

GOVERNMENT RELATIONS

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

**Berks County
Water & Sewer
ASSOCIATION**

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EPA completes review of general construction permits that will protect Pennsylvania waterways

On December 11, 2019, the U.S. Environmental Protection Agency announced it has completed its review of two general permits for construction projects in Pennsylvania that outline management of stormwater at construction sites.

"These new permits represent the next step in the Pennsylvania Department of Environmental Protection's Clean Water Act program implementation, and are critical to the success of their program," said EPA mid-Atlantic Regional Administrator Cosmo Servidio. "These permits provide guidance and expectations on what construction contractors need to do to manage stormwater runoff and protect waterways."

"Pennsylvania's builders applaud this positive development and appreciate EPA's contributions to reaching this conclusion," said Daniel Durden, Chief Executive Officer of the Pennsylvania Builders Association.

As stormwater flows over a construction site, it can pick up pollutants like sediment, debris, and

chemicals from loose soil and transport them to nearby storm sewer systems or directly into rivers, lakes, or coastal waters. The general permits require that construction site operators have the proper stormwater controls in place so that construction can proceed while the surrounding environment is protected.

While federal regulations provide EPA 90 days for review and comment on permits proposed to be issued by the state, EPA expedited its review of Pennsylvania's proposed general construction permits to ensure that the state had adequate time to meet the deadline for the expiring permits.

The Pennsylvania Department of Environmental Protection (PADEP) renewed one of the general construction permits - known as PAG-02 - on Dec. 7. This permit applies to all construction activities in Pennsylvania of at least one acre. EPA has also completed its review of the second permit - known as PAG-01 -- created by PADEP for a subset group of construction projects.

For more information on stormwater discharges from construction activities, visit: <https://www.epa.gov/npdes/stormwater-discharges-construction-activities> .

Source: EPA Press Release, 12/11/2019

DEP: Availability of Technical Guidance

The Department of Environmental Protection's Technical Guidance Documents (TGDs) are available on the department's website.

Questions regarding the Storage Tank Modification and Maintenance Issues, Underground Storage Tank Class A and Class B Operator Training Courses, and Verification of Emergency Containment Structures for Aboveground Storage Tanks TGDs can be directed to Alex Eckman: eeckman@pa.gov or (717) 7725827.

Questions regarding the Policy for the Development and Review of Regulations TGD can be directed to Laura Edinger: ledinger@pa.gov or (717) 772-3277.

Questions regarding the Radiation Protection Compliance & Enforcement Guidance TGD can be directed to Kristina Hoffman: krihoffman@pa.gov or (717) 787-2480. Interested persons may submit written comments on this draft TGD through, January 13, 2020. Commentators are encouraged to submit comments using the department's online **eComment tool** <https://www.ahs.dep.pa.gov/eComment/> or by e-mail to ecomment@pa.gov.

Written comments can be mailed to the Technical Guidance Coordinator, Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, PO Box 2063, Harrisburg, PA, 17105-2063. Additional information can be found on the Pennsylvania Bulletin.

Source: Pennsylvania Bulletin, 12/14/2019
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol49/49-50/1858.html>

SRBC held business meeting in Harrisburg, Pa.

The Susquehanna River Basin Commission held its quarterly business meeting in Harrisburg, Pa. on December 5, 2019. Among its actions, the Commission:

- adopted a Regulatory Program Fee Schedule, effective on January 1, 2020, that includes no fee increases and eliminates or consolidates certain fees;
- approved a grant and two contractual agreements;
- granted a waiver of 18CFR § 806.4(a)(3) to Northern Cambria Municipal Authority; and
- approved 19 project applications.

The voting Commissioners and alternates were: Aneca Atkinson, Chair, Deputy Secretary, Office of Water Programs, Pennsylvania Department of Environmental Protection; Paul D'Amato, Director, Region 8, New York State Department of Environmental Conservation; Amy Guise, Chief, Planning Division, Baltimore District, U.S. Army Corps of Engineers; and Suzanne Dorsey, Assistant Secretary, Maryland Department of the Environment.

Source: SRBC Press Release, 12/10/2019

House Local Government Committee to consider re-codification of First Class Township Code

On Tuesday, December 17, 2019, the House Local Government Committee will meet at 9:30 am in 205 Ryan Office Building to consider:

- **HB 2073 (Rep. Dan Moul, R-Adams):** Would modernize and re-codify the First Class Township Code.
 - **NOTE:** This is a re-codification and addresses water and wastewater in a number of ways.

- The **Local Government Commission’s summary** can be viewed at <https://www.legis.state.pa.us/WU01/LI/LGC/BS/2019/0/HB2073P2927.pdf>
- **SB 690 (Sen. Scott Hutchinson, R-Butler/Clarion/Forest/Venango/Warren):** Would increase from \$1,500 to \$6,000 the value of municipal real property below which an *incorporated town* need not publicly advertise for bids when selling its real property.
- **SB 691 (Sen. Scott Hutchinson, R-Butler/Clarion/Forest/Venango/Warren):** Would increase from \$1,500 to \$6,000 the value of municipal real property below which a *second-class township* need not publicly advertise for bids when selling its real property.
- **SB 692 (Sen. Scott Hutchinson, R-Butler/Clarion/Forest/Venango/Warren):** Would increase from \$1,500 to \$6,000 the value of municipal real property below which a borough or *third-class city* need not publicly advertise for bids when selling its real property.

DEP Finalizes Policy on Public Participation in Development of Regulations

The Department of Environmental Protection published notice in the **December 14 PA Bulletin** <http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol49/49-50/1858.html> a final version of its Policy for the Development and Review of Regulations (**DEP ID: 012-0820-001** [http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=7968&DocName=POLICY%20FOR%20DEVELOPMENT%20AND%20REVIEW%20OF%20REGULATIONS.PDF%20%20%3Cspan%20style%3D%22color%3Agreen%3B%22%3E%3C%2Fspan%3E%20%3Cspan%20style%3D%22color%3Ablue%3B%22%3E\(NEW\)%3C%2Fspan%3E](http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=7968&DocName=POLICY%20FOR%20DEVELOPMENT%20AND%20REVIEW%20OF%20REGULATIONS.PDF%20%20%3Cspan%20style%3D%22color%3Agreen%3B%22%3E%3C%2Fspan%3E%20%3Cspan%20style%3D%22color%3Ablue%3B%22%3E(NEW)%3C%2Fspan%3E)) is now available.

This document explains the process the Department follows to develop regulations necessary to effectively implement Commonwealth and Federal environmental laws for promulgation as

appropriate, based on the expertise of Department and other Commonwealth agency staff, Departmental advisory committees, boards and councils, and based on comments received during the public participation process.

The draft document was made available for a 60-day public comment period in **October of 2017** <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=41216&SubjectID=67> and received comments from 11 individuals and organizations.

Clarifying revisions were made in response to the comments received, including adding environmental statutes to the list appearing on the first page of the policy, amending the regulatory review flow chart and the addition of two appendices.

Click here for a copy of the **Comment/Response Document**

[http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1565759&DocName=POLICY%20FOR%20DEVELOPMENT%20AND%20REVIEW%20OF%20REGULATIONS%20COMMENT%20AND%20RESPONSE%20DOCUMENT.PDF%20%20%3Cspan%20style%3D%22color%3Agreen%3B%22%3E%3C%2Fspan%3E%20%3Cspan%20style%3D%22color%3Ablue%3B%22%3E\(NEW\)%3C%2Fspan%3E](http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1565759&DocName=POLICY%20FOR%20DEVELOPMENT%20AND%20REVIEW%20OF%20REGULATIONS%20COMMENT%20AND%20RESPONSE%20DOCUMENT.PDF%20%20%3Cspan%20style%3D%22color%3Agreen%3B%22%3E%3C%2Fspan%3E%20%3Cspan%20style%3D%22color%3Ablue%3B%22%3E(NEW)%3C%2Fspan%3E) .

Questions regarding this TGD can be directed to Laura Edinger at ledinger@pa.gov or 717-772-3277.

This policy was one of three public participation policies proposed for revisions in October 2017. They included:

- **Policy For The Development and Publication of Technical Guidance** (DEP ID: 012-0900-001 [http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=54244&DocName=POLICY%20FOR%20DEVELOPMENT%20AND%20PUBLICATION%20OF%20TECHNICAL%20GUIDANCE.PDF%20%20%3Cspan%20style%3D%22color%3Ablue%3B%22%3E\(NEW\)%3C%2Fspan%3E](http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=54244&DocName=POLICY%20FOR%20DEVELOPMENT%20AND%20PUBLICATION%20OF%20TECHNICAL%20GUIDANCE.PDF%20%20%3Cspan%20style%3D%22color%3Ablue%3B%22%3E(NEW)%3C%2Fspan%3E)) was finalized in July 2019; and

- **Advisory Committee Guidelines** (DEP ID: 012-1920-002) has not been finalized.

Visit **DEP's Public Participation webpage** <https://www.dep.pa.gov/PublicParticipation/Pages/default.aspx> for more information on advisory committees and boards, submitting comments, regulatory and non-regulatory document agendas.

Source: PA Environmental Digest Blog,
12/13/2019

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