

# GOVERNMENT RELATIONS

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



# UPDATE

**Berks County  
Water & Sewer  
ASSOCIATION**

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## EPA Reviews Plans by Chesapeake Bay Watershed States, D.C., to Meet Cleanup Goals

On December 19, 2019, the U.S. Environmental Protection Agency released its evaluations of plans by the six Chesapeake Bay watershed states (Maryland, Virginia, Pennsylvania, Delaware, West Virginia and New York) and the District of Columbia to have all programs and practices in place by 2025 to restore the Bay and its tidal waters.

The comprehensive EPA reviews found that, in large part, the final Phase III Watershed Implementation Plans (WIPs) offer a solid foundation for reaching the 2025 goal supported by the states and the District as members of the Chesapeake Bay Program partnership, providing a path to unprecedented progress in restoring the Bay and improving local waters. The reviews also identified remaining details and enhancements that could be addressed.

"We appreciate the commitments to clean water and the robust public engagement reflected in the plans," said EPA Mid-Atlantic Regional Administrator Cosmo Servidio. "Our reviews

provide the Bay jurisdictions with detailed evaluations - where they succeeded and where they could take further action to enhance their plans to improve confidence in meeting their goals."

The WIP reviews identified notable strengths, recommendations for enhancement, and specific EPA oversight, in the form of financial, administrative and technical assistance, to support the jurisdictions in meeting their pollutant reduction commitments.

In the reviews, EPA recommends actions the Bay jurisdictions could take to provide greater confidence that they will meet their goals. For instance, where jurisdictions have projected much higher levels of planned implementation in certain sectors, EPA is recommending more specific information in their upcoming two-year milestone reports on how those levels will be achieved.

EPA's evaluations will be available on the **Bay TMDL website**, [www.epa.gov/chesapeake-bay-tmdl](http://www.epa.gov/chesapeake-bay-tmdl).

"It is critical that we continue the momentum that has led to signature successes and positive signs of resilience in the watershed," said Servidio. "The Chesapeake Bay is a national treasure and its environmental, economic and cultural importance cannot be understated."

EPA found that the plans reflect extensive work done at the local level to engage governments, non-government organizations, wastewater utilities, businesses, the agricultural community and the public.

EPA teams will offer to meet with each of the jurisdictions prior to their 2020-2021 two-year milestone submissions - the next key check-in point on the road to 2025.

Since the 2010 release of the Chesapeake Bay Total Maximum Daily Load (Bay TMDL), EPA and its federal partners have provided considerable assistance to the Bay jurisdictions to support their restoration actions - from wastewater treatment plant upgrades to agricultural best management practices to stormwater control. EPA will continue to commit staff, contractual and funding resources to support implementation of the WIPs and future two-year milestones.

**Source:** EPA Region III Press Release, 12/19/2019

## **EPA Fails to hold PA Accountable for Deficient Clean-up Plan Maryland and Virginia Largely on Track**

**O**n December 19, 2019, the Environmental Protection Agency (EPA) released its evaluation of the states' and District of Columbia's clean-up plans, formally known as Phase III Watershed Implementation Plans, that were finalized in August. Notably, EPA did not take any action to hold Pennsylvania accountable for the failure of its plan to demonstrate reasonable assurance that the Commonwealth will meet its pollution-reduction goals by 2025. The Chesapeake Bay Foundation (CBF) assessed the comments on the plans for Pennsylvania, Maryland, and Virginia, which together are responsible for 90 percent of the pollution reaching the Chesapeake Bay.

While Virginia and Maryland still have work to do, both states have outlined plans identifying the programs and practices to be put in place by 2025 that will restore water quality in local rivers,

streams, and the Chesapeake Bay. Pennsylvania's plan, however, continues to be sorely deficient. It has an estimated annual funding gap of more than \$300 million and is 25 percent short of reaching its pollution-reduction goal for nitrogen.

After decades of failed voluntary efforts, in 2010 the Chesapeake Clean Water Blueprint was developed and a deadline for full implementation was set for 2025. Experts around the world agree it is our best, and perhaps last, chance for success.

What makes the Blueprint different than previous attempts is that it was supposed to have teeth. It includes science-based pollution limits and requires the Bay states and District of Columbia to design and implement plans to meet them. It also ensures accountability and transparency through two-year, incremental goals called milestones and sets a goal of having the programs and practices in place by 2025 that will result in a restored Bay. If Pennsylvania fails to meet its commitments, the partnership will never meet its goal.

As required by the Clean Water Act, EPA committed to providing oversight and enforcement of the Blueprint. If any jurisdiction fails to take the appropriate actions, EPA has said it will impose consequences. But today, they did not.

"Pennsylvania's executive leadership has admitted that it has neither a complete plan nor the money to meet the Commonwealth's repeated promise to reduce pollution. Pennsylvania has consistently come up short in its implementation of every two-year milestone plan since 2010. This current failure to reach the 2025 goals should be no surprise," said CBF President William C. Baker. "EPA has failed to fulfill its obligation to be the referee of the multi-state partnership. It has not held Pennsylvania accountable. Rather, it has once again kicked the can down the road, abdicating its Clean Water Act responsibilities and putting the Bay restoration in jeopardy."

Agriculture is the largest source of pollution to rivers and streams in Pennsylvania and to the Bay. While there has been real commitment from farmers, county conservation districts, local nonprofits, and countless others to help farmers implement conservation measures, Pennsylvania's

elected officials have repeatedly failed to provide adequate financial investments.

"Eleven years ago next month, CBF sued EPA over its failure to uphold the Clean Water Act.," Baker added. "EPA's continued failure means we will consider that option again."

Unlike past watershed implementation plans, Pennsylvania's plan reflects two years of extensive engagement and collaboration among farmers, townships, conservationists, and many others. And, for the first time, it will establish detailed, countywide action plans for the 43 counties in Pennsylvania's Bay watershed.

Much attention is focused on agriculture for achieving the required nitrogen reductions. Many farmers are proud of the progress they've made implementing conservation practices. They're excited by the cover crops they've planted, the organic matter they've added to their soil through better management, as well as the potential for adding trees.

There has also been a demonstrated commitment from county conservation districts and local nonprofits to help farmers implement conservation measures. They are working diligently, at capacity, and want to make a difference.

Pennsylvania farmers want to help clean up the Commonwealth's waterways. They're willing to invest their time, land, and effort to the plan.

Yet, a plan is only as good as its implementation, and this one falls short.

"The Commonwealth needs to act quickly and decisively to invest in critical practices, programs and people that can get Pennsylvania back on track toward its Blueprint goal of cleaning and protecting our rivers and streams. Our health, wellbeing, and quality of life depend on it," said CBF's Pennsylvania Executive Director Harry Campbell. "Any delay in supporting the many boots on the ground that are working hard for cleaner water - farmers, conservation districts, sportsmen and women, and others-means another day of potential losses from flooding, and fewer planted trees and

cover crops that keep soil and polluted runoff on the land instead of in the water."

EPA confirmed that, if fully implemented, Maryland's Clean Water Blueprint would achieve the state's Chesapeake Bay pollution reduction goals by 2025. This is the direct result of the long-standing commitment from multiple governors and the legislature to fund wastewater treatment plant upgrades and partner with farmers to implement conservation practices. It also reflects hard work by local governments and community organizations across the state.

However, EPA expressed concern over areas of impaired local water quality, the adequacy of the state's funding framework for agricultural practices, and the lagging pace of pollution reduction in the stormwater sector. EPA also noted that the state lacks a concrete strategy to offset the impacts of future growth.

EPA's review confirms CBF's assessment of these issues as significant risks to the long term success of the Blueprint, especially in the face of additional stressors due to climate change.

In light of EPA's review, CBF renews its call on the state to expand natural filters such as forests and wetlands, address increasing pollution from development, and strengthen technical assistance to farmers and local governments. Right now, Maryland's plan relies on expensive annual programs such as cover crops and street sweeping that require the state and local jurisdictions to spend tens of millions of dollars per year. And if those programs expand, their costs to Maryland taxpayers will increase.

Instead, the state should consider increasing cost share payments to farmers to help them pay for permanent practices, such as converting cropland to grass pasture or installing streamside forest buffers. These long-term environmental improvements represent a one-time cost to the state but provide water filtering and carbon storage benefits year after year that will help insulate the state against climate change.

Maryland's plan also lowers expectations for cities and towns to reduce polluted stormwater



runoff from developed areas. The plan expects the state's 10 most developed counties and Baltimore City to treat runoff from impervious surface at about half the pace required over the previous eight years. Because of this, stormwater pollution from developed areas is expected to grow. The state should examine ways to help counties, cities, and towns invest in green infrastructure, such as bioswales, green roofs, and rain gardens, to filter runoff before it flows into streams, rivers, and the Chesapeake Bay.

"Maryland has long been a leader in protecting its environment. But the state can no longer rely on wastewater plant upgrades and expensive annual agricultural practices to continue reducing Chesapeake Bay pollutants. Instead, the state must prioritize long-term projects that add more trees, wetlands, and grass pastures to the landscape," CBF Maryland Executive Director Alison Prost said. "At the same time, our cities and towns must invest in projects that divert and filter polluted stormwater before it drains into our waterways. These improvements, along with bolstering staff levels to implement and monitor them, will help the state meet its 2025 goals and maintain those pollution reductions long-term. Doing so will lessen the local effects of climate change."

EPA's Review of Virginia's plan shows that the Commonwealth can meet its clean water goals for the Chesapeake Bay and its tributaries by using a balanced approach of reducing polluted runoff from agriculture and developed areas and continuing efforts to stem pollution from sewage treatment plants.

The General Assembly session that begins on January 9 is the best opportunity to ensure these goals are achieved. Virginia legislators must accelerate investments in the Stormwater Local Assistance Fund, the Agricultural Cost Share Program, and the Water Quality Improvement Fund, which all provide essential state support for work by farmers, localities, and sewage treatment facilities.

Strengthening policies as described in the plan will also be important. Significant examples include setting a deadline for fencing all cattle from perennial streams and implementing nutrient management plans on cropland, continuing

equitable wastewater upgrades, as well as enabling Virginia to join the Regional Greenhouse Gas Initiative.

"Governor Northam has developed a strong plan for reaching Virginia's longstanding Bay restoration goals and has backed it up with a historic clean water budget. These initiatives will give Virginians healthier rivers and streams, a better quality of life, and make important progress in addressing climate change," said CBF Virginia Assistant Director Peggy Sanner. "In the upcoming Virginia General Assembly session, our legislators must take the steps needed to ensure Virginia reaches its clean water commitments by 2025."

Source: CBF Press Release, 12/19/2019

## Senate Environmental Committee sets Jan. 8 Briefing on PA's Chesapeake Bay Cleanup Obligations

The Senate Environmental Resources and Energy Committee has scheduled a January 8 briefing on Pennsylvania's Chesapeake Bay cleanup obligations. The meeting coincides with the 2020 Pennsylvania Farm Show.

The Committee has a lot to talk about, including the U.S. Environmental Protection Agency's determination **Pennsylvania's Chesapeake Bay Watershed Implementation Plan falls 25 percent short of meeting**

<https://paenvironmentdaily.blogspot.com/2019/12/e-pa-says-pas-final-chesapeake-bay-plan.html> its nitrogen reduction goal.

Pennsylvania's failure to meet its obligations means the entire Chesapeake Bay Partnership will fail to meet its 2025 nutrient pollution reduction targets.

For more information on how Pennsylvania plans to meet its Chesapeake Bay cleanup obligations, visit **DEP's PA's Phase 3 Watershed Implementation Plan webpage** <https://www.dep.pa.gov/Business/Water/Pennsylvania%20Chesapeake%20Bay%20Prog>

[ram%20Office/WIP3/Pages/Phase-III-WIP-\(Watershed-Implementation-Plans\).aspx](#) .

Click here for a summary of the steps the Plan recommends

<https://paenvironmentdaily.blogspot.com/2019/08/final-pa-chesapeake-bay-implementation.html> .

The meeting will be held at the PA Farm Show Crossroads Conference Center, Erie Room, 2300 North Cameron Street in Harrisburg starting at 9:00 a.m.

Sen. Gene Yaw (R-Lycoming) serves as Majority Chair of the Senate Environmental Committee <https://environmental.pasenategop.com/> and can be contacted by calling 717-787-3280 or sending email to: [gyaw@pasen.gov](mailto:gyaw@pasen.gov) . Sen. Steve Santarsiero (D-Bucks) serves as Minority Chair and can be contacted by calling 717-787-7305 or sending email to: [senatorsantarsiero@pasenate.com](mailto:senatorsantarsiero@pasenate.com).

**ER NOTE:** State funding measures, including a water withdraw fee on water suppliers, are likely to be discussed at this meeting.

Source: PA Environmental Digest, 12/23/2019

## CBF Issues Statement on Increase in Bay Program Funding

Congressional leaders today finalized a budget deal for fiscal year 2020 that includes an increase of \$12 million for EPA's Chesapeake Bay Program. Under the agreement, which Congress is expected to pass, and President Trump is expected to sign this week, Bay program spending would increase from \$73 million in fiscal 2019 to \$85 million in fiscal 2020.

The Bay Program is the glue that holds together the state-federal partnership to restore the Chesapeake Bay and the local rivers, streams, and waterways across six states and the District of Columbia that feed into it. Those states are Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia.

The Bay Program coordinates the science, research, and modeling to implement the Chesapeake Clean Water Blueprint, and provides grants to state and local governments to reduce Bay pollution. The president's 2020 budget would have devastated this successful program, slashing funding by 90 percent, to \$7.3 million.

Jason Rano, the Chesapeake Bay Foundation's Federal Executive Director, issued the following statement about the budget deal:

"A \$12 million increase is a huge win for the Chesapeake Bay and exciting news for the more than 18 million people who live, work, and play in its 64,000 square mile watershed. It will help reduce pollution in local rivers, streams, and the Chesapeake Bay. Robust annual increases like this are essential to meeting the Chesapeake Bay Clean Water Blueprint's 2025 deadline for implementing the policies and programs needed to save this national treasure.

"The Chesapeake Bay Foundation is grateful to all members of the Bay delegation who supported this substantial investment in the Bay's future. We thank Majority Leader Steny Hoyer, Senators Ben Cardin, Chris Van Hollen, and Shelley Moore Capito, Representatives Dutch Ruppersberger and Matt Cartwright, and the members of the House of Representatives Chesapeake Bay Task Force, led by Representatives Bobby Scott, John Sarbanes, Robert Wittman, and Andy Harris, for their leadership in securing these critical additional funds."

Source: CBF Press Release, 12/16/2019

## EQB Approves for Comment Regulations Controlling Methane Emissions from Existing Oil & Gas Operations, Setting Manganese Water Quality Standard

On December 17, the Environmental Quality Board approved proposed regulations to control methane emissions from existing oil and gas operations and setting a new numeric human health criterion for manganese for public comment.

Both packages will now continue through the extensive public review process established by the Regulatory Review Act, including review by the public, House and Senate Environmental Committees and the Independent Regulatory Review Commission.

The entire process will take a year or so.

### Methane Controls

The proposed regulation controls methane emissions by setting volatile organic compound (VOC) emissions standards for existing oil and gas operations.

The approach used in the regulation is based on a federal Control Technique Guideline for oil and gas facilities which will be used to develop a RACT standard. RACT is defined as the lowest emission limitation that a particular source is capable of meeting with economically feasible, reasonably available emissions control technology.

Generally, the regulation calls for a 95 percent reduction in VOC emissions, however, some equipment-specific requirements call for less or more. For example, natural gas processing plants are required to have zero VOC emissions.

DEP estimates there are approximately 435 midstream compressor stations, 120 transmission compressor stations and 10 natural gas processing facilities whose owners and operators may be subject to the proposed VOC emission reduction measures, work practice standards, and reporting and recordkeeping requirements.

In addition, an estimated 8,403 unconventional natural gas wells, as 303 of the 71,229 conventional natural gas wells that are above the 15 barrel of oil equivalent per production threshold would be covered by the regulation

[A report by the Environmental Defense Fund in February

<http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=42521> of 2018 on methane emissions from oil and gas wells in Pennsylvania, however, found about 50 percent of those emissions come from conventional oil and gas wells (268,900 tons) and about 50 percent from unconventional gas wells (253,500 tons).]

[Conventional gas wells are treated is in reporting methane emissions. Conventional oil and gas wells are not required to report their methane emissions to DEP, while **unconventional wells** are <https://www.dep.pa.gov/Business/Air/BAQ/BusinessTopics/Emission/Pages/Marcellus-Inventory.aspx>, even though they make up about half the methane emissions.]

DEP consulted with the Air Quality Technical Advisory Committee, the Small Business Compliance Advisory Committee and the Citizens Advisory Council in the development of this proposed rulemaking.

DEP is recommending a 60-day public comment period and 3 public hearings.

Copies of the regulatory package are available:

#### **Executive Summary**

[http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%202017/7-544\\_OG\\_CTG\\_Proposed/01\\_7-544\\_OG\\_CTG\\_Proposed\\_ExecSum.pdf](http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%202017/7-544_OG_CTG_Proposed/01_7-544_OG_CTG_Proposed_ExecSum.pdf) ;

#### **Preamble**

[http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%202017/7-544\\_OG\\_CTG\\_Proposed/02\\_7-544\\_OG\\_CTG\\_Proposed\\_Preamble.pdf](http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%202017/7-544_OG_CTG_Proposed/02_7-544_OG_CTG_Proposed_Preamble.pdf) ;

#### **Annex A - The Regulation**

[http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%202017/7-544\\_OG\\_CTG\\_Proposed/03\\_7-544\\_OG\\_CTG\\_Proposed\\_%20Annex\\_A.pdf](http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%202017/7-544_OG_CTG_Proposed/03_7-544_OG_CTG_Proposed_%20Annex_A.pdf) ;

## Regulatory Analysis Form

[http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-544\\_OG\\_CTG\\_Proposed/04\\_7-544\\_OG\\_CTG\\_Proposed\\_RAF.pdf](http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-544_OG_CTG_Proposed/04_7-544_OG_CTG_Proposed_RAF.pdf) ;

## Citizens Advisory Council Letter June 18, 2019

[http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-544\\_OG\\_CTG\\_Proposed/05a-7-544-O%26G%20CTG-Proposed\\_CAC%20Letter\\_06182019.pdf](http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-544_OG_CTG_Proposed/05a-7-544-O%26G%20CTG-Proposed_CAC%20Letter_06182019.pdf) ;

## Small Business Compliance Advisory Committee Letter April 17, 2019

[http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-544\\_OG\\_CTG\\_Proposed/05b-7-544-O%26G%20CTG-Proposed\\_SBCAC%20Letter\\_04172019.pdf](http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-544_OG_CTG_Proposed/05b-7-544-O%26G%20CTG-Proposed_SBCAC%20Letter_04172019.pdf) ;

## Air Quality Technical Advisory Committee Letter April 11, 2019

[http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-544\\_OG\\_CTG\\_Proposed/05c-7-544-O%26G%20CTG-Proposed\\_AQTAC%20Letter\\_04112019.pdf](http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-544_OG_CTG_Proposed/05c-7-544-O%26G%20CTG-Proposed_AQTAC%20Letter_04112019.pdf) .

## Manganese - Background

A 2017 change in state law directed the Environmental Quality Board to adopt a proposed manganese standard within 90 days that includes the 1 milligram/liter manganese standard established under 25 Pa Code Chapter 93.7 and changed the point of compliance from the point pollution enters a stream to the point where it is taken out by a water user (25 Pa Code Chapter 96.3).

The 1 milligram/liter standard is **20 times** the level of manganese that water suppliers are allowed to have in their water supplies, according to EPA's secondary maximum contaminant level. *Click [here](#) for more*

<http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=40536> .

Local government groups, drinking water suppliers and many other groups opposed the amendment. *Click [here](#) for more*

<http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=40742> .

The last minute amendment, as a favor to the coal industry, shifts the burden for treating manganese discharges from abandoned mine sites and other sources from those who pollute the water to those using the water, like public water suppliers.

The change in law swept away nearly 30 years of environmental protection for Pennsylvania waterways impacted by the consequences of acid mine drainage, and imposes additional testing, monitoring and treatment at public water supply operations along these waterways.

Current science shows manganese is harmful to human health as a possible nervous system toxin with implications to early childhood development at levels that are less than the threshold levels that impact aquatic life.

In a related action, on November 12, **Commonwealth Court ruled** [http://www.pacourts.us/assets/opinions/Commonwealth/out/186MD19\\_11-12-19.pdf?cb=1](http://www.pacourts.us/assets/opinions/Commonwealth/out/186MD19_11-12-19.pdf?cb=1) Senate President Pro Tempore Joe Scarnati (R-Jefferson) and Sen. Gene Yaw (R-Lycoming), Majority Chair of the Senate Environmental Resources and Energy Committee, lacked standing to file a petition for mandamus relief to compel DEP and the Environmental Quality Board to propose a change in the manganese standard as required by the **2017 law** <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=41370> . *Click [here](#) for more* <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=48295> .

## Manganese - Proposal

In January of 2018, DEP published an advance notice of proposed rulemaking requesting information on changing the water quality standard



to gather more information on manganese impacts and setting a 1 mg/L standard as part of the regulation development process.

DEP also consulted with the Small Water Systems Technical Assistance Center, the Agricultural Advisory Board and the Water Resources Advisory Committee.

DEP is proposing the EQB adopt a proposed regulation for comment proposing a new numeric human health criterion for manganese of 0.3 mg/L in Chapter 93.8 - Water Quality Criteria for Toxic Substances, and deleting the 1 mg/L standard because it is not protective of human health.

DEP, however, is proposing alternative language for public comment which would make the point of compliance at the discharge point or the point at which water is taken from a stream consistent with the 2017 law.

Copies of the regulatory package are available:

#### **Executive Summary**

[http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-553\\_WQS\\_Mn\\_Proposed/01\\_7-553\\_WQS\\_Mn\\_Proposed\\_ExecSum.pdf](http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-553_WQS_Mn_Proposed/01_7-553_WQS_Mn_Proposed_ExecSum.pdf) ;

#### **Preamble**

[http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-553\\_WQS\\_Mn\\_Proposed/02\\_7-553\\_WQS\\_Mn\\_Proposed\\_Preamble.pdf](http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-553_WQS_Mn_Proposed/02_7-553_WQS_Mn_Proposed_Preamble.pdf) ;

#### **Annex A - The Regulation**

[http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-553\\_WQS\\_Mn\\_Proposed/03\\_7-553\\_WQS\\_Mn\\_Proposed\\_Annex\\_A.pdf](http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-553_WQS_Mn_Proposed/03_7-553_WQS_Mn_Proposed_Annex_A.pdf) ;

#### **Regulatory Analysis Form**

[http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-553\\_WQS\\_Mn\\_Proposed/04\\_7-553\\_WQS\\_Mn\\_Proposed\\_RAF.pdf](http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-553_WQS_Mn_Proposed/04_7-553_WQS_Mn_Proposed_RAF.pdf) ; and

#### **Human Health Rationale**

[http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-553\\_WQS\\_Mn\\_Proposed/05\\_7-553\\_WQS\\_Mn\\_Proposed\\_Rationale.pdf](http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/2019/December%2017/7-553_WQS_Mn_Proposed/05_7-553_WQS_Mn_Proposed_Rationale.pdf) .

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: [ledinger@pa.gov](mailto:ledinger@pa.gov) .

**Source:** PA Environmental Digest, 12/23/2019

## **DEP Orders Aliquippa Water Authority to Address Iron, Manganese Issue in Drinking Water**

**O**n December 19, Department of Environmental Protection issued an administrative order to the Municipal Water Authority of Aliquippa for drinking water violations.

The Authority is a public water system that sources its water from groundwater wells and serves 6,575 metered connections in Beaver County.

In September 2019, DEP received two complaints of “dirty” or brown water, which could indicate the presence of iron and/or manganese.

Iron and manganese are classified by the U.S. Environmental Protection Agency as secondary contaminants because their presence in drinking water primarily affects the aesthetics of the water, such as taste, color or odor.

EPA established a health advisory level (HAL) of 0.3 mg/L for manganese. EPA’s National Primary Drinking Water Regulations also established secondary maximum contaminant levels (sMCL) of 0.3 mg/L for iron and 0.05 mg/L for manganese.



Health advisories and sMCLs are not enforced under the EPA; **however, Pennsylvania enforces sMCLs.**

State regulations do not require public water systems to routinely monitor for secondary contaminants, but the regulations require systems to meet those standards and to take investigative or corrective action if exceedances occur.

While it is not uncommon for iron and manganese levels to change as the source aquifer changes seasonally or over years, treatment should be sufficient to address such fluctuations.

As part of DEP's investigation into public complaints, the department and MWAA — using EPA-approved methodology -- sampled various points throughout Aliquippa's distribution system in October and November 2019, and had the samples analyzed at state-certified laboratories.

MWAA also began flushing its lines, a practice the system plans to continue three times a year to reduce water age and flush out scale and sediment from the distribution system.

All recent samples were below the sMCLs. From late October to mid-November 2019, DEP received several more citizen complaints.

“Pennsylvania citizens are a critical part of our compliance program, as they are most acutely aware of what is happening in their community and are the eyes and ears between DEP inspections,” said DEP Southwest Regional Director Ron Schwartz. “Aliquippa residents not only notified the authority, they also reached out to DEP.”

DEP also conducted a review of its records and MWAA's past compliance, during which DEP discovered that MWAA's materials evaluation and lead and copper sample site plan did not meet the requirements of the regulations.

Public water systems like MWAA are required to review various sources of information to evaluate the composition of their distribution system (e.g., PVC, lead, copper, galvanized steel) to identify the highest priority sites for lead and copper sampling.

These sites are classified as tier 1, 2, or 3 sites, with tier 1 sites representing the highest potential for lead or copper. MWAA's submitted sampling plan identified only tier 3 sites to be sampled.

DEP's order requires MWAA to do the following:

- Submit a revised sample site plan that includes an adequate materials evaluation and appropriate sample site locations;
- Initiate six-month monitoring for lead and copper at 60 sample site locations;
- Monitor for manganese and iron on a weekly basis at the entry point of the distribution system and monthly at 10 sites within the distribution system using a DEP-certified laboratory;
- Report exceedances of the HAL for manganese to DEP within one hour; and
- Submit an application for the construction of a new water treatment plant.

MWAA previously notified DEP that it intends to upgrade its treatment facility. This order sets a strict time frame for MWAA to submit the necessary application, correct errors in its identification and selection of sample sites and conduct additional sampling.

“It is DEP's priority to restore confidence and address the concerns of MWAA customers through increased monitoring and reporting and treatment upgrades,” said Schwartz.

Click here for a **copy of the order**  
[http://files.dep.state.pa.us/RegionalResources/SWRO/SWROPortalFiles/5040006\\_2019-12-19\\_Aliquippa\\_Manganese\\_AO\\_executed.pdf](http://files.dep.state.pa.us/RegionalResources/SWRO/SWROPortalFiles/5040006_2019-12-19_Aliquippa_Manganese_AO_executed.pdf) .

Customers are reminded to **report issues of concern to DEP**  
<https://www.dep.pa.gov/About/ReportanIncident/Pages/EnvironmentalComplaints.aspx> and to the public water system that supplies their drinking water.

Questions should be directed to Lauren Fraley, DEP Southwest Regional Office, 412-442-4203 or send email to: [lfracley@pa.gov](mailto:lfracley@pa.gov) .

Source: PA Environmental Digest, 12/23/2019

## DRBC Establishes the Advisory Committee on Climate Change

**A**t its fourth quarter business meeting on December 11, 2019, the Delaware River Basin Commission (DRBC) unanimously approved a resolution establishing the Advisory Committee on Climate Change (ACCC).

"DRBC has recognized potentially significant impacts to the water resources of the Delaware River Basin posed by climate change, for example, salinity impacts from sea level rise and changes in the seasonality and volume of streamflows," said DRBC Executive Director Steve Tambini. "The ACCC will provide the commission and the basin community with vital, scientific expertise for identifying and prioritizing these threats and vulnerabilities, as well as provide recommendations for mitigation, adaptation and improved resiliency."

Part of the ACCC's initial charge is to help inform DRBC's future water resource planning efforts considering climate change; support development of a comprehensive study on climate impacts to the basin's water supply and water quality; and organize a Delaware River Basin Climate Forum with commission staff and partners to share basin-focused climate science.

The ACCC will be comprised of up to 18 individuals with relevant expertise, split in half between reserved (appointed by the commissioners or their alternates, representing the basin states, federal government, New York City Bureau of Water Supply, Philadelphia Water Department, and the Partnership for the Delaware Estuary) and non-reserved (appointed by the executive director, representing academia/research institutions, environmental/watershed organizations, business/industry, and/or water/wastewater utilities) members. The committee is authorized for 10 years

and can be renewed or extended prior to its expiration in 2029.

DRBC currently has six advisory committees and one sub-committee to an advisory committee; the ACCC will be its seventh advisory committee. Information on each is available at <https://www.nj.gov/drbc/about/advisory/> . Commission advisory committees are important forums for information-sharing, dialogue, and coordination among stakeholders and member state agencies; they also help inform the commission's policy decisions. All advisory committee and sub-committee meetings are open to the public.

The DRBC is a federal/interstate government agency created in 1961 by concurrent compact legislation, marking the first time that the federal government and a group of states joined together as equal partners in a river basin planning, development, and regulatory agency. The five commission members are the governors of the basin states (Delaware, New Jersey, New York, and Pennsylvania) and the commander of the U.S. Army Corps of Engineers' North Atlantic Division, who represents the federal government.

To learn more about the commission, please visit <http://www.drbc.gov/> or follow DRBC on Twitter at <https://twitter.com/DRBC1961>.

Source: DRBC Press Release, 12/12/2019

## Pennsylvania One Call Hits One Million Tickets for 2019

**O**n December 11, 2019, **Pennsylvania One Call System Inc.** <http://www.paonecall.org/> received their millionth dig notification for the year.

There are millions of miles of buried utilities beneath the surface of the earth that are vital to everyday living like water, electricity and natural gas, and Pennsylvania One Call System Inc., dba Pennsylvania 811, is the company you call before digging to protect yourself and others from unintentionally hitting underground utility lines.

Everyday homeowners and professional excavators call 811 three business days before they are digging to avoid damaging vital utility lines. This helps to prevent unintended consequences such as injury to you or your family, damage to your property, utility service outages to the entire neighborhood and potential fines and repair costs.

Since 1972, Pennsylvania 811 has received over 16,685,500 Dig Notifications from homeowners, designers, and professional excavators. However, this was the first time that the Pennsylvania 811 received a million notifications in one year! The millionth ticket was received from a professional excavator company through the web using Pennsylvania 811 Web Ticket Entry Application. The company was installing sidewalk using a backhoe for excavation.

Although this was the first year Pennsylvania 811 received a million dig notifications in one year, it certainly will not be the last time. Construction and utility rehabilitation project throughout Pennsylvania are at all-time high.

Remember, to protect yourself, coworkers and the general public from hitting or damaging underground utility lines, always call 811 before you start any digging project! By calling 811 you will avoid injury, expense, embarrassment and a very inconvenient day without critical services like electricity, water, gas, internet or phone.

**Source:** Pennsylvania One Call System Press Release, 12/12/2019

## **PUC Announces Appointments to Damage Prevention Committee**

**O**n December 19, 2019, the Pennsylvania Public Utility Commission (PUC) announced three appointments to its **Damage Prevention Committee (DPC)** [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) , which is tasked with enforcing the state's Underground Utility Line Protection Act - also known as the "PA One Call Law."

The Commission re-appointed two current DPC members, James T. Dacey of Doylestown, Bucks County, and Thomas R. Clark of Middletown, Dauphin County; and appointed a **new committee member in Jeffrey Canfield of Pottsville, Schuylkill County**. All three individuals will serve three-year terms, beginning on January 1, 2020.

Authorized by Act 50 of 2017, the DPC is a peer-based group of 13 representatives, nominated by their industry or affiliated organization and appointed by the PUC. Modeled after successful programs in other states, the focus of the DPC is to reduce the number of "hits" on underground lines and utilities. The committee 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.

Since the DPC's inception in 2018, Dacey has served as an excavator representative on the committee. Prior to joining the DPC, Dacey was a member of the PA One Call Construction Industry Committee, where he helped to write the 2006 update of the PA One Call Law; and served as past president of the National Utility Contractors Association (NUCA) as well as NUCA's Pennsylvania Director. He is vice president of DOLI Construction Corporation in Chalfont, Bucks County.

Clark was also an appointee to the first DPC, representing the municipal government community. Clark is director of public works for the Township of Derry, Dauphin County, and has been an active member of the American Public Works Association (APWA) Executive Board for over 25 years. Additionally, he is a member of APWA's Emergency Management Committee, and has served in an advisory role for transportation and safety improvements facilitated by the State Transportation Innovation Council under the Pennsylvania Department of Transportation.

**Canfield joins the DPC as a representative of facility owners - water/wastewater. With over 30 years of experience installing sewer, water and storm lines, Canfield is a project manager with the Schuylkill County Municipal Authority**

(SCMA). He is responsible for the daily management of SCMA's Distribution and Collection Department, overseeing his staff's interaction with the PA One Call System and now leading the development of a damage prevention program for the authority.

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 <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, 12/19/2019

## Kenyatta, Lewis' bill to establish cybersecurity oversight board unanimously passes House committee

State Reps. Malcolm Kenyatta, D-Phila., and Andrew Lewis, R- Dauphin, announced that legislation they authored to install a first-of-its kind cybersecurity oversight board in Pennsylvania was unanimously approved by the House Commerce Committee.

Kenyatta, who is currently serving in his first term, said the bill, **House Bill 2009** <https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2019&sessInd=0&billBody=H&billTyp=B&billNbr=2009&pn=2825>, would establish a Cybersecurity Coordination Board to protect data by conducting cybersecurity audits and improving security and privacy standards. The board would also collaborate

with businesses and academic institutions to assist in providing effective cybersecurity safety awareness and education.

“As elected officials, it is our duty to ensure the safety and well-being of all Pennsylvanians and it’s imperative that cybersecurity be included among the institutions we should be safeguarding because too many Pennsylvanians have been drastically impacted by cyber-attacks,” Kenyatta said. “I am proud of the bipartisan support our legislation has received and thankful that protecting Pennsylvanians from cyber threats is something that we can all stand behind.”

“Cyber criminals are relentless in their passion for disrupting the flow of information whenever they see an opening, especially when it comes to prominent parties such as government entities,” Lewis said. “We must be equally as passionate in our efforts to fend off these attempts to create chaos and halt the natural flow of progress. House Bill 2009 addresses a problem we cannot ignore by fortifying our defenses against cyber-attacks, and I’m very pleased that we were able to craft a bipartisan solution to proactively address this issue with an unpaid advisory board, without adding another layer of expensive government bureaucracy.”

In 2017, global cybersecurity spending exceeded \$86 billion and is forecasted to rise to \$170 billion by 2022, Kenyatta said. He attributed the exorbitant costs to entities matching the increasingly evolving cyber-attacks and attempts.

“Entities across the globe are shelling out billions collectively to mitigate breaches or to repel anticipated attacks, but these protections are very costly and can potentially financially bankrupt government and private-sector agencies,” Kenyatta said. “Fortunately, in our commonwealth, agencies under the executive branch have been incredibly successful in ensuring the protection of some of our state’s most critical data -- thanks to a robust IT staff and structure.”

Kenyatta pointed to an October 2019 report from the state Office of Administration that recorded 21.7 billion attempts to attack the office’s firewall. On one day, the OA staved off 703 million attempted



hacks, 4.9 billion per week and 21.1 billion a month, amounting to a culmination of 253 billion a year.

“Each of these attempts were successfully thwarted because of meticulous oversight, ranging from routine software upgrades and closely monitoring the latest hacking techniques,” Kenyatta said. “An archetype for the Cybersecurity Coordination Board our bill would create already exists, but it currently only benefits one agency. Drawing from the OA, the proposed board would provide the same protections to the systems and data of all agencies in the commonwealth and to all Pennsylvanians.”

House Bill 2009 now moves to the House floor for a vote.

Source: Rep. Kenyatta Press Release, 12/17/2019

## Representatives Unveil Plan to Improve Pennsylvania’s Fiscal House

**N**o tax dollar collected, held or spent by state government belongs to the government. The money belongs to the people who entrust elected officials to be fair stewards of their money.

With this thought in mind, a group of House members – Reps. Seth Grove (R-York), Dawn Keefer (R-York/Cumberland), Andrew Lewis (R-Dauphin) and Tim O’Neal (R-Washington) – unveiled today a package of bills to strengthen the financial management of the Commonwealth.

“As proposed, our legislation would reduce state borrowing, improve our credit and strengthen the Commonwealth’s Rainy Day Fund,” said Grove, whose **House Bill 1988** <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sind=0&body=H&type=B&BN=1988> is included in the package. “My legislation addresses cash flow problems the state faces each year by moving money in 17 special funds back online into the General Fund”

Each year, the Pennsylvania Treasury is tasked with loaning the state money to cover General Fund expenses. These loans carry interest, which is ultimately paid by taxpayers, and harms the state’s credit rating. In November, \$400 million was loaned to the state to pay for expenses. Without the cash infusion, the General Fund would not have been able to cover expenses until April 2020.

By moving funds back into the General Fund, as Grove proposes, state government would not need to borrow its own money to meet General Fund obligations.

To ensure the state is prepared for an economic downturn and to shore up its savings account, O’Neal’s **House Bill 1989** <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sind=0&body=H&type=B&BN=1989> would add an amendment to the state Constitution to require the state treasurer to transfer all surplus funds into the Rainy Day Fund. This saving’s plan would continue until the total amount in the Rainy Day Fund is equal to 20% of all revenue collected by the Commonwealth. In order for the money in the Rainy Day Fund to be spent, a 2/3 vote of the General Assembly is required.

“It is vital for us to meet our financial obligations in both good times and bad,” O’Neal said. “This proposed constitutional amendment would better prepare the state when a downturn occurs. In addition, my proposal would require greater thought before using Rainy Day Funds. As it should be, if approved in two consecutive legislative sessions, the voters would have the final say in whether this addition is needed.”

To remove politics from the budgeting process and accurately predict the Commonwealth’s financial situation, Lewis’ **House Bill 1990** <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sind=0&body=H&type=B&BN=1990> would establish a collaborative process by creating a Council on State Finances. The current budgeting process is subject to political whims, which have sadly been deemed necessary to get the needed votes to pass a “balanced budget” the governor will sign.

“Tax dollars are not ‘Monopoly money’ to be used indiscriminately, and treating them as such is disrespectful to taxpayers,” said Lewis. “House Bill 1990 would require an unbiased and thorough evaluation of Pennsylvania’s financial situation be taken before budget negotiations intensify.”

In order to rein in shadow spending through special funds, which aren’t accounted for in the General Fund, Keefer’s **House Bill 1991** <https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sind=0&body=H&type=B&BN=1991> would amend the Commonwealth’s Constitution to prevent the creation or use of special funds.

“This form of offline spending is simply disingenuous to taxpayers. During the 2017-18 fiscal year, General Fund expenditures were \$31.9 billion which constituted 63% of the Commonwealth’s total operating budget of \$84 billion,” Keefer said. “This form of budgeting hides the true cost of the budget from taxpayers and even lawmakers.”

The bills are in the House State Government Committee.

**Source:** House Republican Communications, 12/18/2019

## Sen. Steve Santarsiero Named Minority Chair of Senate Environmental Committee

**O**n December 18, **Sen. Steve Santarsiero** (D-Bucks)

[https://www.legis.state.paus/cfdocs/legis/home/member\\_information/Senate\\_bio.cfm?id=1179](https://www.legis.state.paus/cfdocs/legis/home/member_information/Senate_bio.cfm?id=1179) was named the Minority Chair of the Senate Environmental Resources and Energy Committee.

He replaces Sen. John Yudichak (I-Luzerne), who is now caucusing with Senate Republicans.

Sen. Santarsiero was elected to the Senate in November 2018 and served as a member of the House from 2009 to 2017 where he was a member of the House Environmental Resources and Energy Committee.

In 2017, Attorney General Josh Shapiro appointed Santarsiero the first Chief Deputy Attorney General for Environmental Protection in Pennsylvania. In that role, he oversaw the prosecution of environmental crimes and led Pennsylvania's efforts to fight the Trump Administration over proposed rollbacks of important environmental protections.

In the Senate, Sen. Santarsiero has sponsored legislation to:

- Provide the Attorney General with concurrent jurisdiction in environmental crimes:
  - **Senate Bill 709**  
<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sind=0&body=S&type=B&bn=709> ,
  - **Senate Bill 707**  
<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sind=0&body=S&type=B&bn=707> and
  - **Senate Bill 708**  
<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sind=0&body=S&type=B&bn=708> .
- Expanding the Alternative Energy Portfolio Standards to require renewable energy to be 30 percent of electricity sold by 2030 - **Senate Bill 600**  
<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?year=2019&sind=0&body=S&type=B&bn=600> .

Sen. Santarsiero has also supported bipartisan efforts to adopt stronger controls on methane emissions from oil and gas operations, supported a variety of state actions to address climate change and while in the House introduced legislation to strengthen environmental safeguards on natural gas drilling, supported the **temporary moratorium on state forest land gas leasing**  
<http://www.paenvironmentdigest.com/newsletter/de>

[fault.asp?NewsletterArticleID=18381](http://www.pasenate.com/newsletter/fault.asp?NewsletterArticleID=18381) and a severance tax on natural gas production.

Sen. Gene Yaw (R-Lycoming) serves as Majority Chair of the **Senate Environmental Resources & Energy Committee** <http://environmental.pasenategop.com/> and can be contacted by calling 717-787-3280 or sending email to: [gyaw@pasen.gov](mailto:gyaw@pasen.gov). Sen. Steve Santarsiero (D-Bucks) serves as Minority Chair and can be contacted by calling 717-787-7305 or sending email to: [senatorsantarsiero@pasenate.com](mailto:senatorsantarsiero@pasenate.com).

**ER NOTE:** Sen. Santarsiero, along with House Democratic Environmental Resources & Energy Committee Chair Rep. Greg Vitali, supported the drinking water industry at the EQB meeting mentioned above with respect to the proposed manganese standard.

**Source:** PA Environmental Digest Blog, 12/18/2019

## Dinniman Named to Consumer Affairs and Professional Licensure Committee

State Senator Andy Dinniman has been named to the Senate Consumer Protection and Professional Licensure Committee for the remainder of the 2019-2020 legislative session.

This marks the fifth committee appointment for Dinniman who also currently serves on the Senate Agriculture and Rural Affairs, Environmental Resources and Energy, and Game and Fisheries Committees, as well as minority chair of the Senate Education Committee.

He was appointed to the committee by Senate Minority Leader Jay Costa and will serve on the Consumer Protection and Professional Licensure Committee with Majority Chair Robert Tomlinson and Minority Chair Lisa Boscola.

Dinniman said he was honored to be named to the committee, which serves an important function in protecting Pennsylvania consumers.

"It is vital that Pennsylvania consumers, residents and families feel that their elected officials are receptive to their concerns and know that we're working to protect their interests," he said.

He also noted that the committee plays a role in legislation involving utilities, including pipelines.

Earlier this year, the Consumer Protection and Professional Licensure Committee approved two bipartisan pieces of legislation aimed at protecting residents of communities affected by natural gas pipelines.

### Senate Bill 284

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=S&type=B&bn=0284>, introduced by state Senator Tom Killion and co-sponsored by Dinniman, would mandate pipeline operators provide current Emergency Response Plans to the Public Utility Commission (PUC) which could be responsibly and confidentially shared with county emergency services agencies for the purpose of coordinating a response to a pipeline incident. News stories have reported that approximately 95 percent of an emergency management plan submitted to Chester County by Energy Transfer Partners for its Mariner East II pipeline was redacted.

### Senate Bill 258

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=S&type=B&bn=0258>, introduced by Dinniman, calls for requiring pipeline operators to meet annually with county emergency management officials to provide, at minimum, vital and specific pipeline safety information, including identification of facilities, products and pressure transported, emergency contact information for the operator, and information on how to recognize, report, and respond to a product release.

In addition, Senate Bill 258 allows county emergency management officials to share that information with nearby entities, such as hospitals, prisons, schools, day-care facilities, and retirement or assisted living facilities.

Both bills are currently before the full Senate.

Source: Sen. Dinniman Press Release, 12/19/2019

## PUC Highlights 2019 Accomplishments and Programs

**A**s part of its final public meeting for 2019, the Pennsylvania Public Utility Commission (PUC) fulfilled a longstanding custom of highlighting some of the agency's major accomplishments over the past year.

"As we say goodbye to 2019, it is a good opportunity to look back at this past year's accomplishments at the Commission," said Chairman Gladys Brown Dutrieuille. "This also is an excellent time to note that the Commission's continued success is truly built on the efforts of our committed employees."

Among the Commission's 2019 accomplishments were the following:

### Energy Affordability for Low-Income Customers

The PUC took major steps to address **energy affordability** [http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=4262](http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4262) for low-income customers by revising policy on Customer Assistance Programs (CAPs) and initiating a rulemaking for Universal Service Programs. The changes are a result of a two-year holistic review of CAP and a thorough examination of energy burdens, as discussed in the **PUC's 2019 Energy Affordability Report** <http://www.puc.pa.gov/pcdocs/1602386.pdf>.

### Lead Water Line Replacement

The Commission launched a **proceeding** [http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=4270](http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4270) to bring uniformity to lead line replacement under **Act 120 of 2018** <https://www.legis.state.pa.us/cfdocs/legis/li/uconsC heck.cfm?yr=2018&sessInd=0&act=120>, with PUC staff convening a working group to discuss how the Commission may develop uniform procedures, consistent with Act 120, to address lead

service pipes and damaged wastewater lateral replacement issues.

### Retail Electric and Natural Gas Market Reforms

Led by its Office of Competitive Market Oversight, the PUC launched a rulemaking to review and update the Commission's Chapter 111 residential marketing regulations; **convened stakeholders to develop a program** [http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=4165](http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4165) to strengthen consumer protections for FirstEnergy CAP customers participating in the state's retail electric market; initiated a proceeding to look at these same issues on a statewide basis; and launched a formal investigation of electric default service to see what reforms are needed as the next round of electric distribution company (EDC) default service plans are prepared.

### Cybersecurity Summit

In August 2019, the PUC hosted a utility Cyber Summit in Harrisburg as part of an ongoing effort to help ensure that the Commonwealth's regulated utilities are protected from cyber-attacks - guided by the **PUC's Office of Cybersecurity Compliance and Oversight** [http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=4092](http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4092).

### Operation Blue Flame Gas Outage Exercises

The Commission continued efforts to enhance collaboration and communication between utilities and key emergency response and community organizations by joining with the Pennsylvania Emergency Management Agency to host a second annual "**Operation Blue Flame**" [http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=4282](http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4282) exercise.

### Be Utility Wise Statewide Events

The PUC held its annual **Be Utility Wise** [http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=4257](http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4257) train-the-trainer conferences across the state this fall. Forums were held in Bethlehem, Erie, Harrisburg, Johnstown, Reading, Pittsburgh and Wilkes-Barre. We also launched a



CAP enrollment utility fair in Delaware County. In total, more than 1,200 participants attended.

### **Electric Vehicles**

In order to remove potential barriers and uncertainty surrounding the **deployment of third-party electric vehicle**

[http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=4223](http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4223) (EV) charging stations, the PUC approved filings by several EDCs to modify tariffs to address the PUC's EV policy statement designed to reduce regulatory uncertainty, provide greater clarity and consistency among EDCs and promote increased investment in EV charging infrastructure in the state.

### **Rural Broadband**

The PUC advanced the process to assume jurisdiction over **pole attachments**

[http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=4255](http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4255) , creating a statewide forum to remove barriers to the deployment of enhanced broadband and other services. While approving the first-ever **Eligible Telecommunications Carrier** [http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=4191](http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4191) (ETC) for a federal broadband deployment program in rural Pennsylvania, the PUC also supported the launch of the Pennsylvania Broadband Investment Incentive Program and pressed the Federal Communications Commission to **secure federal funding** [http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=4275](http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4275).

### **Alternative Ratemaking**

In order to provide incentives to improve system efficiency and ensure that utilities receive adequate revenue to maintain safe, secure and reliable service, the PUC adopted a **Distribution Rates Policy Statement** [http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=4236](http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4236) identifying factors the Commission will consider when utilities propose alternative ratemaking mechanisms and rate designs in distribution base rate proceedings.

### **PA One Call/Damage Prevention Committee**

As part of the PUC's jurisdiction over Pennsylvania One Call and its creation of a **Damage Prevention Committee** [http://www.puc.pa.gov/utility\\_industry/transportation/pa\\_one\\_call\\_enforcement/dpc\\_agendas\\_Actions.aspx](http://www.puc.pa.gov/utility_industry/transportation/pa_one_call_enforcement/dpc_agendas_Actions.aspx) the PUC held and livestreamed nine meetings in 2019. Overall, we took more than 1,240 actions against nearly 400 underground facility owners, excavators and project owners. The actions resulted in administrative penalties totaling more than \$850,000.

### **Enhanced Pipeline Safety Regulations**

The Commission approved an **Advance Notice of Proposed Rulemaking Order** [http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=4226](http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4226) to help guide discussions about potential changes to Commission safety regulations that would more comprehensively regulate public utilities transporting petroleum products and other hazardous liquids in intrastate commerce.

### **Impact Fees**

The PUC distributed a total of \$251,830,900 in **impact fees** [http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=4231](http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4231) , the largest distribution to date, and over the past eight years the PUC has collected and distributed almost \$1.7 billion to communities across Pennsylvania.

### **Uber/Lyft Background Check Audits**

The PUC approved its first-ever review of Uber's driver **background check process** [http://www.puc.pa.gov/about\\_puc/press\\_releases.aspx?ShowPR=4180](http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=4180) in Pennsylvania and recommended improvements to further strengthen the process in the future. A similar review involving Lyft is slated for completion in 2020.

### **Increase in Filings and Right-to-Know Requests**

In 2019, the PUC's Secretary's Bureau received 28,000 filings, with 65% of them being eFiled. Overall, the Commission served approximately

12,000 documents and responded to approximately 160 Right-to-Know requests.

**Source:** PUC Press Release, 12/19/2019

## Pennsylvania's Unemployment Rate at 4.3 Percent Number of Jobs Reaches New Record High

**O**n December 20, 2019, the Pennsylvania Department of Labor & Industry (L&I) released its employment situation report for November 2019.

Pennsylvania's unemployment rate was up one-tenth of a percentage point from October to 4.3 percent. The national rate was down one-tenth of a percentage point over the month to 3.5 percent. The commonwealth's unemployment rate increased by one-tenth of a percentage point from November 2018 while the national rate was down two-tenths of a percentage point over the year

Pennsylvania's civilian labor force – the estimated number of residents working or looking for work – was up 18,000 over the month to 6,534,000. November was the fourth consecutive month in which employment and unemployment both increased, signaling that people are continuing to enter the workforce.

The estimated number of jobs in Pennsylvania, referred to as total nonfarm jobs, increased 9,500 over the month to a record high of 6,070,500 in November. Jobs were up in six of the 11 industry supersectors. The largest supersector movement from October was a gain of 8,000 leisure & hospitality jobs Education & health services and professional & business services both rose to record high levels in November.

Over the year, total nonfarm jobs in Pennsylvania were up 48,400 with gains in nine of the 11 supersectors. The largest volume change from last November among supersectors was an increase of 14,300 professional & business services jobs, which had gains in all three component

sectors. 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, 12/20/2019

## DEP: Board and Committee Meeting Schedule for 2020

**T**he Department of Environmental Protection announces its 2020 advisory board meetings, and the agenda will be available on its website <https://www.deppa.gov/Pages/default.aspx>.

The **Agricultural Advisory Board** will meet at 9:30 a.m. at 909 Elmerton Avenue, Harrisburg on January 27, 2020. Additional meetings scheduled by the board will be published in future issues of the Pennsylvania Bulletin.

Contact: Jay Braund, Bureau of Clean Water, 400 Market Street, Harrisburg, PA 17101 at [jbraund@pa.gov](mailto:jbraund@pa.gov) or (717) 772-5636.

The **Citizens Advisory Council (CAC)** will hold a conference call at 10 a.m. (or immediately following the Environmental Quality Board meeting) on January 21, 2020, at the Rachel Carson State Office Building, Harrisburg. The meeting dates are:

- February 18, 2020;
- March 17, 2020;
- April 21, 2020;
- May 19, 2020;
- June 16, 2020;
- July 21, 2020;
- August 18, 2020;
- September 15, 2020;
- October 20, 2020; and
- November 17, 2020.

(**Note:** The CAC will not meet in December.)

Contact: Keith Salador, Citizens Advisory Council, PO Box 8459, Harrisburg, PA 17105-8459 at [ksalador@pa.gov](mailto:ksalador@pa.gov) or (717) 787-8171.

The **Cleanup Standards Scientific Advisory Board** will meet at 9:30 a.m. at the Rachel Carson State Office Building, Harrisburg. The meeting dates are:

- February 27, 2020;
- June 18, 2020; and
- October 28, 2020.

Contact: Mike Maddigan, Bureau of Environmental Cleanup and Brownfields, 400 Market Street, Harrisburg, PA 17101 at [mmaddigan@pa.gov](mailto:mmaddigan@pa.gov) or (717) 772-3609

The **Climate Change Advisory Committee** will meet at 10 a.m. at the Rachel Carson State Office Building, Harrisburg. The meeting dates are:

- February 25, 2020;
- April 30, 2020;
- June 30, 2020;
- August 25, 2020;
- October 27, 2020; and
- December 17, 2020.

Contact: Lindsay Byron, Energy Programs Office, 400 Market Street, Harrisburg, PA 17101 at [lbyron@pa.gov](mailto:lbyron@pa.gov) or (717) 772-8951.

The **Environmental Justice Advisory Board** will meet at 8:30 a.m. at the Rachel Carson State Office Building, Harrisburg, unless noted otherwise. The meeting dates are:

- February 20, 2020;
- May 21, 2020;
- August 11, 2020 - location to be determined; and
- November 17, 2020.

The Environmental Justice Advisory Board will hold a conference call at 1 pm. on the following dates:

- April 16, 2020;
- July 16, 2020; and

- October 15, 2020.

Contact: Allison Acevedo, Office of Environmental Justice, 2 East Main Street, Norristown, PA 19401 at [alacevedo@pa.gov](mailto:alacevedo@pa.gov) or (484) 250-5818.

The **Environmental Quality Board** will meet at 9 a.m. at the Rachel Carson State Office Building, Harrisburg. The meeting dates are:

- January 21, 2020;
- February 18, 2020;
- March 17, 2020;
- April 21, 2020;
- May 19, 2020;
- June 16, 2020;
- July 21, 2020;
- August 18, 2020;
- September 15, 2020;
- October 20, 2020;
- November 17, 2020; and
- December 15, 2020.

Contact: Laura Edinger, Environmental Quality Board, PO Box 8477, Harrisburg, PA 17105-8477 at [ledinger@pa.gov](mailto:ledinger@pa.gov) or (717) 772-3277.

The **Laboratory Accreditation Advisory Committee** will meet at 9 a.m. at 2575 Interstate Drive, Harrisburg. The meeting dates are:

- April 2, 2020; and
- October 1, 2020.

Contact: Martina McGarvey, Bureau of Laboratories, 2575 Interstate Drive, Harrisburg, PA 17110 at [eplabaccredit@pa.gov](mailto:eplabaccredit@pa.gov) or (717) 346-7200.

The **Small Water Systems Technical Assistance Center Board** will meet at 9 a.m. at the Rachel Carson State Office Building, Harrisburg. The meeting dates are:

- February 26, 2020;
- April 29, 2020;
- July 23, 2020; and
- November 10, 2020.

Contact: Dawn Hissner, Bureau of Safe Drinking Water, 400 Market Street, Harrisburg, PA 17101 at [dhissner@pa.gov](mailto:dhissner@pa.gov) or (717) 772-2189.

The **State Board for Certification of Sewage Enforcement Officers** will meet at 10 a.m. at the Rachel Carson State Office Building, Harrisburg. The meeting dates are:

- February 12, 2020;
- May 27, 2020;
- August 19, 2020; and
- November 18, 2020.

Contact: Amy Forney, Bureau of Clean Water, 400 Market Street, Harrisburg, PA 17101 at [afortney@pa.gov](mailto:afortney@pa.gov) or (717) 772-2186.

The **State Board for Certification of Water and Wastewater Systems Operators** will meet at 10 a.m. at the Rachel Carson State Office Building, Harrisburg. The meeting dates are:

- February 12, 2020;
- April 8, 2020;
- June 10, 2020;
- August 12, 2020;
- October 14, 2020; and
- December 9, 2020.

Contact: Laura Chambers, Bureau of Safe Drinking Water, 400 Market Street, Harrisburg, PA 17101 at [lchambers@pa.gov](mailto:lchambers@pa.gov) or (717) 772-5158.

The **Delaware Water Resources Regional Committee** will meet at 2 East Main Street, Norristown on January 14, 2020.

Contact: Mark Matlock, Office of Water Resources Planning, 400 Market Street, Harrisburg, PA 17101 at [marmatlock@pa.gov](mailto:marmatlock@pa.gov) or (717) 783-2285.

The **Potomac Water Resources Regional Committee** will meet at 1 p.m. at 670 Old Harrisburg Road, Gettysburg on January 16, 2020.

Contact: Mark Matlock, Office of Water Resources Planning, 400 Market Street, Harrisburg,

PA 17101 at [marmatlock@pa.gov](mailto:marmatlock@pa.gov) or (717) 783-2285.

The **Lower Susquehanna Water Resources Regional Committee** will meet at 10 a.m. at 909 Elmerton Avenue, Harrisburg on February 6, 2020.

Contact: Mark Matlock, Office of Water Resources Planning, 400 Market Street, Harrisburg, PA 17101 at [marmatlock@pa.gov](mailto:marmatlock@pa.gov) or (717) 783-2285.

The **Upper/Middle Susquehanna Water Resources Regional Committee** will meet at 1 p.m. in the Ferguson Township Building, State College on January 23, 2020.

Contact: Mark Matlock, Office of Water Resources Planning, 400 Market Street, Harrisburg, PA 17101 at [marmatlock@pa.gov](mailto:marmatlock@pa.gov) or (717) 783-2285.

The **Ohio Water Resources Regional Committee** will meet at 10 a.m. at 218 Donohoe Road, Greensburg on January 28, 2020.

Contact: Mark Matlock, Office of Water Resources Planning, 400 Market Street, Harrisburg, PA 17101 at [marmatlock@pa.gov](mailto:marmatlock@pa.gov) or (717) 783-2285.

The **Great Lakes Water Resources Regional Committee** will meet at 10 a.m. at 1927 Wager Road, Erie on January 29, 2020.

Contact: Mark Matlock, Office of Water Resources Planning, 400 Market Street, Harrisburg, PA 17101 at [marmatlock@pa.gov](mailto:marmatlock@pa.gov) or (717) 783-2285.

The **Statewide Water Resources Advisory Committee** meetings for 2020 have not been scheduled yet. Notices for upcoming meetings will be published in future issues of the Pennsylvania Bulletin.

Contact: Mark Matlock, Office of Water Resources Planning, 400 Market Street, Harrisburg, PA 17101 at [marmatlock@pa.gov](mailto:marmatlock@pa.gov) or (717) 783-2285.



The **Water Resources Advisory Committee** will meet at 9:30 a.m. at the Rachel Carson State Office Building, Harrisburg. The meeting dates are:

- January 30, 2020;
- March 26, 2020;
- May 28, 2020;
- July 29, 2020;
- September 30, 2020; and
- November 19, 2020.

Contact: Diane Wilson, Bureau of Clean Water, 400 Market Street, Harrisburg, PA 17101 at [diawilson@pa.gov](mailto:diawilson@pa.gov) or (717) 787-3730. Additional information can be found on the Pennsylvania Bulletin.

**ER Note:** These are just the meetings of interest. For a complete list, please see the Pennsylvania Bulletin notice link below.

**Source:** Pennsylvania Bulletin, 12/21/2019  
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol49/49-51/1898.html>

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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.*