

September 14, 2020 – Issue 125

DEP Expands Drought Watch to 18 Counties, Declares Drought Warning for Potter County

fter a meeting of the Commonwealth Drought Task Force, the Department of Environmental Protection (DEP) today moved Potter County to drought warning status and added three counties - Elk, Lycoming, and Tioga - to drought watch. There are now 18 counties on drought watch: Armstrong, Blair, Butler, Cambria, Cameron, Centre, Clearfield, Clinton, Elk, Fayette, Huntingdon, Indiana, Juniata, Lycoming, McKean, Mifflin, Perry, and Tioga.

Residents on drought watch are asked to reduce their individual water use 5-10 percent, based on a statewide average of 62 gallons per person per day. This means a reduction of three to six gallons of water per day.

Potter County residents are asked to reduce their individual water use 10-15 percent, or by six to nine gallons a day.

"We're asking residents in these counties to use water wisely and follow simple water conservation tips to ease the demand for water," said DEP Secretary Patrick McDonnell.

There are many ways to reduce water use around the house and yard, including:

- Run water only when necessary. Don't let the faucet run while brushing your teeth or shaving. Shorten the time you let the water run to warm up before showering. Use a bucket to catch the water and reuse it to water your plants.
- Run the dishwasher and washing machine only with full loads.
- When watering your garden, be efficient and effective: Water in the evening or morning, and direct the water to the ground at the base of the plant, so you don't waste water through evaporation.
- If you water your lawn, water it only when necessary, and avoid watering on windy and hot days. Apply no more than 1 inch of water per week (use an empty can to determine how long it takes to water 1 inch). This pattern will encourage more healthy, deep grass roots. Overwatering is wasteful, encourages fungal growth and disease, and results in shallow, compacted root systems that are more susceptible to drought.
- Re-use old water from bird baths, vases, or pet bowls to water plants.

- When mowing your lawn, set the blades to 2-3 inches high. Longer grass shades the soil, improving moisture retention. It also grows thicker and develops a deeper root system, so it can better survive drought.
- Check for household leaks. For example, a leaking toilet can waste up to 200 gallons of water daily.
- Sweep your sidewalk, deck, or driveway, rather than hosing it off.
- Replace older appliances with high-efficiency, front-loading models that use about 30 percent less water and 40-50 percent less energy.
- Install low-flow plumbing fixtures and aerators on faucets.

DEP is notifying all water suppliers in these counties of the need to monitor their supplies and be prepared by updating their drought contingency plans as necessary. Varying localized conditions may lead water suppliers or municipalities to ask residents for more stringent conservation actions by residents. Sixteen water suppliers in these counties have begun asking or requiring residents to reduce their water use.

DEP makes drought watch, warning, or emergency declaration recommendations based on four numeric indicators. The agency gets stream flow and groundwater level data from a statewide network of gauges maintained by the U.S. Geological Survey. In addition, DEP monitors precipitation and soil moisture. DEP also factors in information it receives from public water suppliers.

There are normal ranges for all four indicators, and DEP makes its drought declaration recommendations after assessing the departures from these normal ranges for all indicators for periods of 3-12 months. Declarations are not based on one indicator alone. For details on indicator monitoring, see this fact sheet: **Drought**

Management in Pennsylvania

http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=60995&DocName=DROUGHT%20MANAGEMENT%20IN%20PENNSYLVANIA.PDF%20%20%3Cspan%20style%3D%22color%3Agreen%3B%22%3E%3C%2Fspan%3E%20%3Cspan%20style%3D%22color%3Ablue%3B%22%3E%3C%2Fspan%3E%2011%2F9%2F2020.

DEP shares these data and its recommendations with other state and federal agency personnel who make up the Commonwealth Drought Task Force. Drought watch and warning declarations are determined by DEP, with the concurrence of the task force. Drought emergency declarations follow the same process, with final approval by the Governor.

A drought emergency has not been declared for any county.

Find more information

at https://u7061146.ct.sendgrid.net/ls/click?upn=Te ZUXWpUv-2B6TCY38pVLo9gdgP4uT-2BoOH3MoaLcNUwNPSAQiNCdmWyYf10YDpq DM-2BqGue1W01OpsS-2Bf2T1xeY-2BE9FLwLOlztEWFELEapO0mzyPs9VXzWM01 CEWgMvXGQoki-t_SdKuDpq-2BE6WZUci0iyS2D9g2c9pDsjJaEtQUYX8paNd0l 4d7vmppFUneh2xAc-2Bq03szdxc1hzGlNkLCWzguZjy7bEr2-2FbapB9WYqvf5ZgvE66D2g8XE-2BhlSmOIrc-2BnEhl8Ncx5PvxzUq2rjxgfcxvydjyi3z4-2FQZhUICPvUsA-2F45Yi0pXPeCA6RsgeXIrdkw1DWAeXMWR819-2F0skDf2KUh1PWtSaHMkmWDLtd0-2FRuIXN2rovSx0b-2Bt2GwU1dr7bB82jT538U-2B9xYDehCgYY1TAyl71taVSpMJ0-2FD1PkARLa83nGA1FhxKq3TNKSHI7SjvffYcjL owQcdsyESepQWH6bRQeZ6dj-2BruaLxjHQBjXI-3D.

Source: DEP Press Release, 9/10/2020

Struzzi Appointed to PENNVEST Board of Directors

ep. Jim Struzzi (R-Indiana) announced his appointment by House Speaker Bryan Cutler (R-Lancaster) to the Pennsylvania Infrastructure Investment Authority (PENNVEST) for the remainder of the 2019-20 Legislative Session. The appointment comes at the recommendation of Rep. Donna Oberlander (R-Clarion/Armstrong/Forest), who vacated the seat when she was appointed majority whip for the House Republican Caucus.

"I am honored that Speaker Cutler has selected me to serve in this capacity and look forward to getting to work in this new role," said Struzzi. "This position gives me an opportunity to ensure proper project funding for the 62nd Legislative District, the southwest region and the Commonwealth as a whole."

Created in 1988, PENNVEST provides service to the communities and citizens of Pennsylvania by funding sewer, storm water and drinking water projects throughout the Commonwealth. These projects not only help to improve Pennsylvania's environment and the health of its people, but they also provide numerous opportunities for economic growth.

Struzzi noted that PENNVEST offers low-cost financial assistance to help make the water that is consumed by thousands of Pennsylvanians safe to drink. In addition, the agency's funding helps clean rivers and streams in communities for the enjoyment of citizens and the protection of natural resources PENNVEST also assists businesses that are looking to locate or expand their operations in Pennsylvania to create permanent family-sustaining jobs.

"PENNVEST offers many benefits to communities throughout Pennsylvania, especially in rural areas," Struzzi continued. "I am pleased to have the opportunity to serve on the board of directors and help to assist this agency to improve our infrastructure and environment. This is an example of government working to improve our overall quality of life in the Commonwealth."

Source: Rep. Jim Struzzi Press Release, 9/9/2020

Senate Passes Struzzi Bill to Ensure Legislative Consideration for RGGI

State Rep. Jim Struzzi (R-Indiana) announced that the Senate has passed his **House Bill** 2025

https://www.legis.state.pa.us/cfdocs/billInfo/billInfo .cfm?sYear=2019&sInd=0&body=H&type=B&bn= 2025, which would require legislative authorization before Pennsylvania could impose a carbon tax on employers engaged in electric generation, manufacturing or other industries operating in the Commonwealth, or enter into any multi-state program, such as the Regional Greenhouse Gas Initiative (RGGI), that would impose such a tax. The bill passed with a vote of 33-17.

This action follows votes by the Citizens Advisory Council and the Air Quality Technical Advisory Committee - both within the Department of Environmental Protection (DEP) - to recommend against the governor's plans to join the initiative. The House of Representatives passed the bill on July 8, with a bipartisan majority of 130-71.

"This bill gives a voice back to the people by allowing those of us who represent them to have a say in this process. Any carbon tax will ultimately be paid for by Pennsylvania residents and businesses. Given Pennsylvania is already ahead of the carbon dioxide reduction goals established under the governor's Climate Action Plan, why would we want to jeopardize thousands of Pennsylvania jobs and trigger significantly higher electricity rate increases when the existing competitive market has already achieved these gains?" said Struzzi. "The action to enter RGGI would have serious ramifications on Pennsylvania businesses, jobs, energy prices and future economic opportunities that are not being considered by the governor. During these unprecedented times, when Pennsylvania's economy has been severely hindered by the COVID-19 pandemic, this is not the time to enact policies that would cost us jobs. I am standing in firm opposition to any sort of carbon tax being placed on our energy producers being made without legislative approval."

On Oct. 3, 2019, the governor issued an executive order directing DEP to commence RGGI regulations. RGGI would establish a regional cap on the amount of carbon dioxide (CO2) pollution that power plants can emit by establishing a trading system. Each unit of trade, known as an allowance, would represent authorization for a power plant to emit one short ton (2,000 pounds) of CO2. Power plants in RGGI member states can trade allowances, preventing the total amount of CO2 emissions in the region from increasing. RGGI would also establish

a carbon tax on fossil fuel users for the resulting CO2 emissions.

"In addition to the fiscal impact on Pennsylvania manufacturers, coal and gas electric generation, consumers and future economic investments made in our state, this also implicates serious constitutional principles of checks and balances that merit a strong, bipartisan response from the Legislature," Struzzi continued.

The bill has been sent to the governor for his signature.

Source: Representative Jim Struzzi Press Release, 9/9/2020

CBF To Sue EPA Over Failure to Hold Pennsylvania and New York Accountable for Not Meeting Clean Water Act Obligations

Maryland, Virginia, Delaware, and the District of Columbia Will Also Take Separate Legal Action Against EPA

n September 10, 2020, the Chesapeake Bay Foundation (CBF) and its partners will file a complaint suing the federal Environmental Protection Agency (EPA) for abdicating its responsibilities under the Clean Water Act. The agency has failed to require Pennsylvania and New York to develop plans to sufficiently reduce pollution as was required by the Chesapeake Bay Clean Water Blueprint, established in 2010, and re-confirmed in the 2014 Chesapeake Bay Agreement. The suit will be filed in the United States District Court for the District of Columbia.

CBF's partners in the suit are Anne Arundel County, Maryland, the Maryland Watermen's Association, and Robert Whitescarver and Jeanne Hoffman, who operate a livestock farm in Virginia.

Underscoring the damage this will cause for Bay restoration efforts, Attorneys General in Maryland, Virginia, Delaware, and the District of Columbia

will also file a separate suit in the District of Columbia Federal District Court.

"This is the moment in time for the Chesapeake Bay. If EPA fails to hold Pennsylvania, and to a lesser extent New York, accountable the Chesapeake Clean Water Blueprint will be yet another in a series of failures for Bay restoration," said CBF President William C. Baker. "It doesn't have to be this way. Under the Blueprint we have seen progress. But unless pressure is brought to bear on Pennsylvania, we will never get to the finish line."

In the past dozen years, CBF has been successful in litigation to support Bay restoration. First, to have EPA commit to the science-based pollution limits that EPA then agreed to issue with the Blueprint in 2010. And second, to help defend the Blueprint from attacks by the American Farm Bureau Federation and its allies in federal court.

In the second case, the Blueprint was upheld by a federal court judge in Pennsylvania, who found that the federal/state partnership was legal and the science sound, calling it an example of the "cooperative federalism" that is called for in the Clean Water Act.

The decision was appealed to the federal Third Circuit Court of Appeals. There, CBF continued to make the case that the Blueprint was legal, pointing to damage to local communities and businesses that depend on clean water.

Once again, the appeals court upheld the Blueprint, reaffirming EPA's authority and responsibilities. The court also addressed the requirement that state plans provide 'reasonable assurance' that the plans will succeed, saying that EPA's acceptance of plans without such assurance would be arbitrary and capricious.

For CBF, litigation is a last resort. CBF, its partners, and the Attorneys General have twice formally offered to meet with EPA and discuss the claims, but EPA did not respond.

With the 2025 deadline fast approaching, EPA refusing to enforce its Clean Water Act authorities,

and the fate of restoring a national treasure in jeopardy, we must turn to litigation once again.

Pennsylvania's plan to meet the 2025 goals https://www.cbf.org/how-we-save-thebay/chesapeake-clean-water-blueprint/2019-stateof-the-blueprint/blueprint-for-clean-water-pa.html in the Blueprint contains improvements over past plans, including prioritized county-level plans. However, as approved by EPA, it specifically identifies how the Commonwealth will achieve only roughly 73 percent of its 31 million-pound nitrogenreduction commitment, and the implementation plan is underfunded https://www.cbf.org/how-wesave-the-bay/chesapeake-clean-waterblueprint/2019-state-of-the-blueprint/blueprint-forclean-water-pa.html by more than \$300 million dollars a year. There is no 'reasonable assurance' there.

In New York's plan the state's nitrogen shortfall exceeded 1 million pounds annually and it failed to adequately identify funding sources for meeting agricultural and stormwater commitments.

Despite the deficiencies, EPA took no steps to hold either state accountable to their Blueprint obligations. EPA should either have required the states to design plans to fully meet the pollution reduction goals including identifying the necessary funding, or imposed consequences. EPA's acceptance of New York and Pennsylvania's plans last year was a violation of the agency's responsibilities.

"The Clean Water Act requires EPA to ensure the states design and implement plans to meet their clean water commitments. After years of failed voluntary efforts, this oversight and accountability is critical," Baker added. "The Blueprint, however, is not just about clean water. Taking the actions necessary to reduce pollution will support local businesses, create jobs, and provide additional environmental and public health benefits-all of particular importance in our current national public health and economic crisis"

Also signing on to CBF's lawsuit:

Anne Arundel County, Maryland-Anne Arundel County's 588 square miles of land includes more

than 500 miles of shoreline on the Chesapeake Bay and its tributaries. Its 580,000 residents and countless tourists are drawn to the county to enjoy the Bay, fresh seafood, and numerous water-based recreational opportunities. Travel and tourism spending in the county are estimated at over \$3.5 billion annually, providing support for over 30,000 workers. The county has invested more than \$500 million over the last decade to protect this vital natural, economic and cultural resource.

"Anne Arundel County residents have invested far too much in the Chesapeake Bay restoration effort to watch from the sidelines as upstream states and the EPA abandon their obligations," said Anne Arundel County Executive Steuart Pittman. "Since the federal government refuses to lead, placing our local economy, our residents, and our very way of life at risk, I must ask the courts to intervene and make them lead."

The Maryland Watermen's Association-Robert T Brown, Sr. is the President of the Maryland Watermen's Association. He observed that Maryland watermen and the Chesapeake Bay and its tributaries have suffered for many years due to EPA's failure to enforce the Clean Water Act. The pollution of waste and debris flowing from upstream states, through the Susquehanna River feeding into the Chesapeake Bay creates red tides, low oxygen levels and dead zones. This affects the survival of oyster larvae, crabs, clams and fish.

"Remember, water runs downhill with these pollutants and for these reasons the Maryland Watermen's Association hopes through this lawsuit it will force the EPA to protect and enforce the health of the Chesapeake Bay and its tributaries," he said.

Robert Whitescarver and Jeanne Hoffman operate a farm in Virginia, raising livestock. He is a former Natural Resource Conservation Service representative, who spent his career educating farmers on the benefits of protecting farmland and improving water quality in local streams and rivers.

"All jurisdictions need to do their fair share. The efforts that Virginia and Maryland farmers have put into sustainable farming are harmed by EPA's

failure to require all jurisdictions to meet the commitments they agreed to," Whitescarver said.

Source: CBF Press Release, 9/10/2020

SRBC to Hold Business Meeting from Harrisburg, Pa.

he Susquehanna River Basin Commission (SRBC) is conducting its quarterly business meeting on Friday, September 18, 2020, 9 a.m., from Harrisburg, Pennsylvania. The Commissioners will act on several agenda items, including:

- 19 water projects including three Commissioninitiated project modifications;
- adoption of a general permit;
- rescission of two policies;
- approval of grants and agreements;
- modifications to the Commission expense budget for fiscal year 2021;
- adoption of the proposed expense budget for fiscal year 2022;
- adoption of an updated Water Resources Program;
- adoption of amendments to the Comprehensive Plan:
- approval of two emergency certificate extensions;
- approval of a request for waiver of 6-month renewal deadline; and
- election of officers for FY2021.

Opportunities for public comment on project applications were previously provided and additional comments will not be accepted at the meeting. However, the Commissioners may accept general public comments at the conclusion of the meeting.

Due to COVID-19 orders, the meeting will be conducted telephonically and there will be no physical public attendance. The public is invited to attend the Commission's business meeting by telephone and may do so by dialing Conference Call

#1-888-387-8686 and entering Conference Room Code #9179686050.

Click here

https://www.govinfo.gov/content/pkg/FR-2020-05-19/pdf/2020-10758pdf to view the agenda for the Business Meeting. Click here https://www.govinfo.gov/content/pkg/FR-2020-04-20/pdf/2020-08315.pdf to view the list of project applications. For the full set of meeting guidelines, visit SRBC's website

https://www.srbc.net/about/meetings-events/.

Source: SRBC Press Release, 9/10/2020

Grant to Fund Plant to Treat Continuous Mine Discharges

In the next three to four years, clean water will once again flow from Blossburg to Mansfield, PA, along the Tioga River in Tioga County, thanks in part to a \$2 million grant from the PA Department of Environmental Protection (PADEP) to the Susquehanna River Basin Commission (SRBC). The grant will fund the design of a plant that will actively treat continuous mine discharges that have polluted the Tioga River for more than a century.

Once constructed near the town of Morris Run, the plant will actively treat three mine discharges that are currently degrading Morris Run and will vanquish the largest mine discharge in the Tioga River Watershed, the Coal Creek Discharge. Treatment of these four discharges will not only restore the mainstem of the Tioga River, but will also restore the Tioga arm of the U.S Army Corp of Engineers' Tioga-Hammond Lake.

In 2015, the Tioga County Concerned Citizens Committee (TCCCC) coordinated and constructed mine drainage treatment systems with Southwestern Energy to improve the Fall Brook tributary to the Tioga River. These systems restored the section of the Tioga River to Morris Run just south of Blossburg Borough (the Tioga River runs south to north). The future plant will restore the remaining 18 miles of the Tioga River from Blossburg to Tioga Lake.

According to Tom Clark, Mine Drainage Program Coordinator for SRBC, "Fish recolonization should occur quickly upon treatment due to the unimpaired quality of the Tioga River upstream of Morris Run, and the good quality tributaries that enter downstream of Blossburg."

"We are extremely pleased with plans to move forward with reclamation efforts on the Morris Run and Coal Creek tributaries," said Joyce Andrews, Secretary of TCCCC. "Restoration of these two tributaries, combined with the existing mine drainage treatment systems on Fall Brook, should restore water quality in the Tioga River and in Tioga Lake so that they once again support aquatic life.

Andrews added, "This will bring recreational fishing opportunities to the communities along the Tioga River corridor, such as Blossburg, Covington, and Mansfield, and will bring much needed tourist revenue to the area, supporting not only restaurants and hotels, but also sporting goods venues." TCCCC plans to contribute \$128,000 toward this project using funds raised under the Save the Tioga River effort.

Design of the plant could take one year or longer, with construction taking about the same length of time. This project is funded by PADEP's Abandoned Mine Land Reclamation Economic Development Pilot Program.

Source: SRBC Press Release, 9/9/2020

Gov. Wolf Receives Hubert H. Humphrey Award for Public Service

n September 9, 2020, Governor Tom Wolf received the American Political Science Association (APSA) Hubert H. Humphrey Award. This award, which was announced during a virtual ceremony at the APSA annual meeting, honors notable public service by a political scientist. Previous recipients of the award include Condoleezza Rice, Susan E. Rice, Henry G. Cisneros, Mark Hatfield, Madeline Albright, Donna E. Shalala, Brent Scowcroft and Daniel Patrick Moynihan.

Tom Wolf embarked on a lifetime of public service early when he interrupted his undergraduate studies at Dartmouth to spend two years serving in the peace corps in India. He went on to earn a doctorate in political science from the Massachusetts Institute of Technology, and his doctoral thesis was awarded APSA's E. E. Schattschneider Award for best dissertation in the field of American government in 1983. After completing his studies, Tom returned to his hometown in York County, PA, to begin working for the family business. As a business owner, Tom invested in his employees because he knew that it was their work that truly made the Wolf Organization successful.

Throughout his life, Tom has remained committed to volunteering in his community, and has served on the boards of numerous organizations dedicated to education, health, welfare, economic development, culture and the arts. Tom's leadership philosophy is an extension of his lifelong investment in community development. The desire to serve his fellow Pennsylvanians drove Tom to run for governor, and continues to guide his actions every day.

During his tenure in Harrisburg, Gov. Wolf has fought for change to improve the lives of Pennsylvanians. Gov. Wolf has invested in education, improved health care, fought the opioid epidemic and advocated for government reform. Since the start of the COVID-19 pandemic, he has worked tirelessly to protect the public health and help the commonwealth recover from the crisis.

"I am honored to receive the Hubert H.
Humphrey Award," said Gov. Wolf. "Though I am not a career politician, I have always felt a deep call to service, and it is a great honor to have that service recognized by such a distinguished organization. I am proud to serve my fellow Pennsylvanians as their governor."

Source: Governor Wolf's Press Office, 9/10/2020

PennDOT Automated Work Zone Safety Program Named

Finalist in America's Transportation Awards

n September 11, 2020, the Pennsylvania Department of Transportation (PennDOT) announced that its **Automated Work Zone Speed Enforcement Program (AWZSE)**

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Alcr1eFRyv8OLhdTvX-2B3Jxwo-2BixaCJD6ncY8w6vWkDo7vqB6Po9ceqfup6isfao 2KJo0dg4RcsSWxDD6ow8HWjW2LLsuTKwemC C0J4JISp6rWlC3aorMVg4Rnql604YTH31O1-2F3inJCEoHgeVakkNvvv7f7N0-3D program was named as one of the Top 12 projects nationwide in the America's Transportation Awards competition. PennDOT administers the AWSZE program collaboratively with the Pennsylvania Turnpike Commission.

AWSZE works by deploying a mobile unit to an active work zone to detect any vehicles going at least 11 miles over the speed limit. When a vehicle goes over the limit, its license plate is captured, and a violation is mailed to the address on file.

"We continue to deal with the devastating injuries and loss of life that can occur when motorists speed through active work zones," said PennDOT Secretary Yassmin Gramian. "We are honored that this program to keep our workers safe has been met with this important national recognition."

Sponsored by the American Association of State Highway and Transportation Officials, (AASHTO), AAA, and the U.S. Chamber of Commerce, the competition evaluates projects in three categories: Quality of Life/Community Development; Best Use of Technology & Innovation; and Operations Excellence. AWZSE was nominated in the

Operations Excellence Category, Small Project Group, and is competing for the national Grand Prize and the People's Choice Award

An independent panel of transportation industry experts will select the Grand Prize winner, while the general public will decide the People's Choice Award winner through online voting. Online votes will be weighted to each state's population, allowing for greater competition between states with larger and smaller populations. The winners will be announced at the virtual AASHTO Annual Meeting the week of November 9-13, 2020. Online voting began on September 8 and ends at 11:59 p.m. on October 25, 2020.

Votes can be cast online

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More info on the AWSZE program can be found at www.workzonecameras.PennDOT.gov.

Source: PennDOT Press Release, 9/11/2020

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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.