



GOVERNMENT RELATIONS

UPDATE

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**Berks County
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Pennsylvania Farm Bureau, Chesapeake Bay Foundation Endorse Senator Yaw’s Ag Conservation Bill

During a news conference on March 26, 2021 at Flinchbaugh’s Orchard & Farm Market in Hellam Township, York County, Pennsylvania Farm Bureau (PFB) and the Chesapeake Bay Foundation voiced support for **Senate Bill 465**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=S&type=B&bn=0465>, legislation sponsored by state Sen. Gene Yaw (R-23). The legislation would create a new Agricultural Conservation Assistance Program (ACAP), providing funding and technical support to expand on-farm conservation practices throughout Pennsylvania, including high-priority areas such as the Chesapeake Bay Watershed.

“Agriculture is looked to for significant reductions to meet pollution reduction goals for the

Chesapeake Bay and other major watersheds in the state,” Senator Yaw said. “Unfortunately, almost one-third of our commonwealth’s streams do not meet standards for drinking, fishing or recreation, and agriculture remains one of the largest sources of impairment. To meet the challenges, I have again introduced legislation to establish an Agricultural Conservation Assistance Program.”

Senator Yaw was joined at the news conference by PFB President Rick Ebert; Shannon Gority, Executive Director of the Chesapeake Bay Foundation’s Pennsylvania office; and host farmer Andrew Flinchbaugh, who is a leader in farm conservation work and was one of several farmers who helped advise the development of Pennsylvania’s plan to meet federally mandated goals for reducing nutrient and sediment pollution in the Chesapeake Bay by 2025.

“As stewards of the land, Pennsylvania farmers know that protecting the environment and natural resources is vital to the success and future of our farms and communities,” said Ebert, a farmer from Westmoreland County. “Farmers in the Keystone State have been leaders in implementing practices

to improve water quality, but we know there is more to be done. Many of the investments needed are too costly for farms to afford on our own, especially in a difficult farm economy. Senate Bill 465 would provide much needed support for farmers to work with our conservation partners to grow our conservation efforts.”

“We haven’t met a farmer that didn’t want to leave the farm better than when they found it. Increasingly, farmers want conservation to be part of their legacy,” Gority said. “We all want agriculture to succeed, and farmers can succeed with the right amount of resources and technical assistance to finish the job. Our economy, health, heritage, and quality of life depend on it.”

The proposed ACAP would work similarly to the State Conservation Commission’s Dirt and Gravel Roads program. Funding would be distributed to county conservation districts throughout the commonwealth using a formula that benefits all parts of the state while directing additional resources to areas with the greatest opportunity for improvement. Conservation districts would then partner with farmers and landowners in their communities to complete the conservation projects that make the most sense locally. **The bill allows the program’s funding to come from multiple sources, including federal and state dollars and private investment.**

“The strategies I use to protect water quality on my farm in the Ohio River Watershed aren’t necessarily the same practices that would be most beneficial here in the Chesapeake Bay Watershed,” Ebert continued. “The ACAP puts decision making in the hands of the people who know best which conservation practices would have the most benefit in their communities: Local farmers and conservation leaders. This locally focused approach will help ensure that our state’s investments in water quality will be as effective as possible.”

Source: Senator Yaw Press Release, 4/26/2021

Struzzi Bills Allow Improved Stormwater Management at Local Levels

State Rep. Jim Struzzi (R-Indiana) has introduced legislation that would restructure the way municipalities handle stormwater management, resulting in increased efficiency and less of a burden being placed on taxpayers.

"Effective, quality, infrastructure is the foundation of our communities," said Struzzi, who worked with Indiana Borough officials to move this legislation forward. "Unfortunately, current law ties the hands of many of our local governments when it comes to stormwater management.

"We have seen increased issues with storm water in our local communities resulting in property damage and decreased home values. This legislation is critical in allowing local governments more flexibility in addressing these key infrastructure needs."

House Bill 1287

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=H&type=B&bn=1287> and **House Bill 1288**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=H&type=B&bn=1288> would amend the Third Class Cities Code, Borough Code, First Class Township Code and Incorporated Towns Act to allow local governments to plan, design and construct storm water management systems and direct surface water runoff through municipalities. This legislation would also help municipalities across the state to better deal with the increasing number of storm water regulations imposed by the Pennsylvania Department of Environmental Protection and the Environmental Protection Agency.

This would also save money for these municipalities by allowing them to address these issues without needing to create a storm water management authority. Second-class townships already have this ability.

"When it comes to regulatory atmosphere, Pennsylvania is noted for placing hurdle after hurdle in front of progress," added Struzzi. "This legislation will help municipalities across the state better deal with the increasing number of storm

water regulations, in addition to saving money for these municipalities, many of which were struggling prior to the COVID-19 pandemic.

"Tax dollars pay for these public projects, and taxpayers work hard for their money. We are charged with being fiscal stewards of those dollars, and my legislation helps us carry out that responsibility."

With these bills, Struzzi is continuing the work of now-retired state Rep. Garth Everett, who introduced similar legislation in previous sessions but was not able to see them advance.

Questions about this or any state government issue should be directed to Struzzi's Indiana district office at 1-724-465-0220.

Source: Rep. Struzzi Press Release, 4/27/2021

DEP Announces Four Northeast Counties Begin Countywide Action Plans to Improve Water Quality in Communities

Local groups invited to participate

The Pennsylvania Department of Environmental Protection (DEP) announced that Lackawanna, Luzerne, Schuylkill, and Susquehanna counties have taken the first significant step to improving the health of local waterways. The counties, with the assistance of DEP, are creating Countywide Action Plans (CAP) to identify projects that will reduce nutrient and sediment pollution in the Susquehanna River and its tributaries and are looking for local groups to get involved.

The effort is part of the state-coordinated **Phase 3 Watershed Implementation Plan** [https://www.dep.pa.gov/Business/Water/Pennsylvania%E2%80%99s%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-\(Watershed-Implementation-Plans\).aspx](https://www.dep.pa.gov/Business/Water/Pennsylvania%E2%80%99s%20Chesapeake%20Bay%20Program%20Office/WIP3/Pages/Phase-III-WIP-(Watershed-Implementation-Plans).aspx) to improve water quality to benefit local communities,

economy, and quality of life in Pennsylvania's share of the Chesapeake Bay Watershed, while meeting U.S. Environmental Protection Agency pollution reduction requirements for the bay.

"The CAPs provide counties with the data and planning resources they need to identify projects that will help advance local community and economic development goals, while reducing pollution in the Susquehanna and other local waters," said DEP Secretary Patrick McDonnell.

The CAPs are designed to, among many things, identify best management practice (BMP) projects in each county that can decrease the levels of nitrogen and phosphorous, two leading sources of pollution, in local waterways. Some of those projects could include stream bank and floodplain restoration, streamside tree plantings, culvert replacement, streambank fencing, and many others. They also provide farmers with tools to implement BMPs on their properties, in particular, effective management of manure, another source of pollution in waterways. Cover crops, soil and water conservation planning, and agriculture erosion and sediment control are among many others.

County participation in the CAPs is voluntary and the plans will be administered by county conservation districts. Lackawanna, Luzerne, Schuylkill, and Susquehanna counties join 30 others in Pennsylvania's share of the watershed developing CAPs. Eight counties have completed their plans and begun implementing projects.

Community engagement is an important aspect in implementing effective CAPs, so each county is in the process of engaging stakeholders in the effort to improve local waterways. If any environmental or watershed groups are interested, they can contact their local county conservation district.

Lackawanna, Luzerne, and Susquehanna joined together to hire the consulting firm Larson Design Group out of Lititz to create and implement their CAPs. Larson will create separate plans specific to the needs of each county. Schuylkill County hired LandStudies, Inc., also out of Lititz, to create and manage its plan. The consultants' work was funded by Environmental Stewardship Fund grants from DEP.

Pennsylvania made record progress in 2019-2020 in the watershed <https://wwwahs.dep.pa.gov/NewsRoomPublic/SearchResults.aspx?id=21916&typeid=1>, achieving its sixth largest annual phosphorus reduction. Wastewater treatment plants contributed 61 percent, their second largest annual phosphorus reduction in 35 years.

Farms contributed 25 percent of the nitrogen reduction and 32 percent of the phosphorus reduction, which is their largest annual phosphorus reduction since 2010. Better accounting of implementation of nutrient and sediment reducing practices, such as the state-required agricultural erosion and sediment control and nutrient and manure management plans, was one contributing factor.

The four northeast counties are planning on carrying out their CAPs in September.

Source: DEP Press Release, 4/26/2021

DEP Announces Twelve Northcentral Counties Begin Countywide Action Plans to Improve Water Quality in Communities

Local groups invited to participate

The Pennsylvania Department of Environmental Protection (DEP) announced that twelve counties in DEP's Northcentral Region have taken the first significant step to improving the health of local waterways. The counties, with the assistance of DEP, are creating Countywide Action Plans (CAP) to identify projects that will reduce nutrient and sediment pollution in the Susquehanna River and its tributaries and are looking for local groups to get involved.

The effort is part of the state-coordinated **Phase 3 Watershed Implementation Plan** <https://www.dep.pa.gov/Business/Water/Pennsylvania%20Chesapeake%20Bay%20Prog>

[ram%20Office/WIP3/Pages/Phase-III-WIP-\(Watershed-Implementation-Plans\).aspx](https://www.dep.pa.gov/Business/Water/Planning/Conservation/CountyConservationDistricts/Pages/default.aspx) to improve water quality to benefit local communities, economy, and quality of life in Pennsylvania's share of the Chesapeake Bay Watershed, while meeting U.S. Environmental Protection Agency pollution reduction requirements for the Bay.

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County participation in the CAPs is voluntary and the plans are being administered by county conservation districts and county planning departments. All counties in Pennsylvania's share of the Chesapeake Bay Watershed, with the exception of those with minimal pollutant loadings, opted into developing CAPs. Eight counties have already completed their plans during an earlier planning phase and have begun implementing projects.

Community engagement is an important aspect in implementing effective CAPs, so each county is in the process of engaging stakeholders in the effort to improve local waterways. Any environmental or watershed organizations, educational institutions, and county residents who are interested should contact their **county conservation district** <https://www.dep.pa.gov/Business/Water/Planning/Conservation/CountyConservationDistricts/Pages/default.aspx> for more information.

The twelve participating **Northcentral Region counties** <https://www.dep.pa.gov/About/Regional/Pages/Office-Locations.aspx> are: Bradford, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, and Union. Also within DEP's Northcentral Region, Centre County has already completed its plan under an earlier phase, and Cameron County did not need to complete a plan because its pollutant loadings within the Chesapeake Bay Watershed are minimal.

The twelve counties have partnered together in groups of two and three to share resources, including Environmental Stewardship Fund grants from DEP, which were made available to support county staff and/or consultant assistance to develop the plans.

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Farms contributed 25 percent of the nitrogen reduction and 32 percent of the phosphorus reduction, which is their largest annual phosphorus reduction since 2010. Better accounting of implementation of nutrient and sediment reducing practices, such as the state-required agricultural erosion and sediment control and nutrient and manure management plans, was one contributing factor.

The 12 Northcentral counties will begin implementing their completed CAPs in September.

Source: DEP Press Release, 4/27/2021

Senate committee approves regulatory relief package

Part of effort to prioritize Pennsylvania small businesses

The Senate Intergovernmental Operations Committee approved legislation that would remove bureaucratic red tape, increase transparency, and provide for legislative input over the state's regulatory process in Pennsylvania, according to the bills' sponsor, Senator Kristin Phillips-Hill (R-28).

"We have seen several regulations eliminated over the last year to get more front-line workers to help in the pandemic," Phillips-Hill said. "This package of bills would help streamline the regulatory process in Pennsylvania to help our non-profits, small businesses, education community, local governments and health care providers."

Senate Bill 28

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=S&type=B&bn=0028> would require all state agencies that issue permits to increase transparency by requiring agencies to post information about the permits that they grant on their publicly accessible website. State agencies would also be required to create an accessible tracking system for applicants to check the status of their applications and to clearly state the legal authority that the agency relies on when rejecting a permit application.

The tracking system shall include processing time, dates of each permit, completeness review, technical review, elevated review, and an estimated time remaining for each incomplete phase of the permit approval process, as well as a contact person assigned to answer questions about the application process.

Senate Bill 32

<https://www.legis.state.pa.us/cfdocs/billinfo/billinfo.cfm?syear=2021&sind=0&body=S&type=B&bn=32> represents a sweeping change to the state's approach to regulations.

The senator's bill would establish the Independent Office of the Repealer within the Independent Regulatory Review Commission to review regulations, receive and process recommendations, evaluate the merits of recommendations in accordance with decision rules and quantitative and qualitative criteria, and make recommendations to the General Assembly and the

Governor and Executive agencies for repeal, modification, or revision. The bill would also require that for every new regulation added, two regulations must be repealed. This office would be repealed in 2027.

"We have seen major successes in a one-in, two-out model in other states and nations," Phillips-Hill said. "By providing a six-year window to review and address our over-regulation, this independent office can fulfill its mission by cutting down on bureaucratic red tape in Pennsylvania. States like North Carolina, which gained enough population to pick up another congressional seat, should be a model Pennsylvania could follow if we want to grow our economy and opportunity in this Commonwealth."

The bill would also give the duly elected members of the General Assembly more ability to weigh in on regulations.

Under Phillips-Hill's bill, the General Assembly would be required to vote on a concurrent resolution to approve an economically significant regulation, in order for that regulation to go into effect. An economically significant regulation is defined as an impact on the state, municipalities, and/or the business community of \$1 million or more per year.

The General Assembly would also have the ability to initiate the repeal of any regulation in effect in Pennsylvania by a concurrent resolution.

The bill would also require each agency to designate an employee as the agency's regulatory compliance officer to be available to the regulated community, as well as require each agency to post information about the permits that they grant on their website, which is also incorporated in Senate Bill 28.

Senate Bill 32 is part of the "**Prioritize Pennsylvania: Small Businesses**" <https://senatorkristin.com/prioritize-pa/> initiative unveiled last month by Phillips-Hill, as well as Senators Ryan P. Aument (R-36), Camera Bartolotta (R-46), Judy Ward (R-30).

The package of bills includes immediate financial and tax relief for smaller employers and

regulatory reforms to reduce burdens on small businesses.

"As we rebuild our small business community after the devastating blow it suffered from the pandemic, cutting red tape will be a critical component of that restoration effort," said Aument. "Senator Phillips-Hill's comprehensive regulatory reform legislation will clear the way for small business owners to focus on what really matters - managing and growing their business."

"One of the many ways that we can support the backbone of our economy is to eliminate the unnecessary regulations which all too often burden our small business community," said Bartolotta. "That's why I was pleased to support the passage of Senate Bill 32 in committee because it takes that important step by removing such hurdles. Together, this legislation and the other bills which are part of our Prioritize PA package will provide the kind of relief and reform small employers need to level the playing field and help them rebuild and recover following the pandemic."

"Onerous state rules stifle employers and their ability to develop their businesses as they see fit," Ward said. "This legislation takes common-sense steps to eliminate these regulations and create an environment for job creation and economic growth in our communities. I hope this bill along with other portions of our Prioritize Pennsylvania plan continue to make progress toward the governor's desk."

Both bills move the full Senate for their consideration.

Source: Senator Phillips-Hill Press Release, 4/27/2021

PUC Offers Spring Storm Safety Tips

Residents Reminded to Report Outages, Use Caution During Severe Weather and Give Utility Crews Room to Work

As weather forecasters caution about the threat of spring thunderstorms and extremely high wind gusts across much of the Commonwealth, the Pennsylvania Public Utility Commission (PUC) reminds households of the steps they can take to prepare for, and recover safely from, storm-related power outages.

"Heavy spring rain and high winds can bring down trees, branches and wires, disrupting utility service," said PUC Chairman Gladys Brown Dutrieuille. "Time spent on planning and preparing before a storm can go a long way toward keeping you and your family safe when severe weather hits."

Additionally, the PUC cautions residents to give utility crews ample room to perform their repair work - for your protection as well as theirs - and to use extra care when traveling, watching for utility crews working along streets and roads and slowing down in work areas.

Storm Preparation Tips

The PUC encourages residents to consider the following tips before storm strikes:

- **Know Your Utility Hotlines** - Write down, print or save toll-free outage hotlines for your **electric utility** <https://www.puc.pa.gov/electricity/electric-companies-suppliers/> and/or your **natural gas utility** <https://www.puc.pa.gov/natural-gas/natural-gas-companies-suppliers/>, which are listed on your monthly bills and posted on the PUC website.
- **Save Utility Website Address** - Your utility's outage reporting system can provide updates on repair and restoration efforts. Bookmark these **electric utility outage sites** <https://www.puc.pa.gov/electricity/electric-companies-suppliers/> and **natural gas company websites** <https://www.puc.pa.gov/natural-gas/natural-gas-companies-suppliers/>.
- **Keep Your Cell Phone Charged** - A well-charged phone will keep you in contact with your utility, other emergency services and family members during any power outage.

- **Secure Supplies** - Keep necessary food, medicine and other supplies on-hand, including batteries for flashlights.

Power Outage Tips

Should you lose power during a storm, keep the following points in mind:

- **Call Your Utility Hotline** <https://www.puc.pa.gov/electricity/electric-companies-suppliers/> to Report Outages - Do not assume that the utility already knows about your outage or that others have already called.
- **Keep Clear of Wires** - Do NOT touch or approach any fallen lines.
 - Stay Away from Objects or Puddles in contact with downed power lines.
 - Do **NOT** Try to Remove Trees or Limbs from power lines.
- **Pre-Charge Cellular Phones** or keep a portable cell phone charger on hand. Plan to use a corded phone, cordless phones will not work without electricity.
- **Do NOT Call 9-1-1 to Report Power Outages** - report those to your utility. Calling 9-1-1 to report non-emergency issues like service outages can take resources away from other emergencies.
 - **SPECIAL NOTE:** If you see a downed power line, immediately call your electric utility and/or 9-1-1.

Safety While Waiting for Power to be Restored

Households should consider the following tips to help stay safe until power is restored:

- **Use Flashlights or Battery-Operated Lanterns for emergency lighting.** Do not use candles or other potential fire hazards.
- **Turn Off Lights and Electrical Appliances** except for the refrigerator and freezer. When

power comes back on, it may come back with momentary "surges" or "spikes" that can damage equipment.

- **Leave One Light On** - After you turn the lights off, turn one lamp on so you will know when power is restored. Wait at least 15 minutes after power is restored before turning on other appliances.
- **Use Generators Safely** - If you use a generator, do *NOT* run it inside a home or garage or anywhere close to a window or vent. Also, connect the equipment you want to operate directly to the outlets on the generator, not your home's electrical system, which could shock or injure utility crews working on nearby power lines. *Additional generator tips are available [here](https://www.puc.pa.gov/General/consumer_ed/pdf/Portable_Generator_FS.pdf)*
- **Check on Elderly Neighbors and those with special needs** who might need additional assistance.

Natural Gas Safety Tips

Consumers using natural gas appliances can also be impacted by storms:

- **Check Gas Appliances** - Electric power outages can affect home appliances that operate on natural gas. If they do not function properly when power is restored, call a professional for service.
- **Evacuate if You Smell Natural Gas** - Get everyone out of the building immediately.
- **Leave the Door Open and Do NOT Use Phones**; do *NOT* switch lights or appliances on or off; and do *NOT* take any other action while inside the building.
- **Call 9-1-1 from a safe location** - After you are safely outside, call 9-1-1 from your cell phone or neighbor's home.

During storm emergencies, the PUC continuously monitors utility issues and works closely with the Governor's Office and the other state agencies involved in Pennsylvania's coordinated storm response. Across the state, there is extensive behind-the-scenes work when storms are forecast, focused on quickly addressing problems and restoring service as rapidly as possible. Utilities are putting their severe weather plans into motion; crews and equipment are being positioned for quick response to outages; and communication with emergency management coordinators is enhanced.

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 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, 4/29/2021

Damage Prevention Committee Actions Announced Against Underground Facility Owners, Excavators and Project Owners

A total of 103 disciplinary actions, including \$44,750 in administrative penalties, have been taken against 48 underground facility

owners, excavators and project owners in the latest enforcement actions by the Public Utility Commission's (PUC's) Damage Prevention Committee (DPC). These actions were taken during the **DPC's April 2021 meeting** https://www.puc.pa.gov/media/1469/dpc_case_summaries041321.pdf.

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/damage-prevention-committee/> taken at monthly DPC meetings are available on the PUC's website. Creation of the committee was authorized by Act 50 of 2017, 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, 4/30/2021

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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.