



GOVERNMENT RELATIONS

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

**Berks County
Water & Sewer**
ASSOCIATION

October 5, 2020 – Issue 128

DEP Expands Drought Warning to 3 Counties and Drought Watch to 29 Counties

After a meeting of the Commonwealth Drought Task Force on September 30, 2020, the Pennsylvania Department of Environmental Protection (DEP) moved Clinton and McKean counties to drought warning and added 13 counties to drought watch.

There are now three counties on drought warning: Clinton, McKean, and Potter.

There are now 29 counties on drought watch: Armstrong, Blair, Bradford, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Cumberland, Elk, Erie, Fayette, Forest, Huntingdon, Indiana, Jefferson, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Sullivan, Tioga, Union, Warren, and Wyoming.

Residents on drought warning are asked to reduce their individual water use 10-15 percent, based on a statewide average of 62 gallons per person per day. This means a reduction of six to nine gallons a day.

Residents on drought watch are asked to reduce their individual water use 5-10 percent, or a reduction of three to six gallons of water per day.

"It's going to take a lot of precipitation to get us out of these deficits over time. We are 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.

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. Eighteen water suppliers in these counties have begun asking or requiring residents to reduce their water use.

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.
- Water your lawn only if necessary. Apply no more than 1 inch of water per week (use an empty can to determine how long it takes to water 1 inch). Avoid watering on windy and hot days. This pattern will encourage healthier, deeper grass roots. Over-watering 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.

Find more tips at the U.S. Environmental Protection Agency
<https://www.ahs.dep.pa.gov/NewsRoomPublic/Redirector.aspx?varURL=https://www.epa.gov/watersense/start-saving>.

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 status 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>.

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.

The next Drought Task Force meeting will be in two weeks.

Find more information at <http://www.dep.pa.gov/Business/Water/PlanningConservation/Drought/Pages/default.aspx>.

Source: DEP Press Release, 9/30/2020

Agenda Available for Oct. 21 DRBC Water Management Advisory Committee Meeting

DRBC's Water Management Advisory Committee will meet 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 is now available at <https://www.nj.gov/drbc/meetings/advisory/>.

Please contact Evan Kwityn evan.kwityn@drbc.gov, with any questions.

Source: DRBC, 9/29/2020

New Overtime Rule Goes into Effect Tomorrow in Pennsylvania

On October 2, 2020, Department of Labor & Industry (L&I) Secretary Jerry Oleksiak announced Pennsylvania's new overtime rule will become effective when the final, approved regulation is published in the **PA Bulletin** <https://www.pacodeandbulletin.gov/> on Saturday, October 3, 2020.

"Tomorrow marks the first update to the commonwealth's overtime regulations in more than four decades," said Secretary Oleksiak. "The modernized regulation will expand eligibility for overtime to 143,000 people and strengthen overtime protections for up to 251,000 or more. This final rule ensures that employees who work overtime are fairly and fully compensated for their labor in accordance with the original intent of the Pennsylvania Minimum Wage Act."

L&I updates the Minimum Wage Act's regulations to expand eligibility for overtime and strengthen protections for Pennsylvanians. The final rule updates the salary threshold to reflect current wages paid to Pennsylvanians working in executive, administrative, and professional occupations. It also ensures that the duties tests for executive, administrative and professional workers more closely align to those in the Fair Labor Standards Act's (FLSA) **federal overtime regulations** <https://www.dol.gov/agencies/whd/overtime/2019/index>.

The FLSA regulations update that took effect on January 1, 2020, raised the federal overtime salary

threshold to \$35,568. While Pennsylvania's overtime rule aligns more closely with the FLSA, L&I has set the minimum salary threshold at \$45,500 and the increase will be phased in three steps:

- \$684 per week, \$35,568 annually (per federal rule), on January 1, 2020;
- \$780 per week, \$40,560 annually on October 3, 2021; and
- \$875 per week, \$45,500 annually on October 3, 2022.

Starting in 2023, the salary threshold will adjust automatically every three years.

Pennsylvania's new overtime rules also allow up to 10 percent of the salary threshold to be satisfied by nondiscretionary bonuses, incentives, and commissions that are paid annually, quarterly or more frequently.

Eligible for Overtime

- With a few exceptions, all hourly employees who work more than 40 hours per week
- Most salaried employees who work more than 40 hours per week and earn less than the salary threshold regardless of their job duties
- Most salaried employees who do NOT perform executive, administrative, or professional duties, regardless of how much they are paid

Not Eligible for Overtime

- Salaried employees who perform executive, administrative, or professional duties and make more than the salary threshold per year
- Other occupations exempted by the Minimum Wage Act

Exemptions

The Pennsylvania Minimum Wage Act Exemption

<https://www.dli.pa.gov/Individuals/Labor-Management-Relations/lc/minimum-wage/Pages/Minimum-Wage-Act-Exemption.aspx> requires employers to pay their employees at a rate of not less than \$7.25 an hour for all hours worked

and an overtime rate of 1.5 times the employee's regular rate of pay for all hours worked above 40 in a workweek.

However, the Minimum Wage Act provides an exemption from both minimum wage and overtime pay for employees employed in a bona fide executive, administrative, or professional capacity. To qualify for the exemption, employees must meet certain tests regarding their salary and their job duties.

L&I notified businesses operating in Pennsylvania of the new overtime rule. More information can be found on L&I's website at <https://www.dli.pa.gov/Pages/default.aspx>.

Source: PA Department of Labor & Industry, 10/2/2020

EPA, Pennsylvania Sign Agreement to Expand Efforts Supporting Clean Water, Healthy Farms

On October 2, 2020, the U.S. Environmental Protection Agency and the Pennsylvania Department of Agriculture signed a five-year, first-of-its-kind Letter of Understanding (LOU) on Wednesday to expand joint activities supporting the agencies' shared goal of cleaner water and sustainable farms.

EPA Mid-Atlantic Regional Administrator Cosmo Servidio and Pennsylvania Agriculture Secretary Russell Redding signed the LOU at Worth the Wait Farm in Lancaster County, Pennsylvania.

The LOU formalizes a partnership between the two agencies and expands activities to prioritize funding, coordinate on regulatory programs, recognize farmers for environmental stewardship, and enhance opportunities for a dialogue with the agricultural community.

"This agreement builds on the actions our agencies are taking together and with the broader

agricultural community to promote a vibrant farm economy and clean rivers and streams," said Servidio. "This LOU formalizes our work together in the pursuit of solutions that are good for both agriculture and the environment."

EPA has developed similar agreements with other states in the Mid-Atlantic region.

"These past few months have made it crystal clear to the public that having food on their tables depends on having farms that are functioning at the top of their game and ready for whatever nature throws at them," Redding said. "The Landis family farm models soil and water conservation practices that ensure a healthy farm that will keep producing food now and in the future. We're pleased to cement this agreement on just such a farm in Lancaster County, where what happens on the farm affects healthy food, healthy water and healthy communities for our whole Mid-Atlantic region."

In the agreement, the agencies commit to the goal of "well-managed, sustainable farms that produce food for our communities and a clean environment for everyone to enjoy."

Under the LOU, the agencies intend to:

- Coordinate and leverage federal, state and private funding
- Advance opportunities to provide EPA grant funding directly to the Pennsylvania Department of Agriculture, particularly when it can improve the timely expenditure of federal funds.
- Convene annual meetings with state and federal leaders on priorities and activities, as well as joint trainings to ensure effective implementation of federal and state regulatory programs.
- Co-host Agriculture Roundtables and Educational Farm Tours to foster a dialogue with the agricultural community on the successes, challenges, and opportunities to work together to achieve well-managed, productive farms and a clean environment.
- Collaborate with the Pennsylvania Future Farmers of America (FFA) to pursue opportunities for FFA members to learn about environmental issues and policies affecting agriculture. Continue environmental

stewardship efforts that contribute to efficient farms, healthy soils, and clean water.

- Cooperate with the Pennsylvania Department of Environmental Protection (PA DEP) and other appropriate entities to develop approaches to measure and account for farmers' conservation efforts and the resulting environmental benefits.
- Participate in state program assessments to identify best practices and opportunities, and further compliance.
- Collaborate on an annual report to highlight achievements under the LOU.

"Lancaster County's rich agricultural history dates back for generations," said Speaker of Pennsylvania's House of Representatives Bryan Cutler (R-Lancaster). "Our farmers are also often innovators in their areas of expertise, and I am excited to see our federal leaders turning to our area's farms to help find solutions to some of modern farming's biggest challenges"

In addition to the LOU signing, Secretary Redding and Regional Administrator Servidio joined the American Dairy Association North East to recognize Worth the Wait Farm for the 2020 Dairying for Tomorrow Environmental Stewardship Award.

Source: EPA Press Release, 10/2/2020

Revenue Department Releases September 2020 Collections

Pennsylvania collected \$3.3 billion in General Fund revenue in September, which was **\$248.7 million, or 8.3 percent, more than anticipated**, Revenue Secretary Dan Hassell reported today. Fiscal year-to-date General Fund collections total \$9.9 billion, which is **\$459 million, or 4.9 percent, above estimate**.

Revenue collections are ahead of estimate to this point due to better than expected economic activity through the first quarter of the fiscal year. The department will continue to closely monitor the situation so that the Governor and members of the

General Assembly have the latest information as it becomes available.

Below is a full overview of September revenues by tax type:

Sales tax receipts totaled \$996.5 million for September, \$90.7 million above estimate. Year-to-date sales tax collections total \$3.3 billion, which is **\$183.4 million, or 5.9 percent, more than anticipated**.

Personal income tax (PIT) revenue in September was \$1.3 billion, \$19.5 million above estimate. This brings year-to-date PIT collections to \$4.5 billion, which is **\$62.4 million, or 1.4 percent, above estimate**.

September corporation tax revenue of \$597.3 million was \$104.5 million above estimate. Year-to-date corporation tax collections total \$1.1 billion, which is **\$132.7 million, or 13.2 percent, above estimate**.

Inheritance tax revenue for the month was \$98.1 million, \$28.5 million above estimate, bringing the year-to-date total to \$308.5 million, which is **\$343 million, or 12.5 percent, above estimate**.

Realty transfer tax revenue was \$53.4 million for September, \$18.8 million above estimate, bringing the fiscal-year total to \$127.8 million, which is **\$33.1 million, or 34.9 percent, more than anticipated**.

Other General Fund tax revenue, including cigarette, malt beverage, liquor and gaming taxes, totaled \$163.7 million for the month, \$21.8 million above estimate and bringing the year-to-date total to \$478 million, which is **\$537 million, or 12.7 percent, above estimate**.

Non-tax revenue totaled \$19.6 million for the month, \$35 million below estimate, bringing the year-to-date total to \$54.4 million, which is **\$40.5 million, or 42.7 percent, below estimate**.

In addition to the General Fund collections, the **Motor License Fund** received \$216.7 million for the month, \$6.1 million below estimate. Fiscal year-

to-date collections for the fund - which include the commonly known gas and diesel taxes, as well as other license, fine and fee revenues - total \$770 million, which is **\$0.3 million, or 0.0 percent, above estimate.**

Source: PA Department of Revenue, 10/1/2020

PennDOT Extends Expiration Dates on Commercial Driver Licenses, Commercial Learner's Permits and Hazardous Materials Endorsements (HME)

The Pennsylvania Department of Transportation (PennDOT) announced today that expiration dates for commercial driver licenses and commercial learner's permits will be extended for Pennsylvania residents in response to statewide COVID-19 mitigation efforts.

Effective September 30, the following products' expiration dates will be extended:

- The expiration date for a commercial learner's permit scheduled to expire from March 16, 2020, through November 29, 2020, is extended through November 29, 2020.
- The expiration date for commercial driver licenses scheduled to expire from March 16, 2020, through November 29, 2020, is extended through November 29, 2020.
- The expiration date of a Hazardous Materials Endorsement (HME) for an individual who is a Pennsylvania-licensed commercial driver's license holder and who held a valid, unexpired HME with a determination of no security threat on or after March 6, 2020, is extended until October 29, 2020.

Expiration extension deadlines on non-commercial driver license, photo identification cards, learner's permits and camera cards expired on August 31.

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://www.dmv.pa.gov/>.

Customers may continue to complete various transactions and access multiple resources online at <https://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; driver license and photo ID duplicates; and schedule a driver's exam. There are no additional fees for using online services.

PennDOT will continue to evaluate these processes and will communicate any changes with the public.

Additional COVID-19 information is available at <https://www.health.pa.gov/> For more information, visit <https://www.dmv.pa.gov/> or <https://www.penndot.gov/>.

Source: PennDOT Press Release, 10/1/2020

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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.