

GOVERNMENT RELATIONS

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

**Berks County
Water & Sewer
ASSOCIATION**

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Gov. Wolf: 12 More Counties to Move to Yellow Phase on May 22

On May 15, 2020, Governor Tom Wolf announced 12 additional Pennsylvania counties will move to the **yellow phase** of reopening at 12:01 a.m. on **Friday, May 22**. Those counties include Adams, Beaver, Carbon, Columbia, Cumberland, Juniata, Mifflin, Perry, Susquehanna, Wyoming, Wayne, and York. Twenty-four counties moved into the yellow phase of reopening on May 8 and another 13 moved to yellow beginning today.

With these additional 12 counties, there will be a total of **49 counties in the yellow phase**. The **remaining 18 counties are in the red phase**.

"Through our social distancing efforts, we have not only reversed a trajectory of exponential new case growth - we have cut it in half," Gov. Wolf said. "And some of the counties that will be shifting into the yellow phase next week eliminated concerns that we had just two weeks ago. So please, keep up your efforts in the fight so we can continue to add counties to the list of those in the yellow phase. Thank you again for your patience and your hard work."

Yesterday, Governor Wolf and Secretary of Health Dr. Rachel Levine amended their **yellow phase orders** <https://www.governor.pa.gov/newsroom/yellow-phase-orders-updated-to-include-13-additional-counties-moving-on-may-15/> to include 13 counties that moved to the **yellow phase** today. Those counties include Allegheny, Armstrong, Bedford, Blair, Butler, Cambria, Fayette, Fulton, Greene, Indiana, Somerset, Washington, and Westmoreland.

Red phase stay-at-home orders remain in effect until **June 4** but that does not mean that other counties will not move to the yellow phase in advance of that date.

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, including **metrics** <https://www.governor.pa.gov/wp-content/uploads/2020/05/20200515-CMU-Risk-Based-Decision-Support-Tool-05-15-2020.pdf> developed in partnership with Carnegie Mellon University in Pittsburgh that will be released twice each week.

Wolf stressed that this plan is not a one-way route. The state is closely monitoring the counties in

the yellow phase and will re-impose restrictions if danger arises. 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.

Source: Governor Wolf's Press Office, 5/15/2020

PennDOT Extends Expiration Dates on Vehicle Registrations, Vehicle Inspections and Other Products

On May 12, 2020, the Pennsylvania Department of Transportation (PennDOT) announced that expiration dates for vehicle registrations and safety and emission inspections will be extended for Pennsylvania residents in response to statewide COVID-19 mitigation efforts.

Deadlines on the following products will be extended effective May 12, 2020:

- Vehicle registrations of all classes which includes, but not limited to, mass transit vehicle registrations, apportioned vehicle registrations, fleet vehicle registrations, dealer plate registrations, temporary registrations and biennial farm exemption certificates scheduled to expire from March 16 through May 31, 2020, the expiration date is now extended through June 30, 2020.
- Safety inspections and emissions inspections scheduled to expire from March 16 through May 31, 2020; the expiration date is now extended through June 30, 2020.
- Persons with Disabilities parking placards scheduled to expire from March 16 through May 31, 2020; the expiration date is now extended through June 30, 2020.

These extensions are in addition to those announced <https://www.penndot.gov/pages/all-news-details.aspx?newsid=725> on May 1 related to driver's licenses, photo ID cards, and learner's permits scheduled to expire from March 16, 2020

through May 31, 2020 - these products are also extended through June 30, 2020. A camera card is considered a driver's license, so it is covered by the same terms and conditions extending other driver's license products.

Additionally, limited services are available at some Driver License and Photo License Centers. For a list of open driver license and photo license centers and the services provided, as well as their hours of operation, please visit <https://dmv.pa.gov/>.

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 communicate any changes with the public.

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

Source: PennDOT Press Release, 5/12/2020

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

Also Offering Designated Hours for Customers 60 and Older

On May 14, 2020, the Pennsylvania Department of Transportation (PennDOT) announced that beginning May 15, 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=727> on May 8, 2020.

The following driver license centers will reopen with limited services beginning Friday, May 15:

- Bridgeville Driver and Photo License Center, 1025 Washington Pike, Route 50 Bridgeville;
- Penn Hills Driver and Photo License Center, 11620 Keleket Drive, Penn Hills;
- Uniontown Driver and Photo License Center, 855 N Gallatin Avenue Uniontown;
- Greensburg Driver and Photo License Center, 770 East Pittsburgh Street, Greensburg;
- New Kensington Driver and Photo License Center, 1600 Greensburg Road, New Kensington; and
- Altoona Driver and Photo License Center, 1738 A 9th Avenue, Altoona.

The following driver license centers will reopen with limited services beginning Saturday, May 16:

- Washington Driver and Photo License Center, 250 Oak Spring Road, Washington;
- Allison Park Driver and Photo License Center, 1701 Duncan Avenue, Allison Park;
- Johnstown Driver and Photo License Center, 563 Walters Avenue, Johnstown;
- Butler Driver and Photo License Center, 356 Point Plaza, Butler; and
- Somerset Driver and Photo License Center, 5593 Glades Pike, Somerset.

Hours of operation at the above locations 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.

The following driver license center will reopen beginning Monday, May 18:

- Pittsburgh Driver and Photo License Center, 708 Smithfield Street, Pittsburgh.

Hours of operation for the downtown Pittsburgh location will be Monday through Friday 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.

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 reopen beginning Friday May 15:

- McConnellsburg, 665 Lincoln Way E, McConnellsburg; hours of operation will be Friday and Saturday from 8:30 AM to 4:15 PM.

The following Photo License Centers will reopen beginning Tuesday May 19:

- East Liberty, 5900 Baum Boulevard, Pittsburgh; hours of operation will be Monday through Friday, 8:30 AM to 5:00 PM, Saturday 10:00 AM to 3:00 PM;
- Monroeville, 2725 Mossie Boulevard, Monroeville; hours of operation will be Monday, Tuesday, Wednesday, and Friday from 9:00 AM to 4:15 PM, Thursday from 9:00 AM to 6:00 PM, and Saturday from 9:00 AM to 3:00 PM; and
- Clairton Boulevard, 9 Clairton Boulevard, Pittsburgh; hours of operation will be Monday,

Tuesday, Wednesday, and Friday from 9:00 AM to 4:15 PM, Thursday from 9:00 AM to 6:00 PM and Saturday from 9:00 AM to 3:00 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 <http://www.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 <http://www.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;
- 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 <http://www.health.pa.gov/>. For more information, visit <http://www.dmv.pa.gov/> or <http://www.penndot.gov/>.

Source: PennDOT Press Release, 5/14/2020

PA Leads Nation in Local Government Revenue Loss Due to Pandemic

Immediate Federal Action Needed

According to a recent analysis by the National League of Cities, Pennsylvania leads the nation in a very dubious category - local government revenue loss due to the pandemic. Cities, boroughs, towns and townships across the Commonwealth will sustain an overall loss of \$6 billion representing 40% of local revenues.

The League implores Pennsylvania's U.S. delegation to support direct federal assistance to municipalities. There will be no recovery for the country or commonwealth if local governments do not recover.

See **States with Most Severe Revenue Loss** <https://2k4nj3p959z35d47i3rgaw41-wpengine.netdna-ssl.com/wp-content/uploads/2020/05/States-with-most-Severe-Revenue-loss-Table-updated.jpg> and **Revenue Loss Map** <https://2k4nj3p959z35d47i3rgaw41-wpengine.netdna-ssl.com/wp-content/uploads/2020/05/Loss-and-Revenue-Map-Updated.jpg>.

Source: National League of Cities Press Release, 5/15/2020

EPA Notes Successes in Reducing Perchlorate in Drinking Water

On May 14, 2020, the U.S. Environmental Protection Agency (EPA) announced that it is releasing information on reductions of perchlorate in drinking water due to actions that its partners and the agency have taken to mitigate this contaminant and protect public health. The agency is also providing information for drinking water utilities on perchlorate.

"Because of steps that EPA, states and public water systems have taken to identify, monitor and mitigate perchlorate, the levels have decreased in drinking water" said EPA Administrator Andrew Wheeler. "This success demonstrates that EPA and states are working together to lead the world in providing safe drinking water to all Americans."

Since EPA made a determination to regulate perchlorate in drinking water in 2011, meaningful reductions have occurred due to actions taken by EPA, states and public water systems. The main factors contributing to the decrease in perchlorate levels include:

- Improved procedures for storage and handling of hypochlorite solutions used as drinking water disinfectants.
- Remediation activities at 60 Superfund sites to address perchlorate.
- Drinking water regulations for perchlorate in Massachusetts and California.
- Federal and state remediation activities at perchlorate contaminated sites, particularly the ongoing remediation efforts in the state of Nevada to address perchlorate contamination in groundwater adjacent to the lower Colorado River upstream of Lake Mead.

EPA remains committed to continuing to work with states and public water systems and is providing information to water systems on addressing perchlorate in drinking water.

For more information on the declining levels of perchlorate in drinking water and information for drinking water utilities:

<https://www.epa.gov/sdwa/fact-sheets-perchlorate-drinking-water>.

Background

On June 26, 2019, EPA published the notice of proposed rulemaking seeking public comment on a range of options regarding the regulation of perchlorate in public drinking water systems. EPA is developing a final action that reflects comments received on the agency's proposal and will be issued this June.

For more information about EPA's proposal, see www.epa.gov/sdwa/perchlorate-drinking-water.

Perchlorate is commonly used in solid rocket propellants, munitions, fireworks, airbag initiators for vehicles, matches, and signal flares. Perchlorate may occur naturally, particularly in arid regions such as the southwestern U.S., and can be found as a byproduct in hypochlorite solutions used for treating drinking water and nitrate salts used to produce fertilizers, explosives, and other products.

Source: EPA Press Release, 5/14/2020

PUC's May 21st Public Meeting to be Conducted Telephonically

On May 15, 2020, the Pennsylvania Public Utility Commission (PUC) announced that its next public meeting - on Thursday, May 21 - **will be conducted telephonically.**

The PUC public meeting will begin at 10 a.m. on May 21, and members of the public, the media and others can begin accessing the telephone conference call starting at 9:45 a.m. that day. Interested parties can listen to the meeting by calling 1-888-917-8050, and then entering passcode 9570961#.

The Commission welcomes the public to join the telephonic meeting, stressing that it will follow the Commission's customary public meeting protocol with only Commissioners and the PUC's Secretary permitted to speak on agenda items. A final agenda for the public meeting will be published on the Commission's **website** http://www.puc.pa.gov/about_puc/public_meeting_calendar.aspx on Wednesday, May 20.

This is the fourth time in recent weeks that the PUC has conducted a "remote" public meeting, in response to the ongoing public health threat posed by the COVID-19 virus. The Commission remains focused on continuing operations while also minimizing non-essential personal social contact – consistent with the Governor's Proclamation of Disaster Emergency and the requirements of the Public Utility Code.

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, 5/15/2020

PUC Highlights Home Electric Safety; Urges Homeowners and Contractors to Identify and Avoid Common Hazards

In conjunction with National Electric Safety Month <https://www.esfi.org/program/national-electrical-safety-month-314>, the Pennsylvania Public Utility Commission (PUC) is reminding homeowners and contractors to use extra caution while working around electrical systems - especially overhead power lines.

According to data compiled by the PUC's Safety Division, homeowners working with ladders and poles generate the second-highest number of incidents every year. Among construction workers, roofers and crane operators are at the greatest risk. Every year an average of six Pennsylvania residents are killed and 24 people are seriously injured because of accidental contact with utility company power lines.

Warmer weather traditionally marks an increased tempo for home improvement and construction

projects - underscoring the importance of identifying potential electrical hazards around the home or on the job site.

The PUC stressed that the best way to protect yourself, your families and your co-workers against the possibility of death, injury, service interruptions or costly repairs is to identify hazards and develop proper safety plans before any work begins. Anyone planning work around power lines should also check with their local utility for information about making the work area safer.

Also, the Commission encouraged homeowners and businesses to consider postponing non-essential work near power lines - noting that delaying the start of those projects can help safeguard against accidental damage and prevent unplanned outages during this stressful time, avoid further strains on first responders and allow utility crews to focus on essential services.

Electric Safety Tips

The Commission offered the following electric safety tips for working around the home:

- Locate all overhead power lines before starting any project.
- Stay at least 10 feet away from all overhead power lines - and remain at least 35 feet away from any downed lines.
- Carry ladders and equipment horizontally. Look all around before moving ladders or other equipment.
- Avoid touching any fallen lines, or anything in contact with power lines - including sagging trees with broken limbs.
- Never try to remove trees or limbs from power lines.
- Stay away from objects or puddles in contact with downed power lines.
- Notify the utility company of any issues.
- Provide utility crews with ample room to complete restoration and maintenance work on their facilities.

The PUC and Pennsylvania's utilities are committed to safety, and assistance is available to make work areas near electric utilities safe. For the

safety of everyone involved - from contractors and homeowners to utility company workers and bystanders - we urge people to review important safety information on the **Electric Safety page of the PUC website**

http://www.puc.pa.gov/utility_industry/electricity/electric_safety.aspx and contact the local utility company when planning any project.

Home Electric Safety Tips

For residents either teleworking or virtually learning from home, the Commission provides the following general electric safety tips:

- Avoid overloading outlets.
- Regularly inspect electrical cords and extension cords for damage.
- Use extension cords only on a temporary basis.
- Never run cords under rugs/carpets, doors, or windows.
- Make sure cords do not become tripping hazards.
- Never plug a space heater or fan into an extension cord or power strip.
- Make sure your home has working smoke alarms.
- Unplug appliances when not in use to save energy and minimize the risk of shock or fire.

About the PUC

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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, 5/15/2020

Citizens Advisory Council Virtual Meeting; Change to Meeting Start Time

The Department of Environmental Protection's Citizens Advisory Council's virtual meeting scheduled for **Tuesday, May 19, 2020**, will begin at **12:30 p.m.** (previously scheduled to start at 10 a.m.).

Individuals who wish to join the meeting may do so remotely. Information will be provided on the council's webpage. Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Keith Salador at ksalador@pa.gov or (717) 787-8171.

The agenda and meeting materials will be available on the **council's webpage** <https://www.dep.pa.gov/PublicParticipation/CitizensAdvisoryCouncil/Pages/default.aspx>.

Questions concerning the May 19, 2020, meeting can be directed to Keith Salador at ksalador@pa.gov or (717) 787-8171.

Source: Pennsylvania Bulletin, 5/16/2020

Water Resources Advisory Committee Virtual Meeting

The Department of Environmental Protection's Water Resources Advisory Committee meeting scheduled for **Thursday, May 28, 2020**, will be held as a virtual meeting and will begin at **9:30 a.m.**

Individuals interested in providing public comments during the meeting must sign up prior to the start of the meeting by contacting Bob Haines at robhaines@pa.gov or (717) 705-4090.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the **committee's webpage**

<https://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/WRAC/Pages/default.aspx>. Questions concerning the May 28, 2020, meeting can be directed to Bob Haines at robhaines@pa.gov or (717) 705-4090.

Source: Pennsylvania Bulletin, 5/16/2020
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-20/664.html>

PUC Proposed Rulemaking; Certificated Water and Wastewater Utility Acquisitions, Mergers, and Transfers, Advanced Notice of Proposed Rulemaking

The Public Utility Commission has determined that it is an appropriate time to individually reexamine its regulations governing applications for certificates of public convenience for the provision of water and wastewater service.

Written comments must be submitted within 60 days of publication on the Pennsylvania Bulletin to the Secretary, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg PA 17120. Comments may also be filed electronically through the commission's **e-File system** http://www.puc.pa.gov/filing_resources.aspx.

The contact persons for this matter are Assistant Counsel Christian McDowell, (717) 787-7466, cmcdowell@pa.gov, and supervisor, Water/Wastewater, Bureau of Technical Utility Services, Sean Donnelly, (717) 783-2505, sdonnelly@pa.gov. Additional information can be found on the Pennsylvania Bulletin.

Source: Pennsylvania Bulletin, 5/16/2020
<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-20/657.html>

CFA Extends Deadline to Apply for Act 13 Watershed Restoration, Mine Reclamation, Sewage, Flood Mitigation, and Recreation Grants

On May 14, the Commonwealth Financing Authority extended the deadline to apply for grants funded by **Act 13** <https://dced.pa.gov/programs-funding/commonwealth-financing-authority-cfa/act-13-programs/#.Wljw9BiZNBw> drilling impact fees for watershed restoration, abandoned mine drainage abatement, baseline water quality data, orphaned or abandoned well plugging, sewage facilities, flood mitigation programs and recreation.

The **new deadline for applications is July 31** <https://dced.pa.gov/programs-funding/commonwealth-financing-authority-cfa/act-13-programs/>.

These grants are funded by the Act 13 drilling impact fees paid by natural gas drillers.

Here's a quick summary of what's available and the links for more details:

- **Watershed Restoration** <https://dced.pa.gov/programs/watershed-restoration-protection-program-wrpp/>: The overall goal of the Watershed Restoration and Protection Program is to restore, and maintain restored stream reaches impaired by the uncontrolled discharge of nonpoint source polluted runoff, and ultimately to remove these streams from the Department of Environmental Protection's Impaired Waters list.
- **Abandoned Mine Drainage Abatement and Treatment** <https://dced.pa.gov/programs/abandoned-mine-drainage-abatement-treatment-program-amdatp/>: Projects which involve the reclamation of Abandoned Mine Well(s), construction of a new AMD site, remediation and repair of

existing AMD project sites, operation and maintenance maintaining current AMD remediation sites, establishment of trust fund to ensure ongoing maintenance is achieved, and monitoring of water quality to track or continue to trace nonpoint source load reductions resulting from AMD remediation projects.

- **Orphan or Abandoned Well Plugging Program** <https://dced.pa.gov/programs/orphan-abandoned-well-plugging-program-oawp/>: Projects which involve the cleaning out and plugging of abandoned and orphaned oil and gas wells; stray gas mitigation systems; and well venting projects.
- **Baseline Water Quality Data** <https://dced.pa.gov/programs/baseline-water-quality-data-program/>: Projects which involve practices for water sample collection and analysis to document existing groundwater quality conditions on private water supplies.
- **Sewage Facilities Program** <https://dced.pa.gov/programs/sewage-facilities-program-sfp/>: Costs associated with the planning work required under Act 537 Sewage Facilities Act.
- **Flood Mitigation** <https://dced.pa.gov/programs/flood-mitigation-program-fmp/>: Projects authorized by a flood protection authority, the Department of Environmental Protection (DEP), the U.S. Army Corps of Engineers (Corps) or the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) or identified by a local government for flood mitigation are eligible for the program.
- **Greenways, Trails and Recreation Program** <http://dced.pa.gov/programs/greenways-trails-and-recreation-program-gtrp/>: Projects which involve development, rehabilitation and improvements to public parks, recreation areas, greenways, trails and river conservation.

Applicants are strongly urged to contact their House and Senate member to make them aware you intend to submit an application for funding under these programs and ask for their endorsement.

For more information and instructions on how to apply, visit the Commonwealth Financing Authority **Act 13 Programs webpage** <https://dced.pa.gov/programs-funding/commonwealth-financing-authority-cfa/act-13-programs/#.Wljw9BiZNBw>. Questions should be directed to 717-787-6245.

Source: PA Environmental Digest, 5/18/2020

House Republicans Give Final Approval to Bill Blocking Environmental, Other Regulations; Next Stop the Governor's Desk

On May 14, House Republicans gave final approval to **Senate Bill 327** (Argall-R-Schuykill) <https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=S&type=B&bn=0327>, which contains a provision that would stop any proposed or final environmental or other state agency regulation from being finalized during the COVID-19 emergency.

The Senate and House Republicans have now given their final approval to the bill. The next step is the Governor for his action.

Note: The emergency declaration for the opioid overdose crisis has been in place since January 2018.

House Republicans have a similar bill on its Calendar awaiting action -- House **Bill 2416** (Everett-R-Lycoming) <https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=H&type=B&bn=2416>.

Both bills were only passed by Republicans in votes in the House and the Senate.

[Background on Regulation Blocking](#)

Under the amended Senate Bill 327, no proposed regulation may be submitted in final form to the Independent Regulatory Review Commission or the House and Senate committees.

No final or final-omitted regulation may be promulgated as a regulation by DEP or any agency.

The bill allows state agencies to petition the appropriate standing committees of the Senate and House -- solely controlled by Republicans -- for a waiver from the prohibition against publishing regulations.

There is no requirement in the bill for the committees to take any action on the request.

This procedure raises significant constitutional issues because it requires nothing be passed by the full Senate and House and presentment to the Governor.

On April 14, Rep. Daryl Metcalfe (R-Butler), Majority Chair of the House Environmental Resources and Energy Committee, **sent a letter to DEP Secretary Patrick McDonnell** <http://www.repmetcalfe.com/News/17066/Press-Releases/ERE-Chairman-Metcalfe-Demands-DEP-Stand-Down-on-Creating-Regulatory-Nightmare-During-COVID-19-Shutdown> demanding DEP stand down on environmental regulations during the COVID-19 shutdown.

The provisions in this bill -- like House Bill 2416 -- are consistent with the demand by Rep. Metcalfe. **Read more here** <https://paenvironmentdaily.blogspot.com/2020/04/rp-metcalfe-demands-dep-stand-down-on.html>.

Click **here** for more background on the bill <http://www.paenvironmentdigest.com/newsletter/default.asp?NewsletterArticleID=49690&SubjectID=> and learn other House and Senate Republican efforts to kill environmental regulations, take permitting authority away from DEP and starve state environmental protection programs of funding.

[Affected DEP Regulations](#)

This bill would have an immediate impact on important DEP regulations, including:

- **Final regulation**
<http://www.irrc.state.pa.us/regulations/RegSrchRslts.cfm?ID=3217> **increasing permit fees on unconventional oil and gas well permits** that is needed to fund DEP's Oil and Gas Well Management Program.
- **Final regulation**
<http://www.irrc.state.pa.us/regulations/RegSrchRslts.cfm?ID=3248> **reducing the sulfur content of heating oil** from 500 ppm to 15 ppm.
- **Final regulation**
<http://www.irrc.state.pa.us/regulations/RegSrchRslts.cfm?ID=3264> **updating hazardous waste regulations** to conform to federal requirements.
- **Proposed regulation**
<https://www.dep.pa.gov/PublicParticipation/EnvironmentalQuality/Pages/2019-Meetings.aspx> setting **air emission standards for Oil & Gas Operations**.
- **Proposed regulation**
<http://www.irrc.state.pa.us/regulations/RegSrchRslts.cfm?ID=3217> setting **cleanup standards for PFOA/PFOS contamination**.
- **Proposed regulation**
<http://www.pacodeandbulletin.gov/Display/pabulletin?file=/secure/pabulletin/data/vol49/49-15/519.html> **increasing Air Quality Permit fees** needed to fund the program.
- **Proposed regulation**
<http://www.pacodeandbulletin.gov/Display/pabulletin?file=/secure/pabulletin/data/vol49/49-13/453.html> **increase Water Quality/NPDES Permit fees** needed to fund the program.
- **Proposed regulation**
<http://www.pacodeandbulletin.gov/Display/pabulletin?file=/secure/pabulletin/data/vol49/49-12/424.html> **redesignating the Water Quality protection for over 40 streams**.
- **Proposed regulation**
<https://www.dep.pa.gov/PublicParticipation/EnvironmentalQuality/Pages/2019-Meetings.aspx>

setting a water quality standard for manganese.

For a more comprehensive list, visit DEP's **eComment webpage** <https://www.ahs.dep.pa.gov/eComment/>. Click here http://files.dep.state.pa.us/PublicParticipation/Public%20Participation%20Center/PubPartCenterPortalFiles/Environmental%20Quality%20Board/Rolling_Reg_Agenda.pdf for **DEP Regulatory Update report** showing the status of regulations.

PA Environmental Council

The PA Environmental Council expressed its opposition to the provision blocking regulations saying, "... this legislation is not necessary given powers that already lie with the General Assembly" adding "This may also have unforeseen and unintended consequences given all the uncertainties of today, and is tied to a Declaration of Emergency that could well outlast the aims of this amendment.

PEC's letter to House members went on to say: "Specifically, this newly added language is problematic for several reasons:

- This new section establishes a blanket prohibition that indiscriminately blocks rulemaking proposals – including those necessary for the protection of public health, or that may be required by state or federal law within a mandated time frame.
- While the new section speaks to a waiver process through petition to Standing Committees of the General Assembly, there is no requirement that waiver petitions be considered or acted upon. -- Further, there is no guidance on how (or how quickly) the Committees should administer petitions, and whether the public will have the opportunity to provide comment.
- The Standing Committees and General Assembly already have authority under existing law to review and even abrogate proposed rulemakings, pursuant to an established public process.

- There is no certainty as to when the Declaration of Disaster Emergency will end, or on what basis it will end. In other words, proposed rulemakings will be delayed for an indefinite period of time.
- This amended language to Senate Bill 327 is arbitrary and poses potentially significant issues for the protection of the public at a time when those protections may be needed the most. For these reasons, we urge you to oppose this legislation so long as the amended language in Section 2801-G is included.”

3 Front War on the Environment

Conservative Pennsylvania Republicans have been fighting a three front war on environmental programs and funding for the last decade:

- Starving environmental agencies for funding so they have to cut staff and programs and then turn around and say they can’t do their job;
- Adding even more layers of bureaucracy and procedures to block environmental regulations, reduce environmental standards and give regulated entities more control over these programs; and
- Using every chance they get to cut funding to support community-based projects to protect and restore the environment, improve recreation opportunities and land conservation efforts that real people – voters – overwhelmingly support.

Source: PA Environmental Digest, 5/18/2020

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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.