



# GOVERNMENT RELATIONS

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**Berks County  
Water & Sewer**  
ASSOCIATION

September 21, 2020 – Issue 126

## PUC Seeks Comment on Proposed Regulations to Enhance Water Utility Service in Pennsylvania

*Proposed Regulations to Focus on Preserving Water Resources, Limiting Leaks, Reducing Overall Company Risk and Enhancing Customer Service*

**O**n September 17, 2020, the Pennsylvania Public Utility Commission (PUC) issued an **Advanced Notice of Proposed**

### **Rulemaking**

<http://www.puc.pa.gov/pcdocs/1677771.doc> (ANOPR), seeking comments from interested parties regarding the **replacement of an existing PUC policy statement with regulations intended to more comprehensively address water loss in public utility water systems across the Commonwealth.**

The Commission voted 4-0 to adopt the ANOPR, which would implement the Water Audit Methodology, developed by the International Water Association and American Water Works Association, as a best management practice in water loss control in Pennsylvania.

The proposed regulations would replace an existing PUC policy statement that addresses water conservation and "unaccounted-for-water." The Commission has determined that, rather than revising its existing policy statement, a new regulation addressing water conservation is necessary and the ANOPR reflects this change.

In seeking comments, the Commission noted that since 2012 all of Pennsylvania's Class A water utilities - systems with annual revenues over \$1,000,000 - have been required by the PUC to filing annual Water Audit summaries. Additionally, the proposed PUC regulations would be consistent with regulations for the Pennsylvania Department of Environmental Protection - which require certain reporting of system unaccounted for water loss exceeding 20% - and aligns with guidance from the Susquehanna River Basin Commission and Delaware River Basin Commission.

More specifically, the Commission is requesting comments regarding specific costs and/or savings associated with implementation of the Water Audit Methodology, including legal, accounting or consulting procedures which may be required. Also, the Commission is inviting comments as to whether the Water Audit Methodology should be extended to the other jurisdictional water utilities.

Interested parties may submit written comments, via the Commission's electronic filing system <https://www.puc.pa.gov/efiling/default.aspx>, referencing Docket No. L-2020-3019521 within 45 days of publication in the Pennsylvania Bulletin. Comments shall be filed consistent with the Commission's Secretarial Letter issued on July 27, 2020, regarding filings with the PUC. [About the PUC](#)

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.

Visit the PUC's website at <http://www.puc.pa.gov> for recent news releases and video of select proceedings. You can also follow us on Twitter, Facebook, LinkedIn, Instagram and YouTube. Search for the "Pennsylvania Public Utility Commission" or "PA PUC" on your favorite social media channel for updates on utility issues and other helpful consumer information.

**Docket No.: L-2020-3021932**  
[http://www.puc.pa.gov/about\\_puc/consolidated\\_case\\_view.aspx?Docket=L-2020-3021932](http://www.puc.pa.gov/about_puc/consolidated_case_view.aspx?Docket=L-2020-3021932)

Source: PUC Press Release, 9/17/2020

## **PUC Initiates Rulemaking on Replacement of Customer-Owned Lead Service Lines and Damaged Wastewater Service Laterals**

*Urges Collaboration Among Utilities, Homeowners and Local Authorities in Mitigating Lead Line and Damaged Wastewater Lateral Issues*

On September 17, 2020, the Pennsylvania Public Utility Commission (PUC) approved a **Notice of Proposed Rulemaking** <http://www.puc.pa.gov/pdocs/1677724.docx> (NOPR), to be published in the Pennsylvania Bulletin, seeking public comment on the implementation of Act 120 of 2018 (Act 120). Act 120, signed by Governor Wolf on Oct. 24, 2018, amended the Public Utility Code regarding the replacement of lead service lines (LSLs) and damaged wastewater service laterals (DWSLs) and the recovery of associated costs.

The Commission voted 4-0 to adopt the NOPR on Act 120, providing for the replacement of LSLs and DWSLs under a Commission-approved program. Act 120 directs the Commission to establish certain standards, processes, and procedures by regulation to ensure a warranty on the utility's replacement work and reimburse customers who replaced LSLs and DWSLs at their own cost.

Today's NOPR is the result of several months of work, first directed in a Joint Motion of Oct. 3, 2019 <http://www.puc.pa.gov/pdocs/1638785.pdf>, that included a PUC-convened working group, along with directed questions to interested stakeholders for comment on the replacement of LSLs and DWSLs - including parameters for planning and reporting, communication, replacements, refusals, 66 Pa. C.S. § 1311(b), and rates.

Interested parties may submit written comments, via the Commission's electronic filing system, referencing Docket No. L-2020-3019521 within 60 days of publication in the Pennsylvania Bulletin, and reply comments 30 days thereafter. Filing information can be found on the Commission's website at <http://www.puc.state.pa.us/efiling/default.aspx>.

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For recent news releases and video of select Commission proceedings or more information about the PUC, visit our website at [www.puc.pa.gov](http://www.puc.pa.gov). Follow the PUC on Twitter - @PA\_PUC for all thing's utility. "Like" PAPowerSwitch on Facebook for easy access to information on electric shopping.

**Docket No.: L-2020-3019521**

[http://www.puc.pa.gov/about\\_puc/consolidated\\_case\\_view.aspx?Docket=L-2020-3019521](http://www.puc.pa.gov/about_puc/consolidated_case_view.aspx?Docket=L-2020-3019521)

**Source:** PUC Press Release, 9/17/2020

## Availability of Watershed Planning and Restoration Grants through the Section 319 Nonpoint Source Management Grants Program

The Department of Environmental Protection is now accepting applications for watershed planning and restoration grants. Applications and all supporting documentation must be submitted online through the commonwealth's **electronic single application website** <https://www.esa.dced.state.pa.us/Login.aspx>.

Interested applicants with questions may contact Scott Carney at [rscarney@pa.gov](mailto:rscarney@pa.gov) or (717) 783-2944. For more information regarding the section 319 Nonpoint Source Management Grants Program, visit the department's website <https://www.dep.pa.gov/Citizens/GrantsLoansRebates/Pages/default.aspx>. Applications must be received by 5 p.m. Friday, October 23, 2020. Additional information can be found on the Pennsylvania Bulletin.

**Source:** Pennsylvania Bulletin, 9/19/2020

<http://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol50/50-38/1282.html>

## Pennsylvania's Unemployment Rate at 10.3 Percent in August Total nonfarm jobs up 59,500 over the month

On September 18, 2020, the Pennsylvania Department of Labor & Industry (L&I) released its employment situation report for August 2020.

**Pennsylvania's unemployment rate was down 2.2 percentage points over the month to 10.3 percent in August.** The national rate fell 1.8 percentage points from July's level to 8.4 percent. The commonwealth's unemployment rate increased by 5.8 percentage points from August 2019 while the national rate was up 4.7 points over the year. Pennsylvania's civilian labor force – the estimated number of residents working or looking for work – was down 59,000 over the month as the unemployment count fell by 144,000 while employment increased 86,000.

Pennsylvania's total nonfarm jobs were up 59,500 over the month to 5,577,900 in August. Jobs increased in 9 of the 11 industry supersectors. The largest volume gain was in trade, transportation & utilities, up 19,600 jobs from July.

Over the past four months, Pennsylvania has recovered 52.4% of the total nonfarm jobs lost in March and April.

Over the year, total nonfarm jobs in Pennsylvania were down 499,600 with declines in 10 of the 11 supersectors. The largest 12-month change among supersectors was a decline of 163,000 jobs in leisure & hospitality.

Additional information is available on the L&I website at [www.dli.pa.gov](http://www.dli.pa.gov).

**Note:** The above data are seasonally adjusted. Seasonally adjusted data provide the most valid month-to-month comparison.

**Source:** Labor & Industry Press Release, 9/18/2020

# Matzie introduces bill to trace COVID-19 through wastewater Would allow for faster, more effective detection to contain virus' spread

**A** bill introduced on September 18, 2020 by state Rep. Rob Matzie would establish a more effective way to trace and detect COVID-19 before it spreads by creating a system of testing for the virus in wastewater.

Matzie, D-Beaver/Allegheny, said his House Bill 2883 <https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=h&type=b&bn=2883> would establish the Targeted Outbreak Detection Act, creating a wastewater-testing program that is both cost-effective and more efficient than traditional methods of tracking the virus.

"While temperature checks and crowd-size limits are helpful in slowing the spread of COVID-19, these techniques are not practical in the long term," Matzie said. "Testing for the virus in wastewater would allow health authorities to know if the virus is present before people feel ill and inadvertently spread it, providing a critical way to contain clusters before major outbreaks occur."

Matzie said implementing COVID-19 wastewater tracing would be feasible and relatively simple because testing resources are already in place.

"Most wastewater treatment systems are already required to perform routine testing of water samples," Matzie said. "Sending a portion of those samples, on request, to a designated laboratory to test for the presence of COVID-19 would establish a critical early warning system that would arm health authorities with the data they need to better protect our communities."

Matzie said the Centers for Disease Control and Prevention is building a National Wastewater Surveillance System to collect data from local wastewater utilities and that, while some forward-thinking facilities are already conducting some testing, the CDC does not have authority to mandate participation.

He added that testing wastewater for the presence of opioids has been a tool utilized by public health agencies in recent years.

Source: Rep. Matzie Press Release, 9/18/2020

## Environmental Quality Board Approves Proposed Climate Change Regulation

**T**he Pennsylvania Environmental Quality Board (EQB) has voted to promulgate a regulation to limit carbon pollution from power plants. The proposed regulation will be reviewed by the Office of the Attorney General and a public comment and participation period will be announced at a later date. The vote in the EQB was 13 to 6.

Under the proposed regulation, electric power plants that emit carbon dioxide will be required to obtain credits compatible with other states in the Regional Greenhouse Gas Initiative (RGGI). Modeling from DEP shows that participating in RGGI will decrease climate change causing carbon dioxide pollution as well as generate new jobs and reduce air pollution related illness.

"This is an important step for Pennsylvania's efforts to combat climate change, which is already having and will continue to have a dramatic effect on Pennsylvania," said DEP Secretary Patrick McDonnell. "This is incredibly important and we are looking forward to hearing from the people of Pennsylvania about this effort."

Electricity generation is one of the leading sources of carbon dioxide emissions in Pennsylvania, and the commonwealth is a leading emissions source in the country. The proposed regulation would reduce carbon emissions by an

estimated 188 million tons between 2022 (when the regulation would go into effect) and 2030.

In addition, other benefits of RGGI for Pennsylvania include:

- Reduce carbon emissions by 188 million tons
- Increase of more than 30,000 jobs
- Reduction of other air pollutants like SO<sub>2</sub> and NO<sub>x</sub>
- Avoiding 639 premature deaths from air pollution-related health issues

More information about RGGI can be found at <http://www.dep.pa.gov/RGGI>

Source: DEP Press Release, 9/15/2020

## DRBC's Regulated Flow Advisory Committee to Meet Remotely on October 7

Please save the date for the next meeting of DRBC's Regulated Flow Advisory Committee, which will take place remotely on Wednesday, October 7, beginning at 10 a.m.

Please join this GoToMeeting from your computer, tablet or smartphone:

[https://urldefense.com/v3/https://global.gotomeeting.com/join/602287373;!!J30X0ZrnC1oQtBA!ahvPHurY4149A9id7DkwCPObQy943UuMu8WYYUwcYzzpkwSZuEJ\\_fcyqhg\\_MPoOgHqFuT7r5davWOUTVgM8x\\$](https://urldefense.com/v3/https://global.gotomeeting.com/join/602287373;!!J30X0ZrnC1oQtBA!ahvPHurY4149A9id7DkwCPObQy943UuMu8WYYUwcYzzpkwSZuEJ_fcyqhg_MPoOgHqFuT7r5davWOUTVgM8x$)

- Dial-in: (224) 501-3412
- One Touch: <tel:+12245013412,602287373>
- Access Code: 602-287-373

An agenda will be shared closer to the meeting date.

Please contact Amy Shallcross at [amy.shallcross@drbcgov](mailto:amy.shallcross@drbcgov), with any questions.

Source: DRBC, 9/15/2020

## DRBC's Water Management Advisory Committee to Meet Remotely on October 21

Please save the date for the next meeting of DRBC's Water Management Advisory Committee, which will take place remotely on Wednesday, October 21, beginning at 10 a.m.

Please join this GoToMeeting from your computer, tablet or smartphone:

[https://urldefense.com/v3/https://global.gotomeeting.com/join/981356973;!!J30X0ZrnC1oQtBA!fo8B\\_qbexv0ZW6Vcifhw1GriKVw\\_sv9-Rhspo-h6W2jyHdsBxJYP\\_sVzBLDSF9U6rUiU4IucKDtD\\_Og9fg5VA\\$](https://urldefense.com/v3/https://global.gotomeeting.com/join/981356973;!!J30X0ZrnC1oQtBA!fo8B_qbexv0ZW6Vcifhw1GriKVw_sv9-Rhspo-h6W2jyHdsBxJYP_sVzBLDSF9U6rUiU4IucKDtD_Og9fg5VA$)

- Dial-in: (571) 317-3122
- One Touch: <tel:+15713173122,981356973>
- Access Code: 981-356-973

An agenda will be shared closer to the meeting date.

Please contact Evan Kwityn at [evan.kwityn@drbc.gov](mailto:evan.kwityn@drbc.gov), with any questions.

Source: DRBC, 9/15/2020

## DRBC's Water Quality Advisory Committee to Meet Remotely on December 3

Please save the date for the next meeting of DRBC's Water Quality Advisory Committee, which will take place remotely on Thursday, December 3, beginning at 9:30 a.m.

Please join this GoToMeeting from your computer, tablet or smartphone:

[https://urldefense.com/v3/https://global.gotomeeting.com/join/194611885;!!J30X0ZrnC1oQtBA!aCnG\\_Gg-7QanYpoonE-7cqXZeH673zKkH53RvEjppjoexYH2yZ4uCvANUS06qJgYzKGD598Xo8kJUdIVDOV8\\$](https://urldefense.com/v3/https://global.gotomeeting.com/join/194611885;!!J30X0ZrnC1oQtBA!aCnG_Gg-7QanYpoonE-7cqXZeH673zKkH53RvEjppjoexYH2yZ4uCvANUS06qJgYzKGD598Xo8kJUdIVDOV8$)

- Dial-in: (571) 317-3122
- One Touch: <tel:+15713173122,194611885>

- Access Code: 194-611-885

An agenda will be shared closer to the meeting date.

Please contact John Yagecic at [john.yagecic@drbc.gov](mailto:john.yagecic@drbc.gov), with any questions.

Source: DRBC, 9/15/2020

## **DRBC's 3Q Business Meeting - September 10, 2020 - Recap Available**

**A**s a courtesy, the recap of the Delaware River Basin Commission's September 10, 2020, 3Q Business Meeting is available at <http://www.nj.gov/drbc/meetings/archive/recent-drbc-mtg.html>.

Included in the recap are links to items discussed, motions passed and resolutions and dockets approved.

Source: Kate Schmidt (DRBC), 9/17/2020

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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.*