,900 feet of force main, manholes, a pump station and associated appurtenances to provide service to the Luther/Salix Airport area of Adams Township. The project will address issues in an area with an on-lot malfunction rate of 83 percent, eliminating impacts on local streams and drinking water wells.

### Fayette County

- **Connellsville Municipal Authority\*\*** - received a \$14,978,870 loan and a grant

of \$4,116,385 to construct an expansion of their wastewater treatment facilities, add a pump station, upgrade an existing pump station and install new force mains and interceptors. The project will address wet weather overflows and combined sewer overflows into the Youghiogheny River.

#### Lawrence County

- **New Castle Sanitation Authority\*\*** - received a \$23,437,982 loan and an \$8,562,018 grant to construct a new headworks facility that includes two mechanical bar screens, two vortex grit chambers, yard piping and other wet weather facilities. The project is the first phase of necessary improvements to facilities to ensure compliance with the effluent discharges into the Mahoning River. The project will reduce wet weather overflows and help satisfy the Consent Order and Agreement with the Department of Environmental Protection.

#### Mercer County

- **Jamestown Municipal Authority** - received a \$918,850 loan and a \$1,243,150 grant to replace 500 feet of gravity sewers and 1,035 feet of force main, and upgrade the treatment facilities and the Liberty Street pump station. The project will replace facilities that are at the end of their useful life and ensure adequate treatment of effluent before it's discharged into the Shenango River.

#### Northumberland County

- **Upper Augusta Township\*\*** - received a \$1,492,019 loan and a \$1,697,027 grant for a sanitary sewer replacement project to convey domestic wastewater

from the Village of Mount Pleasant to the Sunbury Municipal Authority's facilities for treatment. The project will eliminate a treatment plant unable to meet discharge limits into a tributary to the Susquehanna River.

#### Tioga County

- **Westfield Borough\*\*** - received a \$2,908,555 loan and a \$3,935,104 grant to replace their existing overloaded treatment facility. The project includes a new influent pump station, a mechanically cleaned influent screen, a bypass bar screen, an aerated grit removal system, an oxidation ditch, two secondary clarifiers, two sludge digestion tanks, a chemical feed system, and a new chlorine disinfection system. The project will address discharge violations and ensure adequate treatment of effluent into the Cowanesque River.

#### Union County

- **Pine Valley Associates, LP** - received a \$550,000 loan to construct a new extended air treatment plant with a 10,000-gallon equalization tank and a 5,000-gallon sludge holding tank. This project will replace worn out facilities and ensure continued treatment of wastewater before it's discharged into the North Branch Buffalo Creek.

#### York County

- **Shrewsbury Borough** - received a \$1,000,000 loan to pay for their prorated share of necessary construction improvements to the New Freedom Borough treatment facilities. The improvements to the regional treatment plant are necessary to ensure continued service and adequate treatment.

## Storm Water Projects

### Delaware County

- **Chester City Stormwater Authority\*\*** - received a \$9,980,156 loan to install approximately 9,500 feet of pipe, 65 catch basins, 200 manholes, and associated stormwater roadway restoration. Water quality devices such as porous panels, inlet inserts, and filters will be installed to remove trash and sediment from the system and to remove pollutants.

### Schuylkill County

- **Auburn Borough** - received a \$350,000 loan to construct 1,190 feet of storm sewers and 11 storm sewer inlets to redirect flows away from the existing rock channel to connect to the existing stormwater system. This will eliminate the flooding impacts that have structurally undermined buildings in the borough.

## Non-point Source Water Quality Improvement Projects

### Lycoming County

- **Old Lycoming Township** - received a \$384,465 loan to purchase a vacuum street sweeper equipped to better clean the sediment and debris from impervious surfaces in accordance with the sediment reduction goals included in three area townships' Municipal Separate Storm Sewer System permits, and prevent pollutants from reaching the waterways. The project is expected to eliminate over 100,000 pounds of sediment in the first permit cycle.

\* 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, 7/17/2019

## Pennsylvania's Unemployment Rate At 3.8 Percent

*Unemployment Rate Remains Lowest Since 1976*

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

Pennsylvania's unemployment rate was unchanged over the month, remaining at the record low set in April of 3.8 percent. State records go back to 1976.

The national rate, at 3.7 percent, was up one-tenth of a percentage point from May. The commonwealth's unemployment rate declined by four-tenths of a percentage point from June 2018 while the national rate was down three-tenths over the same period.

Pennsylvania's civilian labor force – the estimated number of residents working or looking for work – was down 2,000 to 6,469,000. Employment rose by 1,000 to a record high, while unemployment declined 2,000 to its lowest level since April 2000.

Total nonfarm jobs were down 1,400 over the month to 6,044,200 in June. Jobs

increased over the month in five of the 11 industry supersectors. The largest supersector movement from May was an increase of 1,900 jobs in information. Over the year, total nonfarm jobs in Pennsylvania were up 40,600 with gains in nine of the 11 supersectors.

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 Press Release, 7/19/2019

## DEP Water Resources Advisory Committee to Discuss Draft Language for New PAG-01 Small Project General Permit, Manganese Standard July 25

The draft language for DEP's new PAG-01 erosion control and sedimentation General Permit for projects under 5 acres in size is now available and will be discussed at the July 25 DEP Water Resources Advisory Committee.

The Committee will also discuss draft water quality criteria for manganese, among other items.

### Draft PAG-01

Ramex Ziadeh, P.E., DEP Executive Deputy for Programs told DEP's Agricultural Advisory Committee on June

20 the draft PAG-01 would apply to a project site of under 5 acres where the impervious surface totals no more than 20,000 square feet or 12 percent of the site, whichever is less.

Ziadeh said DEP worked with Villanova University's Stormwater research program to develop cookie-cutter, non-structural Best Management Practices, like a rain garden, landowners could use without doing engineering work and specific calculations for the site.

He said the basic design theory behind the new General Permit is that stormwater hitting an under 5 acre site with limited impervious surface and if the prescribed BMPs are installed, will be treated and dissipate on the site.

The new PAG-01 would be a master permit that once finalized individual landowners could request coverage under through a simplified notice to DEP without engineering work and with limited expense.

Ziadeh said about 40 percent of the 1,700 PAG-02 permit applications received by DEP for review could be eligible for coverage under the new PAG-01 simplified permit or about 680 permits or so.

The PAG-01 is part of a series of initiatives by DEP to **simplify and speed up permit reviews** <https://paenvironmentdaily.blogspot.com/2019/05/house-committee-more-than-half-of-e.html> under the Chapter 102 (Erosion and Sedimentation Control) and Chapter 105 (Dam Safety and Encroachment) Permit Programs.

Click here for the **draft PAG-01 language** <http://files.dep.state.pa.us/PublicParticipatio>

[n/Advisory%20Committees/AdvCommPortaIFiles/WRAC/2019/072519/3800-PM-BCW0404d%20PermitDraft07.11.19.pdf](http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortaIFiles/WRAC/2019/072519/3800-PM-BCW0404d%20PermitDraft07.11.19.pdf) .

### **Manganese Standard**

The Committee will also discuss the development of proposed manganese water quality criteria as directed by the General Assembly. Click here for a **copy of the draft regulation change** <http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortaIFiles/WRAC/2019/072519/Annex%20A%20Mn%2007.25.19.pdf>. Click here for a **copy of the presentation** <http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortaIFiles/WRAC/2019/072519/Managanese07.25.19.pdf> . Click here for **background on this issue from previous Committee meetings** <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=46708> .

### **PAG-02 Reissuance**

Also on the agenda is the reissuance of the PAG-02 NPDES General Permit. Click here for a **copy of the presentation** <http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortaIFiles/WRAC/2019/072519/PAG-02%20Reissuance%20WRAC%2007.25.19.pdf> . Click here for the **draft PAG-02 language** <http://files.dep.state.pa.us/PublicParticipation/Advisory%20Committees/AdvCommPortaIFiles/WRAC/2019/072519/3800-PM-BCW0405d%20Permit%20Draft07.12.19.pdf> .

**There will also be a discussion of contaminants of emerging concern and an**

**update on Chapter 105 dam safety and encroachments program.**

The meeting will be held in Room 105 of the Rachel Carson Building starting at 9:30.

For more information and available handouts, visit the DEP **Water Resources Advisory Committee webpage** <https://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/WRA/C/Pages/Agendas-and-Handouts.aspx>. Questions should be directed to Diane Wilson by calling 717-787-3730 or send email to: [diawilson@pa.gov](mailto:diawilson@pa.gov) .

**Source:** PA Environmental Digest, 7/19/2019

#####

***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.***