
BCW&S

**Berks County
Water &
Sewer Association**



GOVERNMENT RELATIONS UPDATE

From Milliron & Goodman Government Relations, LLC.

200 North 3rd Street ♦ Suite 1500 ♦ Harrisburg, PA 17101 ♦ Phone: 717-232-5322 ♦ Erik A. Ross, Senior Associate ♦ www.millirongoodman.com

Harrisburg, PA

Erik@millirongoodman.com

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PennFuture applauds new appointment to Public Utility Commission

PennFuture applauds Governor Wolf for nominating Hayley Book to serve on the Pennsylvania Public Utility Commission (PUC). During her time in government service under both Democratic and Republican administrations, she has proven to be not only a dedicated public servant, but also uniquely qualified to face the issues before the PUC. We urge the Senate to act quickly and vote to confirm her in this new position.

As the continuing COVID-19 crisis has left many Pennsylvanians reliant on the Governor's temporary moratorium on shutoffs to keep their electric service, the PUC will face significant challenges protecting vulnerable populations as it works to ensure reliable utility services are maintained. Having worked as an energy policy advisor to former PUC Commissioner Andrew Place, Book has the background needed to thoughtfully and effectively act on these historic issues.

In the longer term, the PUC also has an important role to play as the Commonwealth responds to the climate crisis and advances the transition of our energy systems away from polluting fossil fuels and toward a sustainable

future. Her experience as the Executive Director of the Pennsylvania Energy Development Authority and as Senior Advisor to the Department of Environmental Protection on energy and climate issues gives her critical experience that will ensure her voice will be a valuable asset to the PUC.

We welcome the opportunity to work with Ms. Book and the entire Public Utility Commission.

Source: PennFuture Press Release, 8/12/2020

EPA Funding to Accelerate Ag Pollution Reductions in Pennsylvania Projects Eyed in 'Most Effective Basins'

On August 12, 2020, the U.S. Environmental Protection Agency (EPA) announced it is seeking applications to administer nearly \$3.4 million to improve water quality in Pennsylvania streams and rivers and the Chesapeake Bay by reducing excess nitrogen from agricultural operations.

At the same time, EPA is providing an additional \$300,000 to the Pennsylvania Department of Environmental Protection to assist with projects that will result from the nearly \$3.4 million appropriation.

Pennsylvania received the largest share of a pot of \$6 million for targeted restoration actions across the Chesapeake Bay watershed. The \$6 million is part of an increase in the FY 2020 EPA Chesapeake Bay Program budget designated for "state-based implementation in the most effective basins."

"This is part of EPA's commitment to helping states in the watershed achieve their goals of restoring local waters and the Chesapeake Bay," said EPA Mid-Atlantic Regional Administrator Cosmo Servidio. "These funds will get pollutant reduction projects on the ground in Pennsylvania in the quickest and most efficient way possible."

In a separate announcement on July 14, 2020, EPA reallocated \$3.8 million to support priority actions in Pennsylvania to reduce agricultural-related pollution.

Today's EPA Request for Applications (RFA) will fund one or two multi-year cooperative agreements to accelerate the implementation of best management practices in Pennsylvania's most effective basins, and to track, verify and report progress.

The intent of the RFA is to assist Pennsylvania in achieving its 2025 water quality goals under the Chesapeake Bay Total Maximum Daily Load (Bay TMDL) and its Phase III Watershed Implementation Plan (WIP).

EPA analyses have shown that reducing nitrogen through improved agricultural practices in the bay watershed is far less costly - and more effective - than reducing phosphorus to improve water quality.

Each state in the Chesapeake Bay watershed submitted Phase III WIPs, in which they committed to reduce nitrogen loads from the agriculture sector from 2019 to 2025. The following funding allocations were calculated as a percentage of the total of each bay jurisdiction's WIP commitments:

- Pennsylvania: \$3,695,112
- Virginia: \$1,110,191
- Maryland: \$695,940
- Delaware: \$364,540
- New York: \$79,536

- West Virginia: \$54,681

The District of Columbia, the remaining jurisdictional partner, does not have an agricultural commitment in its Phase III WIP.

Each of the 383 basins in the Chesapeake Bay watershed was evaluated as part of a relative effectiveness determination. A total of 26 of the top 30 most effective basins are located in Pennsylvania, including all of the top 15.

As an upstream jurisdiction in the nation's largest estuary, Pennsylvania has a significant impact on the Chesapeake Bay and much of its watershed and has a pivotal role in the ongoing restoration effort. The Susquehanna River provides about 50 percent of the freshwater flows to the estuary, about half of the nitrogen, and more than a quarter of the phosphorus.

According to its Phase III WIP, Pennsylvania only meets 75% of its numeric planning target for nitrogen by 2025, resulting in a 10-million-pound nitrogen gap. Pennsylvania is planning to achieve more than 90 percent of its nitrogen reductions in the agriculture sector and has initiated county-wide pilot efforts in Lancaster, York, Adams, and Franklin counties to target the implementation of the most effective pollutant reduction practices in those locations with the largest opportunities for reducing pollutant loads.

Achieving the projected water quality goals in these counties, including initiating additional efforts to close the nitrogen gap, will require increased coordination and collaboration with the agriculture sector, as well as increased and accelerated levels of BMP implementation.

For more information and to see a copy of the RFA, visit: <https://www.epa.gov/chesapeake-bay-tmdl/epa-r3-cbp-20-03>

Source: EPA Press Release, 8/12/2020

CBF Assesses the State of the Blueprint: Restoration Efforts in Jeopardy

The report assesses states' progress and future plans

A new Chesapeake Bay Foundation (CBF) report examining the state of the Chesapeake Clean Water Blueprint found promising signs of progress, but serious red flags remain that threaten to derail the restoration effort.

While Maryland and Virginia are on track today, achieving the 2025 pollution reduction goals will require both states to accelerate pollution reductions from agriculture and urban and suburban runoff. Pennsylvania, however, is far off track. It accounts for the largest share of pollution in the watershed, has never met its nitrogen reduction targets, and has identified actions that achieve just three-quarters of the reductions necessary to meet its 2025 goal.

Together, the three major Bay states are responsible for roughly 90 percent of the pollution damaging the Chesapeake Bay.

"After 30 years of unfulfilled promises to restore this national treasure, the Chesapeake Clean Water Blueprint is our last, best chance to demonstrate that science can guide actions to save the Bay. We have seen some progress, but success is now in jeopardy," said CBF President William C. Baker. "Maryland and Virginia have plans in place that will achieve their commitments, if implemented. Pennsylvania's elected officials, however, have failed. The commitments they have made will not get the job done, putting their neighbors downstream in jeopardy, and failing to clean up their own waters

The most recent assessment of Pennsylvania's rivers and streams shows more than 25,800 miles of impaired waterways, a distance comparable to the circumference of the Earth. That's an increase of 5,500 miles since 2016.

To assess the state of the Blueprint, CBF used EPA's scientific model to estimate pollution reductions made between 2009 and 2019. For each state, we assessed both the total pollution reductions made statewide, as well as the reductions made by each sector (i.e., agriculture, wastewater, etc.) to determine if current trends put them on track to meet the 2025 Blueprint goals.

This is an important distinction. While significant progress in one sector may put a state on track to meet its total 2025 goals today, without progress in all sectors, states risk becoming off track in the future.

We also looked at how well the states implemented the practices and programs outlined in their two-year milestone goals for the 2018-2019 period—in other words, the specific actions they committed to take to get the job done.

"Overall, the Chesapeake Clean Water Blueprint is showing water quality improvement. Polluted runoff in many areas is decreasing along with summer dead zones in the Bay. But the road to finishing the job is steep. Climate change and federal regulatory rollbacks impede progress. Critically, the U.S. Environmental Protection Agency has failed to hold states accountable to their Blueprint commitments. This is the final and most important phase of the clean-up effort. The Bay jurisdictions and EPA must take action now if we are going to leave a legacy of clean water to future generations," Baker added.

State specific assessments

Pennsylvania

Pennsylvania is not on track to achieve its 2025 goals. **Despite success in reducing pollution from wastewater treatment plants, it is not enough to make up for the massive need to reduce pollution from agriculture**, which accounts for roughly 93 percent of the total remaining nitrogen reduction necessary to meet the Commonwealth's Blueprint goals.

Agriculture dominates much of Pennsylvania's land in the Bay watershed and efforts to reduce pollution from farms continue to be significantly off track. The Commonwealth requires farms to create plans to control pollution from erosion, manure, and fertilizers. However, many farms require financial and technical assistance to establish the practices outlined in the plans, and a pilot project to assess if farms are fully implementing their plans has been delayed. While farmers and conservation districts have made some progress, **state lawmakers need to establish a dedicated, stable, state agricultural**

cost-share program to help farmers invest in conservation practices.

Many of Pennsylvania's local stormwater systems, large and small, have undersized and aging infrastructure. As more land is developed, polluted runoff is increasing. And existing developed areas in urbanized communities continue to contribute polluted runoff to streams and rivers. The Pennsylvania Department of Environmental Protection (DEP) required roughly 360 municipal stormwater systems to produce Pollutant Reduction Plans that address water-quality problems in local streams and the Bay—a substantial step toward meeting Blueprint goals. By the end of 2019, DEP had completed the initial review of all the submitted plans. However, the agency considers many of the plans to be deficient and is awaiting updates from the municipalities. The Commonwealth must not only ensure the plans are sound, but also ensure they are implemented.

The loss of forests and farmland to development, additional livestock and poultry farming, and increased vehicle emissions all add pollution to Pennsylvania's local streams and the Bay. Pennsylvania did not establish a stand-alone milestone to account for growth. Although the state has a nationally recognized farmland preservation program, managing growth and land use is especially challenging because these decisions are made by the more than 1,100 municipal governments in Pennsylvania's portion of the Bay watershed.

Streamside forested buffers, with native trees and shrubs planted along waterways, are one of the most cost-effective practices for reducing nitrogen, phosphorus, and sediment pollution in both rural and urban landscapes. Pennsylvania committed to plant 95,000 acres of forested buffers by 2025. To reach this ambitious goal, CBF is coordinating the Keystone 10 Million Tree partnership, which galvanizes the expertise, experience, and muscle of national, regional, state, and local agencies; conservation organizations; outdoor enthusiasts; businesses; and citizens committed to improving Pennsylvania's communities, economy, and ecology.

Climate change will make the difficult job of restoring the Commonwealth's rivers and streams and meeting its pollution reduction commitments for the Bay even harder. Climate change in Pennsylvania likely will increase and intensify precipitation and runoff, and warm waterways. In its final Blueprint, the state projected approximately 4 million pounds of additional nitrogen and 140,000 pounds of additional phosphorus pollution from climate change, largely due to increased runoff. Pennsylvania must complete the process for joining the Regional Greenhouse Gas Initiative (RGGI), an interstate effort to reduce carbon emissions from power generation that contribute to climate change. Additionally, updates to the state stormwater management manual, local ordinances, pollution reduction plans for permitted municipal stormwater systems, and county stormwater plans will need to reflect the impacts of climate change.

"Clean and abundant water is critical to Pennsylvania's economy, the health and wellbeing of its citizens, its outdoor heritage, and quality of life. State and local agency leaders, farmers, sportsmen and women, conservation leaders, and local communities want to do more to protect Pennsylvania's streams and rivers," said CBF's Pennsylvania Science Policy and Advocacy Director Harry Campbell. "But success will be achieved only if, and when, the state makes sufficient investments in clean water. To date, that hasn't happened."

Virginia

Overall, Virginia is currently on track to achieve its 2025 goals to reduce nitrogen and phosphorus pollution due largely to reductions from wastewater treatment plants. Sewage treatment plants account for more than 25 percent of Virginia's nitrogen pollution overall. It makes up an even larger share of pollution in the James and York river watersheds, where reducing pollution from wastewater treatment plants lags behind other tributaries. Virginia must continue cutting wastewater pollution to achieve its 2025 pollution reduction goals.

Growing urban and suburban areas contribute new polluted runoff to Virginia's waterways, offsetting most of the progress made to control

polluted runoff from existing cities and neighborhoods. Virginia is not on track to continue reducing pollution from urban areas. It is behind in revising stormwater permits to large municipalities. This is a substantial and unacceptable delay to addressing Virginia's 2025 pollution reduction commitment.

Agriculture represents nearly 70 percent of the remaining pollution Virginia must reduce to meet its Blueprint goals. Virginia passed legislation that sets a clear goal to exclude cattle from all perennial streams. However, the Commonwealth must increase funding for agricultural best management practices and accelerate efforts to achieve its goals for excluding livestock from streams and planting streamside buffers.

Finally, while Virginia did not set a specific milestone commitment for the 2018-2019 period for climate change, the Commonwealth did plan for the additional pollution that will result from climate change in its final Blueprint. Virginia has also taken important steps by joining the Regional Greenhouse Gas Initiative (RGGI) to reduce emissions that drive climate change and establishing funds to help communities prepare for floods. Still, more work is needed.

"Virginia is on track to meeting its clean water commitments, for now, but achieving our commitment to restore the Bay by 2025 is far from guaranteed. During this month's special session, legislators and other decision makers will address many challenges facing the Commonwealth. They should keep in mind that wise investments in reducing pollution to our waters also address other urgent needs, including significant benefits to local economies and social justice," said CBF Virginia Executive Director Peggy Sanner.

"All Virginians deserve clean water. Sewage treatment plant upgrades have been extremely effective in reducing pollution in some rivers. But the effort must be extended equitably across the Commonwealth, especially along the James and York rivers, so that everyone can benefit from improved water quality. The Commonwealth must continue upgrading wastewater treatment plant and support investments in the Stormwater Local

Assistance Fund and the Agricultural Cost-Share Program," Sanner added.
Maryland

Maryland is currently on track to meet its overall pollution-reduction targets by 2025, due mostly to investments in better farm management practices and wastewater treatment technology.

Maryland has completed technology upgrades at 64 of Maryland's 67 largest plants and is ahead of schedule working on smaller facilities across the state. Maryland must establish consistently lower phosphorus discharges at the newly-upgraded Patapsco plant, one of the state's largest. Increased investment in staffing and materials at plants across the state would help wastewater treatment operators optimize nutrient removal technology to reduce even more pollution. Pollution from septic systems remains a persistent problem.

Due to new development and lagging efforts to reduce pollution in established neighborhoods, polluted runoff from stormwater is increasing and will be Maryland's second largest source of nitrogen pollution by 2025. Polluted runoff from construction sites and developed areas is managed under permits issued by the Maryland Department of Environment (MDE). These permits expired in 2019 and contain outdated protection and restoration requirements.

The state must issue new permits as soon as possible. These include: the permit for Municipal Separate Storm Sewer Systems (MS4s), which need to increase the use of natural filters like bioswales and tree plantings in developed areas, as well as replacing paved surfaces with pervious ones; the Construction General permit for stormwater from construction sites, which should include stronger protections for Maryland's highest-quality creeks and streams; and the Industrial General permit for stormwater discharged from industrial facilities, which should ensure vulnerable communities do not suffer disproportionately from toxics in industrial runoff.

Ongoing pollution reduction efforts from farmers are a critical part of Maryland's strategy to meet its 2025 goals. Success with in-field management practices, like cover crops, must be maintained, and

investment in the installation of natural filters, like pastures and streamside buffers, must increase. The state must also improve documentation and increase implementation of best management practices to decrease nitrogen pollution from farms.

Climate change is a real and imminent threat to the Chesapeake Bay, bringing warmer water temperatures, rising seas levels, and more extreme rainfall. Maryland must reduce additional pollution to offset the impacts of a warming climate and ensure that management practices are resilient in the face of increasingly intense weather events. Significant new initiatives to reduce pollution and moderate climate change will likely be needed, such as the interstate Transportation and Climate Initiative and a statewide tree planting initiative first proposed in the 2020 General Assembly session. The state's regulations for controlling polluted stormwater runoff may also need strengthening to address new precipitation patterns brought on by climate change.

"Important goals have been met. But to stay on track, Maryland must look beyond cover crops and wastewater treatment plant upgrades, which are largely complete," said CBF's Maryland Assistant Director and Land Use Planner Erik Fisher. "It's time to better protect forests and plant more trees, accelerate upgrades to stormwater infrastructure in cities and towns, and prioritize natural filters such as grass pastures, streamside vegetation, and restore wetlands on farms.

"Climate change is bringing stronger and more frequent storms to Maryland, which are threatening the health of our waterways and the future of waterfront communities. Maryland must make sure its regulations and funding decisions can effectively manage the damage from polluted water runoff, sea level rise, and higher temperatures," Fisher added.

The report is at <http://www.cbf.org/stateoftheblueprint>

Source: CBF Press Release, 8/13/2020

PUC Damage Prevention Committee Actions

Announced Against Underground Facility Owners, Excavators and Project Owners

160 Disciplinary Actions Result in \$78,100 in Administrative Penalties

A total of 160 disciplinary actions, including \$78,100 in administrative penalties, have been taken against 72 underground facility owners, excavators and project owners in the **latest enforcement actions**

http://www.puc.pa.gov/transport/gassafe/pdf/DPC_Agendas/2020/DPC_Case_Summaries081120.pdf by the Public Utility Commission's (PUC's) Damage Prevention Committee (DPC). These actions were taken during the DPC's August 2020 telephonic meeting. The DPC is tasked with enforcing the state's Underground Utility Line Protection Act - also known as the "PA One Call Law."

A comprehensive list of summaries and actions

http://www.puc.pa.gov/utility_industry/transportation/pa_one_call_enforcement/dpc_agendas/Actions.a.spx from DPC meetings is available on the PUC's website. Penalties are payable to the Commonwealth of Pennsylvania. The Commission will offset the costs of administering this program through the penalties collected.

Digging Safety - PA One Call

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. During the first half of 2020, a total of 2,617 line hits were reported to PA One Call, reduction of about 6% from last year, despite a near-record number of line-location calls.

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.

When the PUC first took on the role of enforcing the state's One Call Law, underground lines across the state were struck more than 6,000 times per year - but the situation continues to steadily improve, thanks to education, public awareness and enforcement.

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. 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. **Summaries and actions** http://www.puc.pa.gov/utility_industry/transportation/pa_one_call_enforcement/dpc_agendas_Actions.aspx taken at monthly DPC meetings are available on the PUC's website. 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."

About the Bureau of Investigation & Enforcement

As the independent investigation and enforcement bureau of the PUC, I&E enforces state and federal pipeline safety, electric 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, 8/14/2020

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