

GOVERNMENT RELATIONS

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

**Berks County
Water & Sewer**
ASSOCIATION

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Gov. Wolf Provides Business Guidance as Counties Move to Yellow Phase on May 8

To continue to limit the spread of COVID-19, Governor Tom Wolf provided **guidance** <https://www.governor.pa.gov/wp-content/uploads/2020/05/20200504-COVID-19-Business-Guidance.pdf> that details procedures businesses must follow to conduct in-person operations in counties slated to move to the **yellow phase** of reopening on May 8. All businesses, including non-profits, permitted to conduct in-person operations are subject to this guidance. This guidance is based on the **building safety** <https://www.governor.pa.gov/wp-content/uploads/2020/04/20200405-SOH-Building-Safety-Measures.pdf> and **business safety** <https://www.governor.pa.gov/wp-content/uploads/2020/04/20200415-SOH-worker-safety-order.pdf> orders, under which nearly all life-sustaining businesses have been operating during the **red phase**.

"Businesses in the 24 counties that may reopen beginning May 8 must take precautions to protect their employees, their employees' families, and their communities," Gov. Wolf said. "First and foremost, businesses that have been operating using telework must continue to do so to prevent the spreading of

COVID-19 until the stay-at-home and business closure orders are fully lifted when we enter a "green" phase.

"All businesses, but especially those that were closed completely during the red phase under the business closure orders, need to carefully review this guidance and commit to ensuring the health and safety of their employees and their communities."

Under the **yellow phase** of reopening, life-sustaining businesses that could not conduct either all or part of their operations via telework will continue to conduct their operations in-person, and many non-life sustaining businesses will be permitted to restart their in-person operations through the loosening of some restrictions under the stay-at-home and business closure orders.

In counties that have been designated as in the **yellow phase**, all businesses, except those categories specifically listed as remaining closed in the governor's **Plan to Reopen Pennsylvania** <https://www.governor.pa.gov/process-to-reopen-pennsylvania/>, are permitted to conduct in-person operations, as long as they strictly adhere to the requirements of the guidance.

The guidance includes specific information on cleaning and disinfecting premises, limiting the number of employees in common areas and customers on premises, providing masks and

sanitizing supplies for employees, installing shields or other barriers at registers and checkout areas to physically separate cashiers and customers, and creating a plan in case a business is exposed to a probable or confirmed case of COVID-19, among other provisions.

The **full guidance** can be found here <https://www.governor.pa.gov/wp-content/uploads/2020/05/20200504-COVID-19-Business-Guidance.pdf>.

Businesses that have questions about whether this guidance applies to them may contact the Department of Health at 1-877-PA-HEALTH (1-877-724-3258).

Source: Governor Wolf's Press Office, 5/4/2020

Gov. Wolf Announces 13 Counties will Move to Yellow Phase of Reopening on May 15

On May 8, 2020, Governor Tom Wolf announced 13 Pennsylvania counties will move to the **yellow phase** of reopening at 12:01 a.m. on Friday, May 15. **Those counties include** Allegheny, Armstrong, Bedford, Blair, Butler, Cambria, Fayette, Fulton, Greene, Indiana, Somerset, Washington and Westmoreland.

On May 1, the governor **announced the 24 counties** <https://www.governor.pa.gov/newsroom/gov-wolf-announces-reopening-of-24-counties-beginning-may-8/> moving into the **yellow phase** of reopening beginning today. And, last evening, he and Secretary of Health Dr. Rachel Levine signed **new orders** <https://www.governor.pa.gov/newsroom/gov-wolf-sec-of-health-take-actions-on-stay-at-home-orders-issue-yellow-phase-orders/> - one for **yellow phase** reopening and one to extend the **red phase** counties' **stay-at-home order**, which was set to expire last night, to June 4. The **red phase stay-at-home order extension does not mean that other counties won't move to the yellow phase in advance of June 4.**

"The reopening plan prioritizes the health and welfare of Pennsylvanians by using a combination of factors to gauge how much movement a location can tolerate before the 2019 novel coronavirus becomes a threat," Gov. Wolf said "I'd like to emphasize that this plan is not a one-way route. We are closely monitoring the 24 counties in the yellow phase and will re-impose restrictions if danger arises."

Gov. Wolf reminded residents and business owners that **yellow** means caution and that everyone needs to continue to be mindful of their actions and how they affect not only themselves, but their families, friends and community.

"Every contact between two people is a new link in the chain of potential transmission," Wolf said. "And if the new case count begins to climb in one area, restrictions will need to be imposed to prevent local medical facilities from becoming overwhelmed. So, Pennsylvanians should continue to make good choices."

Law enforcement remains focused on achieving voluntary compliance through education, but citations are possible for violators depending on the specific circumstances of an investigation.

In addition to the possible criminal penalties levied by law enforcement, there may be additional licensing consequences for violators, in part, through complaints filed by employees on the Department of Health portal that allows any employee who feels their employer is not providing a safe work environment to fill out an online form.

The Department of Health vets the complaints and investigates internally or sends the complaint to the appropriate state agency for investigation. For example, restaurant complaints are handled by the Department of Agriculture, which inspects those facilities; complaints about nursing homes are handled by the Department of Health, which inspects and licenses those facilities. Other involved agencies are the departments of State and Labor & Industry.

Concerns about a business reopening that may be in violation of **stay-at-home** or **yellow phase** orders

should be made to local law enforcement non-emergency numbers or a local elected official.

Read Gov. Wolf's **Plan for PA** here <https://www.governor.pa.gov/process-to-reopen-pennsylvania/>.

Read **business guidance** here <https://www.governor.pa.gov/wp-content/uploads/2020/05/20200504-COVID-19-Business-Guidance.pdf>.

Read CDC **guidance for child care centers** here <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-childcare.html>.

Read **FAQs** here <https://www.scribd.com/document/452553495/UPD-ATED-5-30-PM-May-8-2020-Life-Sustaining-Business-FAQs>.

View the **Carnegie Mellon University Risk-Based Decision Support Tool** here <https://www.governor.pa.gov/wp-content/uploads/2020/05/20200508-CMU-Risk-Based-Decision-Support-Tool-05-07-2020.pdf>.

Source: Governor Wolf's Press Office, 5/8/2020

Gov. Wolf, Sec. of Health Take Actions on Stay-at-Home Orders, Issue Yellow Phase Orders

With the April 1 statewide stay-at-home orders set to expire tonight at midnight, Governor Tom Wolf and Secretary of Health Dr. Rachel Levine today extended the orders for all counties in **red**, and signed new orders for the 24 counties moving to **yellow** at 12:01 a.m. tomorrow morning, May 8.

The extended stay-at-home order remains the same as the original statewide **stay-at-home order announced on April 1** <https://www.governor.pa.gov/newsroom/gov-wolf-sec-of-health-pennsylvania-on-statewide-stay-at->

[home-order-beginning-at-8-pm-tonight-most-prudent-option-to-stop-the-spread/](#), which was set to expire tonight at midnight and is **now extended to June 4**. The **yellow phase** order provides guidance for those counties entering the yellow phase of reopening tomorrow.

The **yellow phase order** applies to these 24 counties: Bradford, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, Lycoming, McKean, Mercer, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, Union, Venango, and Warren.

The **yellow phase order** also addresses the limited reopening of businesses in the yellow phase, detailing those businesses previously deemed non-life-sustaining as being permitted to reopen if they follow the guidance for safety for staff, customers, and facility. The **guidance for businesses** can be found here <https://www.governor.pa.gov/wp-content/uploads/2020/05/20200504-COVID-19-Business-Guidance.pdf>.

FAQs for businesses in each phase can be found here <https://www.scribd.com/document/452553495/UPD-ATED-9-00-AM-May-7-2020-Life-Sustaining-Business-FAQs>.

CDC guidance on child care that reopens under the yellow phase is here <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-childcare.html>.

Governor's Stay-at-Home Amendment <https://www.governor.pa.gov/wp-content/uploads/2020/05/20200507-TWW-Stay-at-Home-Order-Amendment.pdf>

Health Secretary's Stay-at-Home Amendment <https://www.governor.pa.gov/wp-content/uploads/2020/05/20200507-SOH-Stay-at-Home-Order-Amendment.pdf>

Governor's **Yellow Phase Order** <https://www.governor.pa.gov/wp-content/uploads/2020/05/20200507-TWW-Yellow-Phase-Order.pdf>

Health Secretary's Yellow Phase Order
<https://www.governor.pa.gov/wp-content/uploads/2020/05/20200507-SOH-Yellow-Phase-Order.pdf>

Source: Governor Wolf's Press Office, 5/7/2020

House Leaders Urge Governor to Lift Restrictions

House Republican leaders issued the following statement in response to Gov. Tom Wolf's reopening announcement today:

"Millions of Pennsylvanians are sitting at home out of work, while their children are not being properly educated, and their loved ones in nursing homes are still not being adequately protected by the state.

"The governor's go-it-alone approach continues to unfairly impact Pennsylvanians who want nothing more than to abide by Centers for Disease Control and Prevention guidelines and provide for their families. Pennsylvanians deserve the opportunity to protect themselves without having the government shutting down their livelihoods any longer.

"The counties fortunate enough to be deemed 'yellow' today, despite meeting the newly formed guidelines weeks ago, will only now start the pathway to recovering from an economic disaster they could have avoided if given the opportunity sooner. Meanwhile, residents in 'red' counties continue to suffer under the plague of not just a pandemic, but a state unemployment system that is cracking under immense pressure.

"The governor has continuously said the timeline for Pennsylvanians is being determined by the virus. Well, we cannot wait any longer for the 'virus' to return our calls.

"Pennsylvanians have passed the test and flattened the curve.

"Testing for those on the front lines, along with those interacting with the most vulnerable

populations, is the key to resuming our lives, not a color-coded map.

"We will continue to push for expanded and effective testing so we can truly know where our state's resources should be best used to defeat the virus, and allow Pennsylvanians to get back to work, school and places of worship"

Source: House Republican Communications, 5/8/2020

Wolf Administration Provides Guidance for Buildings Closed During COVID-19

As businesses in counties enter the **Yellow Phase** of the state's reopening plan, the Pennsylvania departments of Environmental Protection (DEP) and Health (DOH) are encouraging owners and operators of dormant buildings to flush building water systems prior to reopening. Buildings that have been closed or used less frequently for an extended period of time may experience problems with water quality due to stagnation.

"As buildings have been shut down or used less frequently as a result of COVID-19 mitigation efforts, building water quality degradation becomes a silent but serious issue," said DEP Secretary Patrick McDonnell. "Legionella, pathogens, lead, and disinfection byproducts can result when water sits for an extended period of time, which may lead to health issues."

In the days leading up to reopening, the following recommendations and considerations should be made, and a team of facilities staff or a water management consultant will be needed to prepare the water system.

"As we carefully and intentionally determine which businesses are safe to reopen, we must also make sure they reopen in a manner that is protective of employees and customers," said Health Secretary Dr. Rachel Levine.

Buildings that have been closed or used less frequently should consider the following measures:

Develop a flushing plan

- Identify where the water enters the building, all taps (faucets, shower heads, water fountains), and water-using devices (dishwashers, ice machines)
- Remove any potential cross connections, such as hoses connected to spigots, to prevent backflow into plumbing systems
- Remove aerators when possible
- Flush the entire building
- Flush cold water lines before hot water lines
- Flush the building zone by zone, beginning where the water enters the building and moving outward towards the distal ends
- Flushing time will vary based on building size; a temperature change or chlorine smell may be used as indicators that fresh water has reached all fixtures within the building
- Clean faucets, shower heads, and other fixtures
- Inspect and conduct necessary maintenance on mechanical equipment such as water heaters, boilers, storage tanks, backflow prevention devices, etc. using manufacturer's instructions
- Consider developing an ongoing water management plan to maintain high quality water at all times

For more information on building water systems and flushing, please visit the **CDC website** <https://www.cdc.gov/coronavirus/2019-ncov/php/building-water-system.html>.

For more information on COVID-19, please visit the **PA Department of Health website** <https://www.health.pa.gov/topics/disease/coronavirus/Pages/Coronavirus.aspx>.

Source: DEP Press Release, 5/8/2020

Limited Services Available May 8 at Three PennDOT Driver License Centers in Yellow Phase Counties

On May 8, 2020, the Pennsylvania Department of Transportation (PennDOT) announced that beginning May 8, 2020, the first three Driver License Centers in **yellow phase counties** will **reopen**, adhering to restrictions on work and social interaction set by Governor Tom Wolf and the Pennsylvania Department of Health.

"PennDOT's driver and photo license centers are some of Pennsylvania government's highest public touch points, and it was critical that these locations close in accordance with Governor Wolf's stay-at-home order, for the safety of our staff and customers," said Acting PennDOT Secretary Yassmin Gramian. "We are pleased to begin reopening these locations, with safety protocols in place."

Beginning Friday, May 8, the following driver license centers will reopen with limited services:

- Erie Driver and Photo License Center, 7200 Peach Street, Suite 480, Erie;
- Selinsgrove Driver and Photo License Center, 1015 Route 522, Selinsgrove; and
- Williamsport Driver and Photo License Center, 1782 East Third Street, Williamsport.

Hours of operation at all these Driver License Centers will be Tuesday through Saturday from 8:30 AM to 4:15 PM Wednesday and Thursday between 8:30 AM and 10:30 AM will be designated times for customers 60 years or older.

Additional Driver License and Photo License Centers will reopen in yellow phase counties in the next few days. As the centers open, they will offer limited services. Customers will be able to obtain the following services as they plan their visit to one of these centers:

- Commercial Driver License (CDL) transactions, including renewals, replacements, Medical Examiner's Certificates (MECs), date of proof transactions, Hazardous Material Recertifications, and related transactions;
- Initial issuance transactions, including out-of-state transfers, ID card issuance, and related transactions;
- Photo license services;

- Driver license restoration services that cannot be completed online or via mail;
- Medical-related testing; and
- Non-U.S. citizen transaction processing.

Customers seeking renewal of their non-commercial license or ID should renew online or by mail to avoid an unnecessary visit to the Driver License Center.

In an effort to support social distancing and reduce initial volume and demand at driver license centers, the following customer services will not be initially available:

- Non-commercial road testing;
- REAL ID applications and transactions, however, pre-verified customers can apply for REAL ID online; and
- Transactions or services that can be completed online at <https://dmv.pa.gov/>.

In all reopened driver license centers, the following COVID-19 safety protocols will be in place:

- Customers will be prescreened and asked brief questions regarding any potential symptoms of COVID-19;
- Customers will be requested to wear masks while in the facility;
- Seating will be reduced at all Driver License Centers to make social distancing easier to maintain six feet distances between each seat;
- The number of customers will be limited to correspond with available counter stations and available seating in the customer waiting area only;
- Admittance to the facility will be limited to only the customer requiring service, unless assistance is needed by an accompanying person;
- Plexiglass sneeze guards have been installed at each counter to protect customers and employees;
- Cleaning protocols have been enhanced to sanitize facilities on an ongoing basis; and
- Markings on floors have been added to assist with social distancing along with signage to communicate special instructions to customers.

As PennDOT reopens Driver License and Photo License Centers, services will be in high demand, and customers should expect longer than normal waits. PennDOT staff will work with each customer when they arrive to plan their visit, with additional staff serving as greeters to screen documents and provide information for a smooth and safe transaction as possible. PennDOT apologizes for this inconvenience and appreciates customers' understanding during this transition.

Customers may continue to **complete various transactions and access multiple resources online** at <http://www.dmv.pa.gov>. Driver and vehicle online services are available 24 hours a day, seven days a week and include driver's license, photo ID and vehicle registration renewals; driver-history services; changes of address; driver license and vehicle registration restoration letters; ability to pay driver license or vehicle insurance restoration fee; and driver license and photo ID duplicates. There are no additional fees for using online services.

PennDOT will continue to evaluate these processes and will continue to reopen other locations as soon as safely possible. We will continue to communicate any reopening and changes with the public.

More COVID-19 information is available at <https://www.health.pa.gov/>. For more information, visit <https://dmv.pa.gov/> or <https://penndot.gov/>.

Source: PennDOT Press Release, 5/8/2020

Limited Services Available at Additional PennDOT Driver License and Photo License Centers in Yellow Phase Counties

On May 8, 2020, the Pennsylvania Department of Transportation (PennDOT) announced that beginning May 9, 2020, **additional Driver License and Photo License Centers in yellow phase counties** will reopen, adhering to restrictions on work and social

interaction set by Governor Tom Wolf and the Pennsylvania Department of Health.

These re-openings are in addition to those previously announced

<https://www.penndot.gov/pages/all-news-details.aspx?newsid=726> on May 7, 2020.

Beginning Saturday, May 9, the following Driver License Centers will reopen with limited services:

- Bradford Driver and Photo License Center, 68 Chestnut St, Bradford;
- Clearfield Driver and Photo License Center, Clearfield Mall, 1800 Daisy Street. Unit 380, Clearfield;
- Meadville Driver and Photo License Center, 16942 Patricia Drive, Meadville;
- Mercer Driver and Photo License Center, 519B Greenville Road, Mercer;
- Monroeton Driver and Photo License Center, 60 Chiola Lane, Suite 101, Towanda;
- New Castle Driver and Photo License Center, 973 Old Youngstown Road, New Castle;
- Punxsutawney Driver and Photo License Center, 547 West Mahoning Street, Punxsutawney; and
- Rockview Driver and Photo License Center, 812 West College Avenue, Pleasant Gap.

Hours of operation at the above locations will be Tuesday through Saturday from 8:30 AM to 4:15 PM, and Wednesday and Thursday between 8:30 AM and 10:30 AM will be designated times for customers 60 years or older.

As the Driver License Centers open, they will offer limited services. Customers will be able to obtain the following services as they plan their visit to one of these centers:

- Commercial Driver License (CDL) transactions, including renewals, replacements, Medical Examiner's Certificates (MECs), date of proof transactions, Hazardous Material Recertifications, and related transactions;
- Initial issuance transactions, including out-of-state transfers, ID card issuance, and related transactions;
- Photo license services;

- Driver license restoration services that cannot be completed online or via mail;
- Medical-related testing; and
- Non-U.S. citizen transaction processing.

The following Photo License Centers will open on starting May 9:

- Danville, 308 Railroad Street, Danville, PA 17821, Fridays and Saturdays from 8:30 AM to 4:15 PM;
- Laporte, Main Street, Laporte, PA 18626; Fridays and Saturdays from 8:30 AM to 4:15 PM;
- Lewisburg, 130 Buffalo Road, Lewisburg, PA 17837; Fridays and Saturdays from 8:30 AM to 4:15 PM;
- McElhattan, 1 Outlet Lane, Suite 312, Lock Haven, PA 17745; Wednesday and Saturday from 8:30 AM to 4:15 PM; and
- Tionesta, 668 Elm Street, Tionesta, PA 16353; Fridays and Saturdays from 8:30 AM to 4:15 PM.

The following Photo License Center will open on Monday, May 11:

- DuBois, 1203 East Dubois Avenue, Suite 2, Dubois, PA 15801; Monday through Friday from 9:00 AM to 5:00 PM, and Saturday from 9:00 AM to 12:00 PM.

Photo License Centers process photos only, and individuals must have a camera card for this service.

For a list of driver license and photo license centers that will be open during the **yellow phase**, as well as their hours of operation, please visit <https://dmv.pa.gov/>.

Customers seeking renewal of their non-commercial license or ID should renew online or by mail to avoid an unnecessary visit to the Driver License Center.

In an effort to support social distancing and reduce initial volume and demand at driver license centers, the following customer services will not be initially available:

- Non-commercial road testing;
- REAL ID applications and transactions, however, pre-verified customers can apply for REAL ID online; and
- Transactions or services that can be completed online at <https://dmv.pa.gov/>.

In all reopened driver license centers, the following COVID-19 safety protocols will be in place:

- Customers will be prescreened and asked brief questions regarding any potential symptoms of COVID-19;
- Customers will be required to wear masks while in the facility, but must remove them for any photo services;
- Seating will be reduced at all Driver License Centers to make social distancing easier to maintain six feet distances between each seat;
- The number of customers will be limited to correspond with available counter stations and available seating in the customer waiting area only;
- Admittance to the facility will be limited to only the customer requiring service, unless assistance is needed by an accompanying person;
- Plexiglass sneeze guards have been installed at each counter to protect customers and employees;
- Cleaning protocols have been enhanced to sanitize facilities on an ongoing basis; and
- Markings on floors have been added to assist with social distancing along with signage to communicate special instructions to customers.

As PennDOT reopens Driver License and Photo License Centers, services will be in high demand, and customers should expect longer than normal waits. PennDOT staff will work with each customer when they arrive to plan their visit, with additional staff serving as greeters to screen documents and provide information for a smooth and safe transaction as possible. PennDOT apologizes for this inconvenience and appreciates customers' understanding during this transition.

Customers may continue to **complete various transactions and access multiple resources online**

at <https://dmv.pa.gov/>. Driver and vehicle online services are available 24 hours a day, seven days a week and include driver's license, photo ID and vehicle registration renewals; driver-history services; changes of address; driver license and vehicle registration restoration letters; ability to pay driver license or vehicle insurance restoration fee; and driver license and photo ID duplicates. There are no additional fees for using online services.

PennDOT will continue to evaluate these processes and will continue to reopen other locations as soon as safely possible. We will continue to communicate any reopening and changes with the public.

More COVID-19 information is available at <https://www.health.pa.gov/>. For more information, visit <https://dmv.pa.gov/> or <https://www.penndot.gov/>.

Source: PennDOT Press Release, 5/8/2020

PUC to Hold Telephonic Damage Prevention Committee Meeting on May 12

The Pennsylvania Public Utility Commission (PUC) will hold a telephonic meeting of the Damage Prevention Committee (DPC) on **Tuesday, May 12, at 9 a.m.**

The meeting **agenda** http://www.puc.pa.gov/transport/gassafe/pdf/DPC_Agendas/2020/DPC051220.pdf is available on the PUC's website.

Under the unique circumstances presented by the COVID-19 pandemic, conducting public meetings and other routine Commission business telephonically - to help minimize non-essential personal social contact - is consistent with the Governor's Proclamation of Disaster Emergency and the requirements of the Public Utility Code.

[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. Creation of the committee was authorized by **Act 50 of 2017**

http://www.puc.pa.gov/about_puc/press_releases.aspx?ShowPR=3918, which enhances Pennsylvania's Underground Utility Line Protection Act - also known as the "One Call Law."

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 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.

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** <https://www.pa1call.org/PA811/Public/> at least three business days prior to excavation - triggering alerts to all utilities within an intended digging area and prompting utilities to mark where their facilities are located. Pennsylvanians can dial 8-1-1 to connect with the One Call system, while out-of-

state residents or businesses can call 1-800-242-1776.

About the 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, 5/7/2020

SRBC to Hold Public Hearing on Water Project Applications and Comprehensive Plan

Written comments accepted through May 27, 2020

The Susquehanna River Basin Commission (SRBC) will receive public comment at a hearing on **Thursday, May 14, 2020**. The subjects covered by the hearing include applications for several water withdrawals including three Commission-initiated project approval modifications. The Commission will also accept testimony on amendments to the Comprehensive Plan for the Water Resources of the Susquehanna River Basin that will incorporate 2019-2020 projects into the Plan.

The SRBC Commissioners are scheduled to vote on these and other action items at their next business meeting on June 19, 2020.

Due to the COVID-19 crisis and the relevant orders in place in the Commission's member jurisdictions, the Commission will hold this meeting telephonically. The hearing will begin at 2:30 p.m. and end at 5 p.m. or when public testimony concludes, whichever comes first.

Members of the public who are planning to present oral testimony at the public hearing are

encouraged to notify SRBC prior to the hearing of their intent and to indicate the subject of their comment. The notices are to be directed to Jason E. Oyler, General Counsel and Secretary to the Commission, Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110, Telephone: (717) 238-0423, ext. 1312, Fax: (717) 238-2436 or joyler@srbc.net.

The list of 9 project applications along with options for submitting comments electronically are all available on SRBC's **Public Hearing webpage** <https://www.srbc.net/about/meetings-events/public-hearing.html>. SRBC will accept written comments until May 27, 2020. Comments may be submitted electronically through SRBC's Meetings & Events webpage <https://www.srbc.net/about/meetings-events/> or emailed or faxed to Mr. Oyler.

Source: SRBC Press Release, 5/7/2020

State Board for Certification of Sewage Enforcement Officers Rescheduled Meeting

The Department of Environmental Protection's State Board for Certification of Sewage Enforcement Officers meeting scheduled for Wednesday, May 27, 2020, has been **rescheduled to Wednesday, July 15, 2020**. The July 15, 2020, meeting will be held as a virtual meeting and will begin at 10 a.m. Information on how to join the meeting, as well as **agenda and meeting materials**, will be available here <https://www.dep.pa.gov/Pages/default.aspx>.

Additional information can be found on the Pennsylvania Bulletin.

Source: Pennsylvania Bulletin, 5/8/2020
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-19/641.html>

State Board for Certification of Sewage Enforcement

Officers; Update to Certification Examination Schedule

The Department of Environmental Protection's State Board for Certification of Sewage Enforcement Officers updated the certification examination schedule for the remainder of 2020. The May 15, 2020, examination has been **rescheduled to Friday, June 26, 2020**. Examination applications may be obtained by contacting the Department of Environmental Protection, Rachel Carson State Office Building, 400 Market Street, PO Box 8774, Harrisburg, PA 17105-8774, (717) 772-2186.

Additional information can be found on the Pennsylvania Bulletin.

Source: Pennsylvania Bulletin, 5/8/2020
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-19/642.html>

EQB Virtual Meeting

The Environmental Quality Board meeting scheduled for **Tuesday, May 19, 2020**, will be held as a virtual meeting and will begin at 9 a.m. Information on how to join the meeting, as well as **agenda and meeting materials**, will be available here <https://www.dep.pa.gov/Pages/default.aspx>.

Additional information can be found on the Pennsylvania Bulletin.

Source: Pennsylvania Bulletin, 5/8/2020
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-19/647.html>

Governor's Office Updates List of Regulations in Development by State Agencies

The Governor's Office posted an update to the Regulatory Agenda which includes an agency-by-agency listing of regulations in development by state agencies in the May 9 PA Bulletin (*PA Bulletin page 2481* <http://www.pacodeandbulletin.gov/secure/pabulletin/data/vol50/50-19/50-19.pdf>).

The purpose of the Agenda is to provide the public and stakeholders an early warning of issues being considered by state agencies so they can get involved in the public participation process.

The Agenda is the result of Executive Order 1996-1 issued by Gov. Tom Ridge.

The Department of Environmental Protection posts its own **Regulatory Agenda** <https://www.dep.pa.gov/PublicParticipation/EnvironmentalQuality/Pages/Regulatory-Update.aspx> that is updated frequently.

DEP also posts a similar list of technical guidance documents in the development process in a **Non-Regulatory Agenda** [http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1466113&DocName=DEP%20NON-REGULATORY%20AGENDA.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=1466113&DocName=DEP%20NON-REGULATORY%20AGENDA.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).

These agendas include an agency contact person and an approximate schedule for consideration in the public participation process.

Regulations in Process

Just some of the environment-related regulations in development include:

Dept. of Agriculture

- Agricultural Conservation Easement Purchase Program

Dept. of Conservation & Natural Resources

- Snowmobile & ATV Grants

Environmental Hearing Board

- Practice & Procedures Update

Dept. of Environmental Protection

- Water Supply Replacement Surface Coal Mining
- Coal Refuse Disposal Revisions
- Environmental Performance Standards For Conventional Oil & Gas Wells
- Land Recycling Program Update - PFOS Standard
- Water Quality Standard for Manganese
- Water Quality & NPDES Permit Review Fees
- Chapter 105 Dam Safety and Encroachments
- Air Quality Permit Review Fees
- Control Of VOC Emissions From Oil & Natural Gas Sources
- Carbon Pollution Reduction Program For Power Plants

Source: PA Environmental Digest Blog, 5/8/2020

House Approves Bill to Restore RTK Offices and Provide Data

On May 5, 2020, the House approved Rep. Seth Grove's (R-Dover) **House Bill 2463**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=H&type=B&bn=2463> to require state agencies to answer questions from the public, and particularly the media, during emergency declarations. The legislation now goes to the Senate for approval.

In response to the House vote, Grove issued the following statement:

"Government transparency cannot stop during times of crisis. The people have the right to petition their government and the media has the right to question government officials.

"Unfortunately, Gov. Tom Wolf has taken the opportunity afforded to him by the COVID-19 crisis

to allow state agencies to not answer right-to-know requests (RTK) by the media and the general public as required by law. This is unacceptable. The people and the press have a right to question the government and, equally important, to receive answers to their questions.

"House Bill 2463 would require state agencies to respond to RTK requests. Under the bill, if an agency has been forced to close its physical location, it must follow procedures established by the nonpartisan Office of Open Records (OOR). These procedures must take into consideration the difficulties faced by Commonwealth agencies due to COVID-19 and any potential future emergency declarations to establish fair policies for responding to an RTK request.

"The administration's reaction to the crisis has been marred with controversy and has generated serious questions. It has been nearly impossible to get answers to any of the questions because agencies simply are not answering them. I hope House Bill 2463 is passed by the Senate and signed into law to provide the people with an answer to their questions.

"I appreciate the American Civil Liberties Union for recognizing this issue and for its support of the bill."

Source: Rep. Seth Grove Press Release, 5/5/2020

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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.