



GOVERNMENT RELATIONS

UPDATE

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

**Berks County
Water & Sewer**
ASSOCIATION

March 1, 2021 – Issue 147

Senate Democratic Leader Jay Costa Wishes Senator Blake Well in New Position

Senate Democratic Leader Jay Costa released the following statement regarding Senator John Blake's (D-Lackawanna) resignation.

Senator John Blake will be missed in our caucus. Since he was elected ten years ago, he has been committed to serving his constituents and has always been their outspoken advocate in every piece of legislation he has introduced, board he has served on, and speech he has given on the floor of this body. He provided invaluable expertise to our caucus on matters of pension reform, local government matters and community investment strategies.

We wish him well in his next endeavor where he will certainly keep up his passion for improving northeast Pennsylvania. John is well-suited for this very important position with Representative Cartwright. From his service as acting Secretary of

the PA DCED to chairman of our Finance Committee for the last several years and his leadership roles within our caucus and on the Appropriations Committee, no one could be better prepared for this role.

Source: Senator Costa Press Release, 2/15/2021

PUC Damage Prevention Committee Actions Posted

The Public Utility Commission's (PUC's) Damage Prevention Committee (DPC) has published its latest enforcement actions taken during the DPC's **December 2020** https://www.puc.pa.gov/media/1320/dpc_case_summaries-121520.pdf and **February 2021** https://www.puc.pa.gov/media/1354/dpc_case_summaries020921.pdf meetings.

The DPC is tasked with enforcing the state's Underground Utility Line Protection Act - also known as the "PA One Call Law." 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.

State law requires contractors and residents to contact **PA One Call** <https://www.pa1call.org/> 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 https://www.puc.pa.gov/media/1253/2021_dpc_meeting_schedule.pdf 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

<https://www.puc.pa.gov/pipeline/pa-one-call/> taken at monthly DPC meetings are available on the PUC's website. Creation of the committee was authorized by **Act 50 of 2017** <https://www.puc.pa.gov/press-release/by-id/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, 2/24/2021

PUC Advances Amended Chapter 14 Implementation

Seeks Further Public Comment on Proposed Changes to Consumer Protection Guidelines for Victims of Domestic Violence, Privacy Guidelines for Termination Notices and Form of a Medical Certificate

On February 25, 2021, the Pennsylvania Public Utility Commission (PUC) approved a **Tentative Order** <https://www.puc.pa.gov/pdocs/1694422.docx> seeking public comment from interested parties on implementation of the Amendments to Chapter 14 of the Public Utility Code (Chapter 14) related to Responsible Utility Customer Protection.

The Commission voted 4-0 to adopt the Tentative Order, which requests further comment following a comprehensive review of three remaining issues related to Chapter 14 and Chapter 56 of the PUC's regulations (Chapter 56) by a Commission-directed working group consisting of representatives of the electric and natural gas utilities, consumer and industry advocates, low-income and consumer rights groups, and other key stakeholders.

The Tentative Order seeks further comment on the PUC's proposals on the following matters:

- Clarifying how utilities apply Chapter 56 regulations to domestic violence victims under Protection from Abuse Order or other court order which provides clear evidence of domestic violence;
- Proposing consumer privacy guidelines relating to termination notices and procedures for enrollment and consent, including the use of electronic termination notices; and
- Creating a standard medical certificate format for consumers and medical professionals - a medical certificate verifies the medical need for a utility shutoff to be delayed or avoided.

On Feb. 28, 2019, the Commission adopted a **Final Rulemaking Order** <https://www.puc.pa.gov/pdocs/1607782.docx> revising the 52 Pa. Code Chapter 56 regulations that administer and enforce Chapter 14 of the Public Utility Code.

On Aug. 29, 2019, the Commission issued a **Secretarial Letter** <https://www.puc.pa.gov/pdocs/1634114.doc> announcing the establishment of a Chapter 56 working group to address these three remaining issues.

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* <https://www.pacodeandbulletin.gov/>. Comments shall be filed consistent with the Commission's **Secretarial Letter issued on July 27, 2020** <http://www.puc.state.pa.us/pdocs/1671431.docx>, regarding filings with the PUC.

On Oct. 22, 2014, Governor Tom Corbett signed into law HB 939, or Act 155 of 2014. The Act reauthorized and amended Chapter 14. The Act is intended to protect responsible bill paying customers from rate increases attributable to other customers' delinquencies in payment. The Act provides public utilities with collection mechanisms and procedures that promote timelier collections, while protecting vulnerable customers by ensuring that utility service remains available to all customers on reasonable terms and conditions. The legislation is applicable to electric distribution

utilities, water distribution utilities, natural gas distribution utilities, steam heat utilities, and wastewater utilities.

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.

For recent news releases and video of select Commission proceedings or more information about the PUC, visit our website at <http://www.puc.pa.gov/>. Follow the PUC on Twitter - @PA_PUC for all thing's utility. "Like" Pennsylvania Public Utility Commission on Facebook for easy access to information on utility issues.

Docket No.: L-2015-2508421
<https://www.puc.pa.gov/search/document-search/?DocketNumber=L-2015-2508421&ufprt=8FCAE9CCFF9ED60E3F7ABEA6AF6EA9C3E013ACDB7920C39C9F4DAB18D065D720C5619970ADC784E8FBC1E981B99B04715F32E4B180A4DCA9B8E41AEA49362ECE5803D515CDE23A42D6A881D56B76CBEF59A0340C9ED68491FC9DB04A94EB3F85791131379E871A99302A04F862929B25973742FD4A16A0E3898CB5723BC25FA98B10C40D2BEA3B2E56AB27C4AD5CCC941A694437FC349CCC670B6C52EF9882E2B32B8B42BE0B039A999FCCA056724AFE61EFF8439AC6B72DF2111B5CD03AD498#search-results>

Source: PUC Press Release, 2/25/2021

New DRBC Regulation Prohibits High Volume Hydraulic Fracturing in the Delaware River Basin

Wastewater Importation and Water Exportation Rule Amendments to be Proposed

On February 25, 2021, the Delaware River Basin Commission (DRBC) approved a final rule prohibiting high volume hydraulic fracturing (HVHF) in the Basin. In a separate action, the Commissioners directed the executive director to propose amendments to update the Commission's rules concerning importation of wastewater from outside the basin and exportation of basin waters. The first action was adopted with the four Basin state Commissioners voting in the affirmative and the federal Commissioner abstaining. The second action was adopted by unanimous vote of the Commissioners. Both actions were taken at a duly noticed public meeting.

Resolution No. 2021-01 amends the Commission's Comprehensive Plan and Water Code to prohibit HVHF in the Delaware River Basin in order to control future pollution, protect the public health and preserve the waters of the Basin for uses in accordance with the Comprehensive Plan. The **full resolution** may be accessed at https://www.nj.gov/drbc/library/documents/Res2021-01_HVHF.pdf.

By a separate Resolution for the Minutes, the Commissioners directed DRBC Executive Director Steve Tambini no later than September 30, 2021, to develop and formally propose amendments to the Comprehensive Plan and DRBC Water Code to update regulations concerning inter-basin transfers of water and wastewater. The **full resolution** may be accessed at https://www.nj.gov/drbc/library/documents/ResForMinutes022521_regs-transfers.pdf.

"As DRBC Chair, I welcome this opportunity to provide the fullest protection to the more than 13 million people who rely upon the Delaware River Basin's waters for their drinking water. This collaborative multi-state [and federal] action through the DRBC also complements the goals of the Delaware River Basin Conservation Act, a bill I introduced and which was passed by Congress in 2016, by helping to ensure that the watershed and water resources of the Basin will be protected from these potential sources of pollution," said Delaware Governor John Carney. (Gov. Carney serves as the Commission's current chair.)

"As the federal commissioner, I represent the different missions of the many federal agencies with responsibility in the Delaware Basin. As part of the voting process, we solicit input from a team of federal agencies and the White House. Due to the recent Administration transition, this coordination has not been completed and we thus abstained from today's vote. We respect the vote from each of the commissioners representing their respective states. I greatly appreciate the hard work and extensive coordination by DRBC staff," said Brigadier General Thomas J. Tickner, Commander, North Atlantic Division, United States Army Corps of Engineers. (Brigadier General Tickner serves as the Commission's current vice chair.)

"After careful analysis and consideration of the unique geographic, geologic and hydrologic characteristics of the Delaware River Basin, DRBC Commissioners acted today under the authority of the Delaware River Basin Compact to protect the water resources of the Basin, the source of drinking water for millions of Pennsylvanians. Having supported this effort since I was a candidate for Governor of Pennsylvania, I am proud to join with other DRBC Commissioners in preserving the water resources of this unique region for generations to come," said Pennsylvania Governor Tom Wolf. (Gov. Wolf serves as the Commission's current second vice chair.)

"Fracking poses significant risks to the water resources of the Delaware River Basin, and prohibiting high volume hydraulic fracturing in the Basin is vital to preserving our region's recreational and natural resources and ecology," said New Jersey Governor Phil Murphy. "Since the beginning of my Administration, New Jersey has been a leader in environmental protection and justice, climate action and clean energy. More than 13 million people rely on the waters of a clean Delaware River Basin that is free of the chemicals used in fracking. Our actions, including the further rulemaking outlined today to address fracking wastewater, will protect public health and preserve our water resources for future generations."

"New York has been a leader in our efforts to protect the environment and public health with the banning of high-volume hydraulic fracturing in 2015," New York Governor Andrew M. Cuomo

said. "This significant action by the DRBC to ban fracking in the Delaware River Basin is critical to enhance and preserve a vital water resource that millions of people access and depend on every day. This resolution builds on our collective efforts to ensure the safety of our water supply and protect the environment and individuals and families for generations to come."

"At the direction of the Commissioners, DRBC staff published for public comment draft regulations to address high volume hydraulic fracturing in the Basin and held six public hearings to gather input on the proposed rules," said Tambini. "DRBC received tens of thousands of comments, letters, and petitions from a diverse cross section of the public from within the Basin and beyond. These comments, along with additional scientific and technical literature and reports, studies, findings and conclusions of other government agencies on the impacts of HVHF on water resources, were reviewed and evaluated by the DRBC staff and the Commissioners. We appreciate the public comments, the input from our member state and federal agencies and the careful review, deliberation and action by our Commissioners."

The DRBC is an interstate-federal government agency created in 1961 by concurrent compact legislation, marking the first time that the federal government and a group of states joined as equal partners in a river basin planning, development, and regulatory agency. The five Commission members are the governors of the basin states (Delaware, New Jersey, New York and Pennsylvania) and the commander of the U.S. Army Corps of Engineers' North Atlantic Division, who represents the federal government.

To learn more about the Commission, please visit <http://www.drbc.gov> or follow DRBC on Twitter at [https://urldefense.com/v3/https://twitter.com/DRBC1961_!!J30X0ZrnC1oQtBA!Z2z-XpnZjdutuR8s2k1g2VJ1Yc0IYda_J12uHwIli8iFixLXgvDrVr3Q55eRB-RIHm3PABHA1fQ\\$](https://urldefense.com/v3/https://twitter.com/DRBC1961_!!J30X0ZrnC1oQtBA!Z2z-XpnZjdutuR8s2k1g2VJ1Yc0IYda_J12uHwIli8iFixLXgvDrVr3Q55eRB-RIHm3PABHA1fQ$).

Additional Resources:

Notice of Final Rulemaking Webpage:
https://www.nj.gov/drbc/about/regulations/final-rule_hvfh.html

FAQ on Final Rulemaking:
https://www.nj.gov/drbc/library/documents/FAQ_HVHFrulemaking.pdf

Comment and Response Document:
https://www.nj.gov/drbc/library/documents/CRD_HVHFrulemaking.pdf

DRBC Natural Gas Webpage:
<https://www.nj.gov/drbc/programs/natural/>

Source: DRBC Press Release, 2/25/2021

Isaacson leads discussion on protecting the Delaware River Basin

At a House Democratic Policy Committee Hearing on February 22, 2021, state Rep. Mary Isaacson highlighted the importance of the Delaware River Basin and Pennsylvania's role in preservation efforts.

Isaacson, who represents the River Wards along the Delaware River from Old Richmond to Queen Village, highlighted the state's responsibility to fully fund its commitment to the basin.

"Pennsylvania has the most square mileage of any state in the basin. While the agreed upon funding contribution was \$893,000 annually, the state is only fulfilling \$217,000 of that commitment. We must do better. Water quality, recreation and economic development in the region depends on it," Isaacson explained.

The committee heard testimony from Kristen Bowman Kavanagh, deputy executive director of the Delaware River Basin Commission, Dr. Ron MacGillivray, senior environmental toxicologist of the Delaware River Basin Commission, and Beth Brown, director of the Delaware Watershed Program for the Pennsylvania Audubon.

"Efforts to defund the Delaware River Basin Commission have greatly impacted their monitoring abilities and this ultimately impacts keeping the waterways clean. Healthy waterways can boost local economies. They attract businesses, recreational users and we have to do our part to give the commission the resources they need to carry out these functions," state Rep. Ryan Bizzarro, the Policy Committee chairman, said.

David M. Bria, president of Yardley Borough Council, highlighted the fact that regular efforts to monitor the health of waterways are pivotal to outdoor recreational activities and create a scenic backdrop that boosts the local economy.

Patrick Mulhern, co-owner of Driftwood Water Adventures; Timothy Brown, brew master at Tannery Run Brew Works; and Mike Contreras, director of sales & marketing at 2SP Brewing Co., shared how Delaware River Basin waters impact their businesses.

Hearing testimony and video are available at <http://www.pahouse.com/policy>.

Source: Rep. Isaacson Press Release, 2/22/2021

PennDOT Extends Expiration Dates on Commercial Driver Licenses, Commercial Learner's

Permits Commercial product extensions set to expire March 31, 2021

The Pennsylvania Department of Transportation (PennDOT) announced 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.

This will be the final extension for the following products' expiration dates:

- The expiration date for a commercial learner's permit scheduled to expire from March 16,

2020, through March 31, 2021, is extended through March 31, 2021.

- The expiration date for commercial driver licenses scheduled to expire from March 16, 2020, through March 31, 2021, is extended through March 31, 2021.

Customers with commercial products that are covered by the extension but have not yet been renewed are encouraged to renew their CDL products as soon as possible by March 31, 2021. No further extensions will be given on these products.

Expiration extension deadlines on non-commercial driver license, photo identification cards, learner's permits and camera cards ended on August 31, 2020.

For a list of open driver license and photo license centers and the services provided, as well as their hours of operation, please visit www.dmv.pa.gov.

Customers may continue to complete various transactions and access multiple resources online at 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 www.health.pa.gov. For more information, visit www.dmv.pa.gov or www.PennDOT.gov.

Source: PennDOT Press Release, 2/22/2021

Senators Street & Laughlin Introduce Historic,

Bipartisan Adult Use Marijuana Legalization Bill

Senators Sharif Street and Dan Laughlin champion Adult Use Legalization Bill emphasizing safety, social and economic equity

On February 24, 2021, Senator Sharif Street (D-Philadelphia) and Dan Laughlin (R-Erie) introduced bipartisan legislation to legalize adult use marijuana in Pennsylvania. The bill <http://www.senatorsharifstreet.com/adultuse> prioritizes safety, community reinvestment, social and economic equity, agriculture, and creates vital tax revenue streams for the Commonwealth.

"I'm proud to join my Republican colleague and introduce this historic, bipartisan bill to legalize marijuana," said Senator Sharif Street. "In close collaboration with Senator Laughlin, key community groups and stakeholders throughout the Commonwealth, we developed a bill that will benefit communities across the Commonwealth. I look forward to working with my colleagues in the Legislature and with the Administration to build support for this critical legislation that aims to make Pennsylvania's cannabis market the most diverse and inclusive in the country while enabling those who have been harmed by prohibition to seal their records and rebuild their lives."

"While my colleague Senator Street and I come from different political parties, we see a bipartisan way forward on marijuana legalization that is premised on safety and social equity," said State Senator Dan Laughlin. "As the marijuana movement reaches Pennsylvania, legalization must be done the right way. This bill ensures a legalized market in the Commonwealth is implemented safely and responsibly, with a thoughtful approach that provides opportunities to medical and recreational consumers, farmers, and small, medium and minority-owned businesses."

Currently, the legal cannabis industry employs approximately 250,000 Americans and supports over 300,000 indirect jobs and full-time workers. The cannabis industry has experienced a 100 percent growth rate over the last four years and

projects, with proper reform, a million more jobs can be created by 2025.

Further, this past election cycle showed that American attitudes toward cannabis have been transformed and are more mainstream than ever. In November 2020, cannabis experienced a tidal wave of legislative wins, making recreational marijuana legal now in 15 states and approved for medical use virtually nationwide. With New Jersey passing marijuana legalization this week and New York expected to legalize marijuana in their upcoming budget session, Pennsylvania is at risk of losing thousands of jobs and hundreds of millions of dollars in tax revenue to neighboring states.

Polling indicates that nearly two-thirds of Pennsylvanians support adult use marijuana legalization. According to testimony provided by the Pennsylvania Independent Fiscal Office, adult-use marijuana legalization can generate between \$400 million to \$1 billion of new tax revenue for the Commonwealth of Pennsylvania.

Source: Senators Street and Laughlin Press Release, 2/24/2021

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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.