

# GOVERNMENT RELATIONS

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**Berks County  
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## Trump EPA Continues to Aggressively Address PFAS on the Federal, State, and Local Level

**A**ggressively addressing per- and polyfluoroalkyl substances (PFAS) continues to be an active and ongoing priority for the U.S. Environmental Protection Agency (EPA). In the Mid-Atlantic Region, as part of the **PFAS Action Plan** <https://www.epa.gov/pfas/epas-pfas-action-plan>, EPA is helping states and local communities in the region target PFAS reductions and protect public health.

"With federal technical assistance efforts underway across the country, the Trump Administration is bringing much needed support to state, tribal, and local governments as part of the agency's unprecedented efforts under the PFAS Action Plan," said EPA Administrator Andrew Wheeler. "These partnerships allow for collaboration, encourage cutting edge research, and information sharing-ensuring that our joint efforts are effective and protective of public health."

"EPA is collaborating with our state and local partners in the Mid-Atlantic Region to address PFAS and mitigate risks to communities," said EPA Mid-Atlantic Regional Administrator Cosmo Servidio. "Our collective efforts are making a difference in determining necessary actions to protect public health and the environment."

### EPA Provides Help Where It Is Needed

EPA has formed partnerships with states, tribes, and local communities across the country. These joint projects allow EPA to take the knowledge of its world class scientists and apply it in a collaborative fashion where it counts most.

Examples of this federal, state and local cooperation in EPA's Mid-Atlantic Region include:

- EPA's Superfund program manages and provides oversight of Department of Defense (DOD) actions at a complex PFAS contamination issue in Southeast Pennsylvania in partnership with the Pennsylvania Department of Environmental Protection (PADEP). The contamination stems from the former Naval Air Development Center and the Willow Grove Naval Air and Air Reserve Station, which are located about two miles apart from each other. Releases from these sites impacted private and public drinking water and

surface water with PFAS. In response to levels of PFAS above EPA's Health Advisory in public and private drinking water, EPA's Mid-Atlantic Region, on behalf of the DOD, took the lead in rapidly providing an alternative water supply and conducted sampling of drinking water at hundreds of homes. Through extensive coordination among federal, state and local authorities, known drinking water exposures have been eliminated and PFAS contributions to surface water mitigated. EPA and PADEP continue to evaluate studies and response actions related to PFAS from these and other potential sites nearby. The work is being conducted by the DOD using their Superfund authorities. EPA also works with various stakeholders including Townships, water providers and the public to ensure their issues and concerns are addressed. EPA and PADEP continue to work together coordinating input on the investigations, response actions, and community updates at these sites.

Involvement of the affected community is a critical component in response planning and activities. EPA staff along with the Agency for Toxic Substances and Disease Registry conducted and assisted DOD in planning and executing community meetings and information sessions. EPA also provided information in response to requests from community members and other stakeholders including local, state and federal representatives, township officials and the media.

- At the request of West Virginia Department of Environmental Protection (WVDEP), EPA scientists analyzed PFAS samples collected during air emission testing at an industrial facility near Parkersburg. The results helped demonstrate the effectiveness of emissions controls for GenX and other legacy perfluorinated carboxylic acids and allowed the WVDEP to make the appropriate regulatory decisions.
- At the Blades Groundwater Site, in the Town of Blades, Delaware, EPA uncovered new information that indicated that PFAS compounds were used at a former chrome-plating facility. Releases from the facility

potentially affect municipal drinking water wells and residential wells near the site. Based on EPA's discovery, rather than closing out evaluation of the site, PFAS sampling was conducted by the Delaware Department of Natural Resources and Environmental Control (DNREC) and confirmed the presence of PFAS contamination in municipal drinking water wells above the EPA Health Advisory Level. EPA worked closely with DNREC, other state and local agencies, and rapidly assessed and expedited several investigative actions at Blades, including residential well assessments to determine if any residential wells near the former chrome-plating facility have been impacted by PFAS. Concurrently, DNREC coordinated response actions to provide the Town of Blades an alternate source of safe drinking water. EPA's diligent collaboration and partnership with Delaware also resulted in proposing the Blades Groundwater site for inclusion on the National Priorities List.

#### EPA Continues Innovative Approaches to Studying PFAS

EPA's Mid-Atlantic Region is collaborating in a Regional Sustainability and Environmental Sciences (RESES) project. EPA's Office of Research and Development and EPA Region 2 have spearheaded the project and other collaborators include the states of New York and New Jersey. The RESES project is called "Investigation of the Factors Influencing the Fate and Transport of Per- and Polyfluoroalkyl Substances and the Development of an Approach to Determine Soil Screening Levels Protective of Groundwater." The goal of the research is to develop an understanding of the behavior of select PFAS compounds, including PFOA and PFOS, in various geologic and geochemical settings so that more accurate models can be developed to predict PFAS movement in the subsurface and potential impact to drinking water aquifers. The field portion of this study will include sampling at the Valmont TCE Superfund Site located in Hazleton, PA, which is also contaminated with PFAS.

EPA's regional actions complement the efforts being made to address PFAS nationwide. In July alone, EPA has made significant progress implementing the PFAS Action Plan-the most

comprehensive cross-agency plan ever to address an emerging chemical of concern. For the latest actions EPA has taken nationwide to address PFAS <https://www.epa.gov/newsreleases/trump-epa-continues-aggressively-address-pfas-federal-state-and-local-level>.

For more on EPA's PFAS research <https://www.epa.gov/chemical-research/research-and-polyfluoroalkyl-substances-pfas>.

Source: EPA Press Release, 7/29/2020

## EPA Evaluates Restoration Plans; Continues to Support States' Commitments

On July 29, 2020, the U.S. Environmental Protection Agency (EPA) announced it will continue to provide financial and technical assistance to support two-year plans by the seven Chesapeake Bay states to reduce pollutants impacting the Bay and local rivers and streams.

The federal actions are included in EPA's evaluations of final 2020-2021 milestones submitted by Maryland, Virginia, Pennsylvania, Delaware, West Virginia, New York, the District of Columbia and a set of federal agencies. The evaluations are available at <https://www.epa.gov/chesapeake-bay-tmdl>.

In its detailed milestone reviews, EPA identified notable strengths and key areas still to address for each of the Bay states. In addition to the current milestone period, EPA's reviews also focused on progress reported during 2018-2019 milestone period.

"EPA will continue to fulfill its partnership role in assessing, supporting and overseeing commitments by the Bay states to put practices in place by 2025 to fully restore the Bay," said EPA Regional Administrator Cosmo Servidio. "We have confidence that the Bay states will review the feedback in our evaluations and adjust their plans and milestone commitments, as necessary."

EPA pledged in its evaluations to work with each of the Bay states to develop specific oversight and assistance activities to support implementation efforts, including funding, technical assistance and analysis, training and regulatory reviews.

The funding and technical assistance, for example, will support Pennsylvania as it works to strengthen its Phase III Watershed Implementation Plan (WIP) by 2021 and close the gap in its 2025 commitments. As part of its oversight responsibilities, EPA has taken steps with Pennsylvania to ensure funding is being spent efficiently and expeditiously in the most effective areas for pollution reduction.

Since the release of the Chesapeake Bay TMDL in 2010, EPA and its federal partners have provided sustained assistance to the Bay states 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 states' Phase III WIPs and two-year milestones.

In its oversight role, EPA will meet frequently with the Bay states and will report to the Chesapeake Bay Program partnership and the public on the states' success in meeting their goals. EPA is recommending that Pennsylvania report quarterly on its progress.

Source: EPA Press Release, 7/29/2020

## Wolf Administration Announces \$10 Million in Tax Credits to Improve Water Quality, Farm Sustainability

On July 31, 2020, Agriculture Secretary Russell Redding announced the availability of \$10 million in tax credits to Pennsylvania farmers for measures to improve soil and water quality. Tax credits are available through Pennsylvania's nationally recognized

[https://www.media.pa.gov/Pages/Agriculture\\_detail.aspx?newsid=823](https://www.media.pa.gov/Pages/Agriculture_detail.aspx?newsid=823) **Resource Enhancement and Protection Program (REAP)**, which was expanded under the 2019 PA Farm Bill.

"Farmers are the original stewards of our land and water resources," said Redding. "REAP tax credits are just one element of our strategy to support their stewardship and grow a viable, sustainable Pennsylvania farm economy to feed our future."

REAP is a Pennsylvania tax credit program for agricultural producers who implement best management practices (BMP) or purchase equipment that reduces nutrient and sediment runoff, enhancing soil and improving the quality of Pennsylvania's waterways. This is the 14th year Pennsylvania farmers have been able to take advantage of REAP tax credits. Farmers may receive up to \$250,000 in any seven-year period, and spouses filing jointly can use REAP Tax Credits.

The most common projects approved are for no-till planting and precision ag equipment, waste storage facilities, conservation plans, **Nutrient Management Plans**

[https://www.agriculture.pa.gov/Plants\\_Land\\_Water/StateConservationCommission/NutrientManagementProgram/Pages/default.aspx](https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission/NutrientManagementProgram/Pages/default.aspx), and protecting animal heavy-use areas, like barnyards. Cover crops and riparian stream buffers are also common REAP-eligible practices. Farmers may receive REAP tax credits of 50 to 75 percent of the project's eligible out-of-pocket cost. Farmers whose operation is in a watershed with an EPA-mandated Total Maximum Daily Load (TMDL) can receive REAP tax credits of 90 percent of out-of-pocket costs for some projects.

Tax credits can be used in conjunction with other funding sources such as the Environmental Quality Incentive Program (EQIP), the **Chesapeake Bay Program or Conservation Excellence Grants** [https://www.agriculture.pa.gov/Plants\\_Land\\_Water/StateConservationCommission/Conservation\\_Excellence\\_Grant\\_Program/Pages/default.aspx](https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission/Conservation_Excellence_Grant_Program/Pages/default.aspx) to help install BMPs.

REAP applications are reviewed on a first-come, first-served basis. Baseline eligibility includes compliance with the **PA Clean Streams Law** <https://www.dep.pa.gov/Business/Energy/OilandGas/Programs/OilandGasMgmt/Pages/Laws%2c-Regulations-and-Guidelines.aspx> and the Pennsylvania Nutrient and Odor Management Law.

Private investors may act as project sponsors by providing capital in exchange for tax credits. Any individual or business subject to taxation by Pennsylvania through personal income tax, corporate net income tax, the bank shares tax or others is eligible to participate in REAP.

Since the program began in 2007, REAP has awarded tax credits to more than 5,500 projects totaling over \$100 million. Improvements from these projects have kept more than 5 million pounds of nitrogen, 250,000 pounds of phosphorus, and 250,000 tons of sediment out of streams and rivers in Pennsylvania and the waterways they feed. Private investments in REAP have also contributed to the conservation projects, which in total are worth nearly \$250 million.

More information about **REAP**

[https://www.agriculture.pa.gov/Plants\\_Land\\_Water/StateConservationCommission/REAP/Pages/default.aspx](https://www.agriculture.pa.gov/Plants_Land_Water/StateConservationCommission/REAP/Pages/default.aspx), including the **2020-21 application packet and program guidelines**, is available at <https://www.agriculture.pa.gov/Pages/default.aspx>.

For more information about the **PA Farm Bill** <https://www.agriculture.pa.gov/Pages/PA-Farm-Bill.aspx> and investments to support Pennsylvania agriculture, visit <https://www.agriculture.pa.gov/Pages/default.aspx>.

**Source:** PA Department of Agriculture Press Release, 7/31/2020

## **Wolf Administration Urges Residents to Prepare for Hurricane Season amidst COVID-19**

**A**s we near the peak of hurricane season, the Department of Health and the Pennsylvania Emergency Management Agency today urged Pennsylvanians to have an emergency plan in place if a hurricane or tropical storm is forecasted to impact the state during COVID-19. Hurricane season, which runs from June 1 through November 30 in the Eastern United States, can bring dangerous storms that include threats such as flash flooding -- the leading cause of disaster-related deaths in Pennsylvania -- river flooding, storm surge, damaging winds and tornadoes.

"It is essential that everyone take proper steps to be prepared as we near the peak of hurricane season," Secretary of Health Dr. Rachel Levine said. "Any actions to protect yourself from immediate threats to life safety should take priority, such as evacuating before a hurricane or tropical storm. Additionally, all COVID-19 protective action guidance should be followed as long as it does not slow response or cause greater harm."

Tropical storms are storms with winds between 39 and 73 miles per hour that can bring heavy rain, lightning and significant flooding to the commonwealth. Hurricanes are storms with winds at or above 74 miles per hour. Hurricanes can cause catastrophic damage from heavy rain, severe flooding, lightning, high winds, storm surge and tornadoes.

No matter where someone lives in Pennsylvania, it is important to prepare for the effects of a tropical storm. Everyone should have an emergency plan, including what they would do if they need to evacuate their home due to an approaching storm or severe flooding.

"Families should take the time now to plan how they would communicate with each other during an emergency and meet up once the danger has passed," said PEMA Director Randy Padfield. "Very few of us memorize phone numbers anymore, so everyone should have a paper copy of important phone numbers so you can contact loved ones from any phone. Then, practice your family plan, so everyone knows what to do, and you can work out any problems you encounter"

Padfield said PEMA routinely works with state and county partners to ensure they are ready for any emergency, including the effects of tropical storm systems.

Families should check to make sure their home emergency kits are fully stocked with essential items, as power can take days to restore after a tropical storm or hurricane. A home emergency kit should contain:

- non-perishable food;
- bottled water (one gallon per person per day. A family of 4 needs a minimum of 12 gallons);
- medications;
- flashlight with spare batteries;
- first aid kit;
- warm clothing; and
- any specialized items such as baby supplies or pet food.

In addition to traditional emergency kit items and as the pandemic continues, include an extra clean mask for each person in the household. As a reminder, on July 1, Secretary Dr. Levine signed an **order mandating universal mask-wearing** <https://www.governor.pa.gov/wp-content/uploads/2020/07/20200701-SOH-Universal-Face-Coverings-Order.pdf>. Research shows that mask-wearing reduces risk of infection from COVID-19, while not wearing a mask greatly increases a person's chances of being infected by this contagious and deadly virus.

Individuals must wear face coverings unless they pose a risk to one's health and safety. In general, though, face coverings must be worn, especially during an evacuation where this is high risk of exposure. Mere discomfort is not considered a risk to an individual's health or safety. Face shields are an acceptable alternative for individuals who are medically excused from wearing a mask.

In addition to wearing a mask, Pennsylvanians are encouraged to continue to practice social distancing and other preventive measures, including frequent hand washing, covering coughs and sneezes, cleaning surfaces often, and staying home when sick to help reduce the spread of COVID-19. In the case of an evacuation, if soap and water are

not available, hand sanitizer is an acceptable alternative to keep hands clean.

Additional information on how to stay safe during a tropical storm or hurricane can be found on the **Department of Health's website** at <http://www.health.pa.gov/> or follow us on Facebook and Twitter.

**Source:** Governor Wolf's Press Office, 7/31/2020

## **Struzzi Introduces Legislation to Help Businesses, Promote Environmental Compliance**

**O**n July 29, 2020, Rep. Jim Struzzi (R-Indiana) introduced legislation to establish the Office of Compliance Assistance and Pollution Prevention within the Department of Environmental Protection (DEP). The office would assist small and medium-sized businesses in complying with environmental statutes, regulations and policies by working with them to determine applicable environmental requirements, as well as conduct training events across the Commonwealth.

"Many small businesses struggle through their first few years of establishment and often don't have the staff or resources to understand and comply with environmental regulations. The Office of Compliance Assistance and Pollution Prevention would work side-by-side with these businesses, helping them meet regulations before violations occur and unnecessary fines and penalties are issued," said Struzzi. "This is good, commonsense legislation that will foster business growth and entrepreneurship while simultaneously helping our businesses act as good stewards of our environment."

Struzzi noted that his legislation would not confer immunity from enforcement based on information obtained by the office.

"Regulatory and permitting reform is a key component of economic recovery, as we have outlined in our Bringing PA Back initiative's policy

recommendations to put this state on the road to long-term economic success in the wake of the pandemic," added Gene Barr, president and CEO of the Pennsylvania Chamber of Business and Industry. "Now, more than ever, it is imperative the regulated community have open lines of communications with DEP to understand how to move forward with projects while stewarding natural resources. The PA Chamber supports this proposal and thanks Rep. Struzzi for its introduction."

The legislation was introduced as **House Bill 2742** <https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=H&type=B&bn=2742>.

**Source:** Rep. Struzzi Press Release, 7/29/2020

## **Senator Costa to introduce Cap and invest bill for Pennsylvania**

**O**n July 29, 2020, Senate Democratic Leader Jay Costa, Jr. introduced Senate Bill 15, creating a "Cap and Invest" program for the state's electric power sector, along with the support of 17 cosponsors.

"The federal government has abdicated responsibility on climate change - states, local governments, private companies and citizens must take the lead in enacting equitable policies to mitigate the growing impacts of climate change," said Senator Costa.

The legislation will instruct the Environmental Quality Board to reduce carbon pollution emissions from the electric power sector - the largest source of emissions in Pennsylvania - 100% by 2050 relative to baseline emissions. The Board can develop a market-based carbon pollution limit, which ensures a technology neutral, flexible approach that incentivizes the most cost-effective emission reductions and generates revenue for investments in economic development, workforce training, energy efficiency, renewable energy and energy affordability.

The legislation also enables the Board to adopt mechanisms that facilitate deployment of zero-emissions technologies, measures that provide for ongoing assessment of emission sources in the electric power sector that adversely affect disadvantaged communities and for reductions in harmful air pollution affecting communities, protect against emissions leakage across state borders, and to join one or more multijurisdictional programs for the reduction of greenhouse gas emissions, such as the Regional Greenhouse Gas Initiative (aka RGGI).

"Pennsylvania has already made important strides towards reducing greenhouse gases, and mayors from Pennsylvania's two largest cities have already committed to reducing carbon emissions," said Senator Costa. "But more work is needed to achieve emission reductions and to make sure Pennsylvania isn't left behind in the burgeoning growth of clean energy technologies and jobs."

Further, the bill provides that revenue generated from the program be directed towards programs that promote clean air, mitigate utility bill impacts and protect low-income consumers, increase energy efficiency, and assist workers and communities impacted by the closure of power plants or mines.

Source: Senator Costa Press Release, 7/29/2020

## **Next Regularly-Scheduled DRBC Public Hearing & Business Meeting - August 12 & September 10**

**A**s a courtesy FYI, the Notice for the Wednesday, August 12, 2020, Delaware River Basin Commission (DRBC) Public Hearing and the Thursday, September 10, 2020, DRBC Public Business Meeting is now available at <http://www.nj.gov/drbc/meetings/upcoming/>.

Both meetings will be held remotely. Please visit the above link for items to be heard and how to participate.

If you have any questions, please contact Peter Eschbach at [Peter.Eschbach@drbc.gov](mailto:Peter.Eschbach@drbc.gov).

Source: DRBC, 7/31/2020

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