



GOVERNMENT RELATIONS

UPDATE

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

**Berks County
Water & Sewer**
ASSOCIATION

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Senate Republicans Link PUC Nominations to RGGI Rejection

The Senate Republican Caucus has put the Governor on notice of their intention to block all nominations to the state Public Utility Commission (PUC) until he pulls his unilateral decision to have Pennsylvania join the Regional Greenhouse Gas Initiative (RGGI) and work with the Legislature, according to Senator Joe Pittman, who has spearheaded efforts of Legislative involvement in RGGI.

"We are available to engage further on this issue if you so choose; however, until we can reach any agreement with your removal of Pennsylvania from RGGI and submit the compact for deliberation through the General Assembly, we will not be confirming any PUC nominees," reads the letter <https://www.pasenategop.com/wp-content/uploads/2021/04/PUC-letter-042121.pdf> signed by all 27 Senate Republicans and Independent John Yudichak of the 14th District.

"We have made it clear over the past 19 months that this is about the balance of powers in Pennsylvania," said Senator Pittman. "One of the key components of RGGI is a tax on carbon emissions. That in and of itself would destroy thousands of family-sustaining jobs across the Commonwealth. Beyond that, the power to tax is a function of the legislative branch, not the executive branch. It is dangerous precedent to tolerate the Governor unilaterally imposing a tax. This moratorium on confirmation of PUC nominees is a reminder to the Governor that Pennsylvania has three distinct and co-equal branches of government."

On October 3, 2019, Governor Wolf directed the Department of Environmental Resources (DEP) to join RGGI -- a collaboration of 11 Northeast and Mid-Atlantic states. The states (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Virginia) set a cap on total Carbon Dioxide (CO₂) emissions from electric power generators in their states. In order to comply, power

plants must purchase a credit or "allowance" for each ton of CO2 they emit.

If Pennsylvania joins RGGI, it would be the only major energy producing state in the compact and the resulting carbon tax on employers engaged in electric generation would devastate that industry and cost thousands of jobs.

Since the Governor's edict, three DEP advisory boards have rejected the proposal. Most recently (February 16) the Independent Regulatory Review Commission called for a one-year moratorium on its implementation and questioned the Governor's unilateral decision to join the compact without legislative approval.

In addition, the Legislature approved **House Bill 2025** <https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=H&type=B&bn=2025> in September 2020, which would have created the Pennsylvania Carbon Dioxide Cap and Trade Authorization Act; clarified that the Administration does not have the authority to unilaterally join RGGI; and, prohibited the DEP from joining RGGI without Legislative approval.

The Governor retained his unilateral power by vetoing the bill on September 24, 2020.

"Three DEP advisory panels have rejected the proposal, yet the Environmental Quality Board (EQB) still proceeded with developing regulations associated with RGGI. It is our understanding that the EQB plans to advance these regulations this summer, despite a clear constitutional requirement for involvement by the General Assembly," the Senators wrote in their letter. "In lieu of this subversion of the constitutional process, and short of arguing this in a judicial setting, we are presented with very few options to reinstitute proper checks and balances in this particular situation. Therefore, we will be exercising our legislative authority to reject all future PUC nominees until you withdraw your executive order related to Pennsylvania's inclusion in RGGI."

Click [here](https://pasen.wistia.com/medias/ui0id3hc14) for video of Senator Pittman's comments on the letter.

Click [here](https://av.pasenategop.com/pittman/2021/0421/rggi.mp3) for audio of Senator Pittman's comments on the letter.

A copy of the Senators' letter is available at: <https://www.pasenategop.com/wp-content/uploads/2021/04/PUC-letter-042121.pdf>.

Source: Senator Pittman Press Release, 4/23/2021

EQB Meeting Rescheduled

The Environmental Quality Board (Board) meeting scheduled for Tuesday, May 18, 2021, has been rescheduled. **The Board will now meet virtually on Wednesday, May 19, 2021**, beginning at 9 a.m. Individuals who wish to join the meeting may do so remotely.

Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board," then "2021 Meetings").

Individuals are encouraged to visit the Board's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the May 19, 2021, meeting can be directed to Laura Griffin at laurgriffi@pa.gov or (717) 783-8727.

Source: PA Bulletin, 4/24/2021

Gov. Wolf Announces PENNVEST Funding Program to Address PFAS Remediation

On April 22, 2021, Gov. Tom Wolf announced that the Pennsylvania Infrastructure Investment Authority (PENNVEST) board of directors has approved Pennsylvania's first funding program designed

specifically to assist communities in the remediation of per- and polyfluoroalkyl substances (PFAS), a potentially toxic contaminant found in water sources and systems throughout the Commonwealth.

The PENNVEST PFAS Remediation Program is designed as an annual funding opportunity to aid in the remediation and elimination of PFAS in water sources and systems. In use since the 1940s, PFAS chemicals have been utilized for a variety of applications, from home cookware to aircraft de-icing. While standard human health toxicity reference values are still in development, the U.S. Environmental Protection Agency (EPA) has stated that evidence exists that suggests that exposure to PFAS can lead to adverse health outcomes in humans.

"I was proud to sign the PFAS Action Team order in 2018, leading the nation in identifying and beginning the evaluation of these potentially toxic compounds," said Gov. Tom Wolf. "I vowed to provide the resources needed to protect the public from exposure to harmful drinking water, and today we're making good on that promise with the PENNVEST PFAS Remediation Program."

The application period for interested parties opens today and will close on May 3, 2021. For more details on how to apply and program eligibility, visit <https://www.pennvest.pa.gov/Pages/default.aspx>.

Source: Governor Wolf's Press Office, 4/22/2021

Governor Wolf Announces \$117 Million Investment in Water Infrastructure Projects in 19 Counties

On April 21, 2021, Governor Tom Wolf announced the investment of \$117 million for 25 drinking water, wastewater, and non-point source projects across 19 counties through the Pennsylvania Infrastructure Investment Authority (PENNVEST).

"This historic investment in Pennsylvania's clean water and healthy communities serves as a fitting celebration of Earth Week, when our country celebrates advances in environmental protection and committed stewardship of our lands and waters," said Governor Wolf. "Not only do the awards made in our communities strengthen our clean water facilities, but they also address legacy contaminants like lead and PFAS, which should never endanger the welfare of our children and families."

The funding for these projects originates from a combination of state funds approved by voters, Growing Greener, Marcellus Legacy funds, federal grants to PENNVEST from the Environmental Protection Agency, and recycled loan repayments from previous PENNVEST funding awards. Funds for these projects are disbursed after expenses for work are paid and receipts are submitted to PENNVEST for review.

In addition to continued improvements to drinking and wastewater facilities, PENNVEST utilized resources available under the U.S. Water Infrastructure Fund Transfer Act (WIFTA), signed into law in 2019, which allows for a transfer of funding to specifically address lead line replacements. PENNVEST also approved the implementation of a program created by Act 101 of 2019 to address per- and polyfluoroalkyl substances (PFAS), marking the first dedicated source of funding to combat these potentially toxic contaminants in the Commonwealth.

A list of project summaries follows:

Non-Point Source Projects

Lancaster County

- ***Lancaster County Conservation District* - received a \$708,183 loan to address animal waste storage and removal at a dairy farm, redirecting barnyard seepage and runoff from nearby tributaries. The project will eliminate approximately 4,408 pounds of sediment, 1,921 pounds of nitrogen and 6,719 pounds of phosphorus annually. Lycoming County
- *Old Lycoming Township* - received a \$388,757 loan to acquire a new vacuum street sweeper,

reducing sediment and debris runoff into nearby waterways. The acquisition and use of new equipment is anticipated to reduce runoff by 10%, eliminating approximately 100,000 pounds of sediment within the first permit cycle. The removal of sediment will also reduce nitrogen and phosphorus runoff in waterways of multiple municipalities.

Drinking Water Projects

Allegheny County

- **Municipal Authority of the City of New Kensington* - received a \$1,753,876 grant to replace approximately 326 lead service lines. The project will aid in the reduction of unaccounted-for water loss and reduce the possibility of lead-contaminated water for users.
- **Pittsburgh Water and Sewer Authority* - received a \$2,976,450 grant and a \$35,573,550 loan to replace approximately 25,000 feet of distribution piping and 592 lead service lines. The project will reduce water main breaks and eliminate lead exposure to 70,481 residential customers.
- **West View Water Authority* - received a \$6,600,000 grant to replace 500 lead services and associated infrastructure, totaling more than 20,000 feet of copper piping. The project will reduce the possibility of lead-contaminated water and provide customers with healthier water quality.
- **Wilkesburg-Penn Joint Water Authority* - received a \$9,330,720 grant to replace approximately 1,000 lead service lines, totaling 40,000 feet of piping. The project will improve water quality supplied to customers and eliminate the potential for lead contamination.

Beaver County

- **Municipal Water Authority of Aliquippa* - received a \$2,041,700 grant to replace 184 existing lead water service lines with copper water service lines. The project will address a Maximum Contaminant Level violation and satisfy a Pennsylvania Department of

Environmental Protection Consent Order and Agreement.

Cambria County

- **Carrolltown Borough Municipal Authority* - received a \$300,000 grant to replace approximately 520 individual service meters with lead-free magnetic meters, and replace flow control valves with lead-free valves. The project will reduce the possibility of lead-contaminated water and decrease unaccounted-for water loss.
- **Patton Municipal Authority* - received a \$600,000 grant to replace approximately 700 feet of cast iron pipe that has leaded joints, as well as 600 feet of service line. The project will support water loss efforts by replacing aged infrastructure and reduce the possibility of lead-contaminated water.

Clarion County

- **Knox Borough* - received a \$1,577,200 grant to replace 5,100 feet of existing cast iron water lines that contain lead components to improve service to 76 connections. The project will improve the system's water conservation by eliminating water line leaks and eliminate lead exposure to users.

Clearfield County

- **Falls Creek Borough Municipal Authority* - received a grant of \$1,400,000 to replace approximately 2,600 feet of lead water mains within the Main Street water distribution line with polyvinyl chloride piping. The project will reduce unaccounted-for water loss and eliminate lead exposure to the community.

Franklin County

- **Borough of Chambersburg* - received a \$3,299,828 grant to remove and replace up to 1,968 lead goosenecks, in addition to any lead or galvanized service lines encountered during the removal process. The process will reduce lead exposure to approximately 8,209 residential

customers and maintain compliance with federal lead and copper guidelines.

Huntingdon County

- **Mount Union Municipal Authority* - received a \$1,900,000 grant and a \$240,000 loan to replace approximately 2,060 residential and commercial meters, while also removing any lead or galvanized service lines encountered during removal. The project will improve the ability to monitor water usage and water loss more accurately while eliminating lead exposure to users.

Lancaster County

- **Columbia Water Company* - received a \$4,500,000 loan to construct two new intake screens with air burst and frazil ice protection systems, in addition to a new natural gas emergency/standby generator. The project will improve system intake, which is subject to clogging from frazil ice, and will replace equipment that has reached the end of useful life.

Lehigh County

- **City of Bethlehem* - received a \$2,875,000 grant to replace approximately 250 existing residential lead service lines for an estimated total of 12,500 feet of assumed lead materials. The project will reduce public exposure to lead in drinking water and improve reliability of service by replacing aged, failing water lines.

Potter County

- **Shinglehouse Borough* - received a \$1,078,785 grant to install a new iron and manganese filtration system for a back-up well water source. The project will reduce contaminants below maximum levels and improve water quality.

Schuylkill County

- **Borough of Schuylkill Haven* - received a \$529,645 grant to replace approximately 54

existing lead service lines, for an estimated total of 3,000 feet. The project will reduce public exposure to lead in drinking water and unaccounted-for water loss.

Venango County

- **General Authority of the City of Franklin* - received a \$914,602 grant to replace approximately 4,400 feet of lead piping, joints, and service laterals. The project will eliminate lead exposure in the water supply and reduce the potential risk of long-term health effects for users.

Westmoreland County

- **The Municipal Authority of the Borough of Derry* - received a \$2,896,669 grant to replace approximately 170 lead service lines, extending from the distribution main to residential property curb stops. The project will reduce the possibility of lead-contaminated water and replace aged distribution lines, aiding in the reduction of unaccounted-for water loss.

Wastewater Projects

Blair County

- *Duncansville Municipal Authority* - received an \$840,650 grant and a \$409,350 loan to repair a belt press facility and convert a sludge storage building into a rotary press facility with dewatering equipment. The project will address National Fire Protection Agency code requirements and improve a system that has reached the end of useful life.

Dauphin County

- ***Capital Region Water* - received a \$21,000,000 loan to rehabilitate and replace deteriorated sewer piping, while also installing a new stormwater system throughout the service area. The project will reduce raw sewage overflows and resulting exposure to the public, while also addressing combined sewer stormwater systems affecting the Susquehanna River.

- *Londonderry Township* - received a \$100,479 grant and a \$499,521 loan to install 4,425 feet of sanitary sewer main, with associated valves and cleanout assemblies. The project will replace septic systems that have failed, are failing, or are suspected failures.

Erie County

- *****Summit Township Sewer Authority*** - received a \$2,500,000 loan to replace an existing pump station on Oliver Road, increasing design capacity from 180 to 800 gallons-per-minute. The project will address a Corrective Action Plan and allow for new connections to the existing wastewater system, while also reducing untreated or inadequately-treated discharges into local waterways draining into Elk Creek and Lake Erie.

Fayette County

- *Masontown Municipal Authority* - received an \$8,345,355 grant and a \$1,214,259 loan to eliminate over 50,000 feet of existing vitrified clay pipe, which has been identified as an infiltration source or as unserviceable. The project will eliminate wet weather overflows and diminish adverse impacts on aquatic life in tributaries of the Monongahela River.

Northumberland County

- *Lewis Township* - received a \$1,002,000 loan to establish public sewer service for homes in the area of Schell Road and Koch Road, including installation of 1,443 feet of gravity sewer main and 3,700 feet of high-density force mains. The project will eliminate malfunctioning onlot disposal systems and threats to public health resulting from those systems.

* denotes projects that are funded with Drinking Water State Revolving Funds

** denotes projects that are funded with Clean Water State Revolving Funds

Source: Governor Wolf's Press Office, 4/21/2021

More than 130 New Projects Will Improve Infrastructure, Enhance Community Development, and Protect Environment

On April 21, 2021, Secretary of the Department of Community and Economic Development Dennis Davin announced 135 new project approvals through the Commonwealth Financing Authority (CFA) for environmental and infrastructure projects in counties across Pennsylvania.

"This funding supports projects that will enhance the quality of life for Pennsylvanians in neighborhoods across the state, improving recreational spaces and boosting critical environmental and infrastructural upgrades-reinforcing safety and remediation efforts that can transform community spaces," said Sec. Davin.

The 135 Act 13 projects approved today are in 38 counties. The total funding amount is more than \$15 million.

The projects are designated for specific initiatives specific initiatives as follows:

- **Flood Mitigation:** 16 projects approved; \$2,514,222
- **Greenways, Trails and Recreation:** 99 projects approved; \$10,872,638 total
- **Sewage Facilities:** Two projects approved; \$33,244 total
- **Orphan or Abandoned Well Plugging:** One project approved; \$500,000 total
- **Watershed Restoration and Protection:** 17 projects approved; \$1,713,268 total

A complete list of Act 13 projects approved at today's CFA meeting can be found **here** <https://dced.pa.gov/download/Approved%20Projects%202019-04-21%20%E2%80%93%20Act%2013%20Programs/?wpdmdl=67196> highlighted in pale yellow.

More information about the Commonwealth Financing Authority can be found on the **SCED website** <https://dced.pa.gov/programs-funding/commonwealth-financing-authority-cfa/>.

Source: DCNR Press Release, 4/21/2021

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