

GOVERNMENT RELATIONS

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

**Berks County
Water & Sewer**
ASSOCIATION

November 12, 2019 Issue 84

PUC to Livestream Nov. 12 Damage Prevention Committee Meeting

The Pennsylvania Public Utility Commission (PUC) will livestream a meeting of the Damage Prevention Committee (DPC) on **Tuesday, Nov. 12, 2019, at 9 a.m.** in Hearing Room 1 of the Commonwealth Keystone Building, Harrisburg.

To view the livestream, visit the **PUC's website** http://www.puc.pa.gov/about_puc/live_streaming_video.aspx. The **agenda** http://www.puc.pa.gov/transport/gassafe/pdf/DPC_Agendas/2019/DPC111219.pdf also is available on the PUC's website.

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/> a least three days prior to excavating with powered equipment - 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 a peer-based group of 13 representatives, nominated by their industry or affiliated organization and appointed by the PUC.

The DPC meets regularly to review alleged violations of Act 50 and make informal determinations as to the appropriate response including, but not

limited to, the issuance of warning letters, mandatory training programs and/or administrative penalties. The DPC holds public meetings in Hearing Room 1 of the Commonwealth Keystone Building in Harrisburg. Each meeting is **livestreamed on the PUC's website** http://www.puc.pa.gov/about_puc/live_streaming_video.aspx where **summaries of actions** http://www.puc.pa.gov/utility_industry/transportation/pa_one_call_enforcement/dpc_agendas_Actions.aspx taken at those meetings also can be viewed.

Modeled after successful programs in other states, the focus of the DPC is to reduce the number of "hits" on underground lines and utilities.

Creation of the committee was authorized by **Act 50 of 2017** http://www.pucpa.gov/about_puc/pres_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, 11/6/2019

Environmental Quality Board Meets Nov. 19 to Consider Land Recycling, Coal Mining, Water Standards, Toxics Strategy Changes

The Environmental Quality Board (EQB) is scheduled to meet on **November 19** to consider four agenda items:

1. Proposed Changes to Land Recycling Program Administration Regulation

Executive Summary

http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/November%202019/01_7-552_Ch250_Proposed/01_7-552_Ch%20250%20Proposed_Exec%20Sum.pdf

2. Final Surface Coal Mining Federal Consistency Regulation Changes

Executive Summary

http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/November%202019/02_7-532_Federal%20OSM_Final/01_7-532_Federal%20OSM_Exec%20Sum.pdf

3. Final Changes to Triennial Review of Water Quality Standards

Executive Summary

http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/November%202019/03_7-534_Triennial_Final/01_7-534_Triennial_Final_ExecSum.pdf

4. Final Changes to Water Quality Toxics Management Strategy

Annex A

http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/November%202019/04_7-516_WQTMS_SOP/02_Chapter%2016_AnnexA.pdf

The meeting will be held in Room 105 of the Rachel Carson Building in Harrisburg starting at 9:00.

For more information and **available handouts**, visit the **Environmental Quality Board webpage**

<https://www.dep.pa.gov/PublicParticipation/EnvironmentalQuality/Pages/2019-Meetings.aspx>. Questions should be directed to Laura Edinger by calling 717-772-3277 or send email to: <https://www.blogger.com/null>.

Source: PA Environmental Digest Blog, 11/6/2019

Pennsylvania Offers Grant Funding to Help Communities with Water Quality Improvement Projects

The Department of Environmental Protection (DEP) announced that \$30 million is available to help communities restore and protect water quality throughout the commonwealth.

"We've developed a flexible, multifaceted funding package to help communities around the state meet their targeted priority water quality challenges and improve the health of local streams and rivers for better flood control, drinking water supply, public health, and economic vitality," said DEP Secretary Patrick McDonnell.

Funded through the commonwealth's Growing Greener Plus program, \$30 million in grant funding is available to help communities restore and protect water quality by reducing abandoned mine drainage and urban and agricultural runoff pollution and addressing harmful algal blooms, climate resiliency, PFAS, and other emerging issues.

Counties, municipalities, municipal authorities, county conservation districts, councils of government, educational institutions, and watershed and other organizations can apply for funding for projects with local or statewide impact.

Last year, Growing Greener supported more than 100 projects in over 40 counties, from large-scale floodplain and stream corridor restorations to single projects, such as streambank fencing.

The first round of Growing Greener funding opened November 4, and applications will be accepted until 5:00 PM on December 20, 2019. Additional rounds are planned for next spring and fall.

Find guidelines and application instructions at **Growing Greener Plus** <http://www.dep.pa.gov/Citizens/GrantsLoansRebates/Growing-Greener/Pages/default.aspx> .

Source: DEP Press Release, 11/7/2019

Penn State Names Andrew Warner to Lead New University-Wide Initiative on Water

Andrew Warner has joined the **Penn State Institutes of Energy and the Environment** <http://iee.psu.edu/> as the director of a new University-wide initiative designed to elevate Penn State's prominence as a center of excellence in water.

Warner has worked in the water sector throughout his 30-year career, with experience in the private and public sectors, non-governmental organizations and academia.

He brings technical and policy expertise in water resource and water infrastructure management, watershed restoration in urban and agricultural landscapes, biodiversity conservation, environmental remediation, and ecosystem health and services.

He has also built and managed multidisciplinary teams in developing and implementing sustainable and climate-resilient water strategies across North America, Asia, Latin America and Africa.

Warner said Penn State is well positioned to play a catalytic role in helping to address many of the world's water challenges at a

time when 20th-century solutions are strained and failing.

"Penn State has an enviable breadth and depth of water and water-related expertise," Warner said. "We now have the opportunity to tap this expertise and launch an initiative that enhances innovation across the water space and illustrates that innovation through teaching, research and direct engagement that benefits communities across Pennsylvania and around the world."

Access to clean, reliable water is foundational to the health of every person on earth and the ecosystems that support life, Warner said.

"Water is also critical for the health of our communities and the vibrancy of our economy," he said. "It flows through agricultural production, manufacturing, energy generation and so much more."

However, water in the extremes -- floods and droughts -- and degraded water quality can wreak havoc.

"Because many of today's water challenges are large and complex, finding solutions requires experts from a wide spectrum of disciplines," Warner said. "I am eager to see Penn State's impact on these challenges evolve and grow as we further pursue the University's commitment to serving communities."

Visit the **Penn State Institutes of Energy and the Environment** webpage <http://iee.psu.edu/> for more information on their initiatives.

Warner can be contacted by sending email to: <https://www.blogger.com/null> .

(Reprinted from Penn State News
<https://news.psu.edu/story/593693/2019/10/18/academics/new-director-increase-penn-state%E2%80%99s-impact-today%E2%80%99s-water-challenges>)

Source: PA Environmental Digest Blog,
11/8/2019

Governor Signs Keystone Tree Fund Bill into Law; Where's The Rest Of The \$324 Million We Need This Year?

On November 7, Gov. Tom Wolf signed into law **House Bill 374** (Everett-R-Lycoming) <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sInd=0&body=H&type=B&bn=374> to establish the Keystone Tree Fund (Act 78). The bill allows driver and vehicle license owners to add \$3.00 to those fees to support DCNR riparian buffer and tree planting programs starting in July 2020.

While it's difficult to estimate how much income would be generated by the new checkoff, a similar driver and vehicle license checkoff for the Gov. Robert P. Casey Memorial organ and Tissue Donation Awareness Trust Fund, created in 1994, is expected to generate about \$709,000 in FY 2019-20.

PennDOT said the new program would cost \$150,000 the first year to set up. Those expenses would come out of the Tree Fund.

Bills establishing the Keystone Tree Fund were first introduced in the General Assembly by Rep. Everett and Sen. Gene Yaw (R-Lycoming), Majority Chair of the

Senate Environmental Resources and Energy Committee, in May of 2018.

Of course, everything helps, like House Bill 374, and that should not be dismissed because the involvement of each Pennsylvanian is critical in cleaning up our rivers and streams.

But, where's the rest of the \$324 million we need this year just for Pennsylvania's part of the Chesapeake Bay Watershed, let alone statewide needs?

The Need

There is a tremendous need for additional state funding to address critical drinking water, wastewater and nutrient and sediment reduction issues all across Pennsylvania.

For the 43-county Chesapeake Bay Watershed alone, **the need is \$324 million each year for the next 6 years to implement the ground-up, stakeholder-driven plan** <https://paenvironmentdaily.blogspot.com/2019/08/final-pa-chesapeake-bay-implementation.html> submitted to EPA to meet Pennsylvania's clean water obligations.

Funding needs to start in FY 2019-20, if Pennsylvania has any chance of meeting our 2025 cleanup milestones.

If the funding is not provided, Pennsylvania will be subject to sanctions from EPA and additional legal actions by other states in the Bay Watershed.

And worst of all, Pennsylvania's rivers and streams will not get cleaned up. Limping along with existing resources means meeting the 2025 milestones will be pushed back to 2044 -- 19 years.

The General Assembly did provide \$6 million in additional funding through the PA Farm Bill in July, but that still leaves the farm community tens of millions of dollars short -- \$171 million to put a number on it -- to support putting cost-effective conservation practices on the ground just this year.

However, the General Assembly also cut \$16 million from the Environmental Stewardship Fund which funded local, on-the-ground conservation practices.

That \$16 million could have planted 32,000 acres of stream buffers. DCNR's goal is to plant 95,000 acres of stream buffers by 2025.

Click here for more background <https://paenvironmentdaily.blogspot.com/2019/10/senate-appropriations-to-consider.html> on water quality funding needs in Pennsylvania.

Visit **DEP's PA Chesapeake Bay Plan** <https://www.dep.pa.gov/Business/Water/Pennsylvania%E2%80%99s%20Chesapeake%20Bay%20Program%20Office/Pages/default.aspx> to learn more about what the state is doing to meet its Chesapeake Bay Watershed clean water obligations.

Source: PA Environmental Digest, 11/11/2019

#####

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.