

GOVERNMENT RELATIONS

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

**Berks County
Water & Sewer
ASSOCIATION**

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DEP Adds One County to Drought Watch, Bringing Total to Thirty-Three additional counties remain on drought warning

After a meeting of the Commonwealth Drought Task Force, the Pennsylvania Department of Environmental Protection (DEP) today added Columbia County to the list of counties on drought watch, bringing the total to thirty.

Drought watch has been declared for Armstrong, Blair, Bradford, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Columbia, Cumberland, Elk, Erie, Fayette, Forest, Huntingdon, Indiana, Jefferson, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Sullivan, Tioga, Union, Warren, and Wyoming counties.

Three additional counties-Clinton, McKean, and Potter-are on **drought warning**.

In counties on drought warning, consumers 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.

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

DEP is notifying 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.

Thirteen public water suppliers have begun requiring consumers to reduce their water use. Eleven suppliers are asking consumers to voluntarily make reductions. Find this list and more information at

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

"Although there's been precipitation in some areas, and some indicators are beginning to improve in some counties, we still have a ways to go to get out of these deficits," said DEP Secretary Patrick McDonnell. "We're asking consumers in these counties to use water wisely and follow simple

water conservation tips to ease the demand for water."

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 sparingly and only if necessary. Over-watering is wasteful, encourages fungal growth, 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 for indoor and outdoor water saving at the U.S. Environmental Protection Agency <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.statepa.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 held in approximately two weeks.

Source: DEP Press Release, 10/28/2020

EPA awards \$187,000 to Pennsylvania to support wetlands restoration

The U.S. Environmental Protection Agency (EPA) announced a \$186,619 grant to the Pennsylvania Department of Conservation and Natural Resources to enhance its wetlands program with a web-based tool that helps restoration efforts.

"Wetlands are an important component of Pennsylvania's environment, which contribute greatly to the state's ability to protect water quality and natural resources," said EPA Mid-Atlantic Regional Administrator Cosmo Servidio. "This

award is a great example of the effective partnership between federal and local agencies to protect and restore Pennsylvania's wetlands."

Pennsylvania received the funding for a project entitled: "Development of approaches to improve restoration of aquatic resources in Pennsylvania." This project will support the further development and refinement of a plant community predictor tool.

The web-based tool helps restoration efforts by recommending what types of plants are beneficial to improving the health of the wetlands. The tool will provide a planting blueprint rather than just a generic list of plants, which will improve the function of the wetland and replacement value for more successful plantings associated with restoration/mitigation projects.

The funds were provided through EPA's Wetland Program Development Grant program, which enables state, local and tribal governments to conduct a range of projects that promote research and pollution reduction efforts related to wetlands.

For more information on the EPA program, visit: <https://www.epa.gov/wetlands/wetland-program-development-grants-and-epa-wetlands-grant-coordinators>

Source: EPA Press Release, 10/29/2020

PUC Launches Annual "Prepare Now" Cold Weather Campaign

Urges Electric & Natural Gas Utilities to Work Closely with At-Risk Consumers to Keep Households Connected and Safe During the Winter

On October 29, 2020, the Pennsylvania Public Utility Commission (PUC) launched its annual "Prepare Now" winter heating campaign, underscoring the importance of consumers, businesses and utilities working together during this unprecedented time for Pennsylvania.

The initiative emphasizes that PUC safeguards – including this year's recently enhanced protections for income-qualified households and small businesses – are a starting point for assistance that public utilities can offer.

The 2020 Prepare Now Campaign

This year's "Prepare Now" **letter from the PUC Commissioners to public utility leadership** https://www.puc.pa.gov/media/1198/prepare_now_letter102820pdf across the state emphasizes that every utility can take actions right now to enhance efforts to reach at-risk consumers.

"Our public utilities are the first and most direct mechanisms to link struggling households with much-needed assistance. You provide essential services every day to millions of Pennsylvanians; you know your communities; you know the resources available; and you have the ability and the flexibility to work directly with customers."

As the health and financial impacts of the COVID-19 pandemic continue to be felt across our state and country, it is essential that we work together to ensure the safety of our neighbors and our communities.

Last year, utilities across Pennsylvania spent more than \$391 million on PUC-required customer assistance programs, not counting the federal-funded Low Income Home Energy Assistance Program (LIHEAP). Collectively, these utility programs reach over 290,000 electric customers and approximately 160,000 natural gas customers, reducing monthly energy bills; promoting weatherization and other improvements to cut energy consumption; and supporting hardship programs.

As part of this year's Prepare Now campaign, the PUC is urging utilities to work even more closely with households and businesses:

- **Encouraging income-qualified consumers to apply for assistance programs** – All eligible consumers, especially those who may not have been reached in past years, should apply for assistance from programs designed to help make energy bills more affordable, including Customer Assistance Programs, Low Income

Usage Reduction Programs (LIURPs) and budget billing.

- **Reminding households about LIHEAP funds** – Grants under the LIHEAP or Hardship Funds may be available to assist struggling families. The new LIHEAP season begins on Nov. 2, 2020.
- **Exercising flexibility and leniency** – When establishing payment arrangement plans for all consumers, consideration should be given to circumstances such as lost or reduced income, extended illness of a household member, or increased household size and accompanying expenses.
- **Educating consumers** – Information about conservation and ways to reduce energy usage should be made available to all consumers.
- **Enhancing charitable support** – Increasing corporate donations to and fundraising for utility hardship funds and other community-based programs can assist consumers who need help paying their utility bills.

PUC Consumer Outreach & Education

The 2020 Prepare Now campaign is part of an ongoing effort by the PUC to educate consumers about the availability of income-qualified programs; increase consumer awareness of ways to reduce winter heating costs; educate consumers on energy conservation; encourage consumers to check electric and natural gas bills and supplier contracts; and inform customers about the PUC's <https://www.papowerswitch.com/> and <https://www.pagasswitch.com/> websites, as resources to shop for energy suppliers and learn more about efficiency and conservation measures.

The PUC **consumer-educator team** https://www.puc.pa.gov/assets/images/consumered/Yellow_brick_road2020.jpg partners with various statewide community groups, state government agencies, legislators, human service providers, utility companies, community based organizations and many other partners to help educate, spread awareness and share many useful programs, tools and resources.

To schedule a virtual presentation or for more information, email the PUC's consumer-education team at PA-PC-CMU_ConsumerEd@pa.gov.

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.

Source: PUC Press Release, 10/29/2020

Senators Costa & Hughes Slam Republican Inaction on Federal CARES Funds

On October 29, 2020, Senate Democratic Leader Jay Costa and Senate Democratic Appropriations Chair Senator Vincent Hughes and members of the Pennsylvania Senate Democratic Caucus slammed <https://www.pasenate.com/pa-cares-press-conference/> House and Senate Republicans for recessing the General Assembly until mid-November without passing legislation to drive out Pennsylvania's remaining \$1.3 billion in federal CARES funds to Pennsylvanians suffering the economic impacts of the coronavirus pandemic.

Earlier this year, Pennsylvania received nearly \$4 billion from the federal government's Coronavirus Aid, Relief and Economic Security ("CARES") Act. In May, Democrats and Republicans worked together to drive out \$2.6

billion of the federal funds to provide much needed aid to struggling Pennsylvanians. Since that time, Senate Democrats have strongly advocated for driving out the remaining \$1.3 billion and released their own proposal for spending the remaining funding <https://www.pasenate.com/pacares/>.

Unfortunately, Republican leadership in the House and Senate refused to act on another round of funding before recessing Oct. 21.

"It is unconscionable that Harrisburg Republicans would adjourn the General Assembly and leave town without acting on another round of CARES funding for Pennsylvania families and businesses," Sen. Costa said. "For months Senate Democrats have been pressing for the release of the remaining \$1.3 billion in CARES funds. I'd say House and Senate Republicans ignored us, but the reality is they ignored hurting Pennsylvania families. They ignored Pennsylvania's small business owners that are hanging on by a thread. They ignored our hospitals, our schools, and our social service providers. Republican inaction is going to lead to more unnecessary suffering and lengthen Pennsylvania's economic recovery. It's shameful."

"At a time when Pennsylvanians need real, bipartisan leadership, Harrisburg Republicans have failed miserably," Sen. Hughes said. "House and Senate Republicans have been singularly focused on criticizing Governor Wolf for his handling of the pandemic, but when they had a chance to make an impact, they did nothing. They left \$1.3 billion sitting in the state treasury and went home. Now, that money will sit there for weeks as more small businesses close, more child care providers struggle to stay afloat, and more families stay up at night wondering how they will pay their bills. It didn't have to be this way."

Similar inaction on a federal level <https://www.marketwatch.com/story/its-about-midnight-for-stimulus-deal-key-gop-senator-says-11603737584> has ended all talks of stimulus aid before the Nov. 3 election, leaving families, small businesses, front-line workers and many other vulnerable populations without much-needed aid. Costa and Hughes pointed to politically-motivated federal inaction and severely misplaced priorities by House and Senate Republicans, who the entire

summer and fall politicizing the pandemic and Pennsylvania's response to it rather than working with Democrats to drive out CARES funding.

"Throughout the summer and fall, we've watched House and Senate Republicans hold partisan hearings, pass politically-motivated legislation, and waste precious time on veto overrides that they knew would fail," Sen. Costa said "If they spent even a fraction of that time focused on helping people, I have no doubt we would have reached a consensus on spending the remaining \$1.3 billion in CARES funds. Instead Republicans opted for political theatre"

"All summer Republican Senators and Representatives stood at press conferences with small business owners and organized rallies to protest Pennsylvania's response to the pandemic," Sen. Hughes noted. "But when the press conferences and rallies ended, and the time came to help these same folks they claimed to be fighting for by driving out \$1.3 billion, Republican legislators did nothing. They got their press release or their TV clip and the folks that stood with them were left without any help. Again. We cannot wait any longer to push out aid. Our plan must be on the agenda in November."

The Senate Democrats again shared their plans in hopes that the Republican-controlled General Assembly would understand the immediate need of providing aid to vulnerable Pennsylvanians immediately. The Senate Democratic plan includes:

- \$125 million for individual and family relief with utility bill assistance
- \$575 million for business assistance, specifically for:
 - Nonprofit assistance
 - Main Street and Historically Disadvantaged Businesses
 - Barbers, salons, personal care industry
 - Tourism
 - Bars, taverns, restaurants, private event spaces and hospitality
- \$15 million food security
- \$125 million for high Medicaid hospitals
- \$141 million for higher education

- \$75 million for child care
- \$100 million for hazard pay in existing programs, and expanded programs for pharmacies
- \$150 million for property tax relief
- \$25 million for public safety

If you missed the press conference, you can watch the full event here <https://www.pasenate.com/pa-cares-press-conference/>. For more information on the Senate Democratic proposals for the first or second allocation of CARES funds, please visit <https://www.pasenate.com/pacares/>.

Source: PA Senate Democrats, 10/30/2020

Enactment of Historic Legislation is Major Victory for Chesapeake Bay

On October 30, 2020, the America's Conservation Enhancement (ACE) Act was signed into law. Passing both chambers of Congress unanimously, this broad conservation bill contains programs that will significantly help protect and restore the Chesapeake Bay and its rivers and streams:

- **Reauthorization of the Environmental Protection Agency's (EPA) Chesapeake Bay Program:** The EPA Chesapeake Bay Program was first created in 1983. Administered by EPA, the Chesapeake Bay Program is the glue that holds together the cleanup partnership of federal, state, and local governments, conservation groups, and educational institutions. But the Bay Program's funding authority expired in 2005. ACE updates this authorization for the next five years, and increases the authorized level incrementally over the five years to \$92 million in 2025. Its current funding is \$85 million.
- **Chesapeake WILD (Watershed Investments for Landscape Defense):** The law creates this new program and authorizes \$15 million annually for the U.S. Fish and Wildlife Service

to support restoring fish and wildlife habitat in the Chesapeake Bay watershed. The Bay watershed covers 64,000 square miles, spanning parts of six states and the District of Columbia.

- **Reauthorization of the National Park Service's Chesapeake Bay Gateways and Watertrails Program:** This provision will reauthorize this small, but critically important program for five more years. The Park Service works with state and local partners to promote and increase access for the public to iconic natural, historic, and cultural landscapes around the entire Chesapeake Bay watershed.
- **Reauthorization of the National Fish and Wildlife Foundation (NFWF):** NFWF awards grants that provide critical support for community groups. Examples of projects supported by NFWF grants include:
 - Planting 650 shade trees in Richmond neighborhoods suffering from extreme heat linked to racially motivated housing discrimination and providing green jobs training for youth in the community.
 - Restoring nearly 30 miles of native brook trout habitat in headwater streams in New York, Pennsylvania, Virginia, and West Virginia, ultimately preventing nearly 10 million pounds of soil and sediment from entering local streams, rivers, and the Chesapeake Bay.
 - A "circuit rider" program to help six jurisdictions on Maryland's Eastern Shore to identify and seek funding for local Bay restoration and water quality improvement projects.

Enactment of America's Conservation Enhancement Act was only made possible by the tireless efforts of many members of Congress in the Chesapeake Bay delegation, including Majority Leader Steny Hoyer, Representatives Elaine Luria, John Sarbanes, Bobby Scott, and Rob Wittman, and Senators Shelley Moore Capito, Ben Cardin, Tom Carper, and Chris Van Hollen. The Choose Clean Water Coalition, Chesapeake Bay Foundation, and Chesapeake Bay Commission thank them for their steadfast dedication and support for clean water.

Choose Clean Water Coalition Director Kristin Reilly said:

"The America's Conservation Enhancement Act is the most important piece of federal legislation to help the Chesapeake Bay and its rivers and streams in more than 30 years. That this bill passed through Congress unanimously amidst the partisan discord that plagues Washington speaks to the incredible level of bipartisan support for clean water.

"This groundbreaking legislation could not have arrived at a better time as the country perseveres through the COVID-19 pandemic. By providing critical funding for on-the-ground conservation projects, this legislation serves as an economic stimulus to communities throughout the country, providing thousands of good-paying jobs. The programs in this bill are critical to conservation efforts in every region and every state, and will enhance the outdoor recreational experiences of tens of millions of Americans. As the Choose Clean Water Coalition and its more than 250 member organizations work to leave a legacy of clean water to future generations, the passage of the ACE Act is a critical step in the right direction."

Chesapeake Bay Foundation President William C. Baker said:

"This is a truly exciting day for the Chesapeake Bay and the 18 million people who live here. The Bay is an important economic engine as well as a national treasure. The bipartisan America's Conservation Enhancement Act makes possible historic, urgently needed funding increases for the federal Chesapeake Bay Program and the restoration effort it leads.

"In past decades, as pollution reduction deadlines neared, state and regional officials violated their promises and pushed to extend the deadline. We hope and trust that will not be the case this time. The ACE Act demonstrates the Congressional commitment to saving the Bay. It is time for all parties to recommit to the 2025 deadline."

Chesapeake Bay Commission Executive Director Ann Swanson said:

"The passage of the America's Conservation Enhancement Act demonstrates the broad bipartisan support for clean water and environmental restoration. The legislation reaffirms the federal commitment to restore and protect the Chesapeake Bay, its rivers and streams, and the Bay's vast watershed. Federal programs are integral to the Chesapeake Bay Program Partnership, a collaborative effort among the Federal government, the six watershed states, the District of Columbia, and the Chesapeake Bay Commission.

"We are grateful to the leaders in Congress from the Bay region who expertly advanced this legislation and look forward to working with them going forward to secure the additional funding envisioned in this legislation. Clean water is within reach, and with the continued work of all our committed champions, we are convinced it will be achieved."

Source: CBF Press Release, 10/30/2020

Deer on the Move, Motorists Use Caution

With deer becoming increasingly active, and daylight-saving time soon to put more vehicles on the road during the hours when deer move most, the Pennsylvania Game Commission is advising motorists to slow down and stay alert.

Deer become more active in autumn with the lead-up to their fall breeding season, commonly referred to as the "rut." Around this time, many yearling bucks disperse from the areas in which they were born and travel, sometimes several dozen miles, to find new ranges. Meanwhile, adult bucks more often are cruising their home ranges in search of does, and they sometimes chase the does they encounter.

When daylight-saving time ends Nov. 1, there also will be increased vehicular traffic between dusk and dawn - the peak hours for deer activity.

"While the peak of the rut still is a few weeks off, deer already have increased their activity and are crossing roads," said Game Commission

Executive Director Bryan Burhans. "While motorists - at any time of year - are well advised to stay alert and be on the lookout for whitetails while driving, it's especially important now and in the coming weeks."

Data from around the country indicates that Pennsylvania drivers are near the top of the list for risks of a vehicle collision with a deer or other large animal. A recent report has Pennsylvania third among all the states, and indicates that Pennsylvania drivers have a 1-in-51 chance of a vehicular accident involving a big game animal.

Drivers can reduce their chances of collisions with deer by staying alert and better understanding deer behavior. Just paying attention while driving on stretches marked with "Deer Crossing" signs can make a difference.

Deer often travel in groups and walk single file. So even if one deer successfully crosses the road in front of a driver, it doesn't mean the threat is over. Another could be right behind it.

A driver who hits a deer with a vehicle is not required to report the accident to the Game Commission. If the deer dies, only Pennsylvania residents may claim the carcass. To do so, they must call the Game Commission region office representing the county where the accident occurred and an agency dispatcher will collect the information needed to provide a free permit number, which the caller should write down.

A resident must call within 24 hours of taking possession of the deer. A passing Pennsylvania motorist also may claim the deer, if the person whose vehicle hit it doesn't want it.

Those taking possession of road-killed deer also are advised of rules related to Chronic Wasting Disease (CWD) that prohibit the removal of high-risk deer parts - essentially the head and backbone - from any established Disease Management Area (DMA). Those parts must be removed before the deer is transported outside a DMA. For DMA maps, the complete list of high-risk parts and other information on CWD, visit <http://www.pgc.pa.gov/>.

If a deer is struck by a vehicle, but not killed, drivers are urged to maintain their distance because

some deer might recover and move on. However, if a deer does not move on, or poses a public safety risk, drivers are encouraged to report the incident to a Game Commission regional office or other local law-enforcement agency. If the deer must be put down, the Game Commission will direct the proper person to do so.

To report a dead deer for removal from state roads, motorists can call the Pennsylvania Department of Transportation at 1-800-FIX-ROAD.

Source: PA Game Commission Press Release, 10/30/2020

4Q DRBC Public Hearing: November 12 & 4Q Business Meeting: December 9

The Notice for the Thursday, November 12, 2020, 4Q Delaware River Basin Commission (DRBC) Public Hearing and the Wednesday, December 9, 2020, 4Q DRBC Public Business Meeting is now available at <http://www.nj.gov/drbc/meetings/upcoming/>.

Both the public hearing and the business meeting will be held remotely. Please visit the above link for items to be heard and how to participate.

Source: DRBC, 10/29/2020

Meeting Materials Available from Oct. 21 Water Management Advisory Committee Meeting

DRBC's Water Management Advisory Committee met remotely on October 21, 2020.

Meeting materials are now available at https://www.nj.gov/drbc/about/advisory/WMAC_oct212020.html.

Also available is the approved meeting summary from the June 18, 2020 meeting; please see https://www.nj.gov/drbc/about/advisory/WMAC_june182020.html.

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

Source: DRBC, 10/27/2020

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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.