

GOVERNMENT RELATIONS

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

**Berks County
Water & Sewer
ASSOCIATION**

May 31, 2021 – Issue 160

Sen. Brooks Bill to Re-Examine Costly Regulations Passes Senate

State Senator Michele Brooks' legislation to reduce the burden of costly regulations has passed the Senate.

Under Senate Bill 126

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=s&type=b&bn=126>, regulations with an economic impact or cost to the Commonwealth, to its political subdivisions, and to the private sector exceeding \$1 million annually would be reviewed for their need, effectiveness and efficiency three years after implementation.

This one-time, automatic review would help protect businesses, non-profits, educational institutions, and individuals from costly, burdensome regulations and hold state regulators accountable, Brooks said.

"This legislation upholds important constitutional checks and balances by ensuring that executive branch actions follow legislative intent and are having the desired effect without placing steep costs and administrative demands on farmers, businesses, nonprofits and, ultimately, taxpayers," Brooks said. "Too often, regulations have unintended consequences that impede growth."

In addition to Senate Bill 126, the Senate approved these other regulatory reform measures:

Senate Bill 28

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=S&type=B&bn=0028> - Ensures transparency in permitting. The bill would require all agencies that issue permits to post information about the permits on an accessible tracking system for applicants to check the status of their applications.

Senate Bill 426

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=s&type=b&bn=426> - Provides additional legislative oversight of the regulatory review process. The goal of the legislation is to ensure state agencies are

implementing the law and not trying to make the laws themselves.

Senate Bill 520

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=s&type=b&bn=520> - Requires the General Assembly to approve all regulations with an economic impact or cost to the Commonwealth, local governments and the private sector exceeding \$1 million.

The regulatory reform bills were sent to the House of Representatives for consideration.

"I consistently hear that overly prescriptive regulations and mandates create undue burdens on our farmers, local governments, and business owners. This legislation is an important step in identifying and rolling back bureaucratic red tape that stifles our agriculture industry, communities, and job growth," Brooks said. "By loosening the grip of government, we can free innovators and investors and cultivate growth and new jobs."

Source: Senator Brooks Press Release, 5/26/2021

House Approves Klunk's Regulation Review Legislation

On May 24, 2021, the House moved forward with reviewing the merits of regulations when it approved **House Bill 939**, it's prime sponsor, Rep. Kate Klunk (R-Hanover), announced.

"At the start of the pandemic, the Wolf administration suspended numerous regulations to improve the flow of goods to residents," Klunk said. "This clearly shows businesses and residents can act safely and responsibly without some of the more than 153,000 regulations currently on the books. If we can do without certain regulations during the time of a crisis, surely we can do it during more normal times."

Currently, there is no legislative authority providing for an independent, regular and systematic review of existing statutes and regulations. Klunk's **House Bill 939**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=H&type=B&bn=0939> provides for an effective process to review obsolete regulations on the books.

Specifically, Klunk's legislation would create the Independent Office of the Repealer, which would be tasked with the systematic evaluation of existing regulations, some of which have been on the books for decades, to ensure they are still relevant. This would give public educators, business, government entities and others a chance to submit recommendations during the review process.

"House Republicans have been working hard to identify and clean up outdated laws that no longer serve a purpose," Klunk said. "This is an extension of that process. We must work to ensure our code books are easier to navigate, and growth is not hindered by antiquated regulations. This bill will help to do that."

The bill now goes to the Senate for consideration.

Source: Representative Kate A. Klunk Press Release, 5/24/2021

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

A total of 102 disciplinary actions, including \$34,750 in administrative penalties, have been taken against 52 underground facility owners, excavators and project owners in the **latest enforcement actions**

https://www.puc.pa.gov/media/1516/dpc_case_summaries051121.pdf by the Public Utility Commission's (PUC's) Damage Prevention Committee (DPC). These actions were taken during the **DPC's May 2021 meeting** https://www.puc.pa.gov/media/1470/dpc_agenda_051121pdf.

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.palcall.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, 5/25/2021

EPA Provides \$7.25 Million for 'Most Effective' Cleanup Actions in Chesapeake Bay Watershed

Agriculture, Environmental Justice Areas Targeted for Funding

On May 27, 2021, the U.S. Environmental Protection Agency today announced that six states and the District of Columbia will share \$7.25 million for actions to improve local rivers and streams in locations most beneficial to the downstream Chesapeake Bay.

The funds include a second year appropriation of \$6 million for cleanup actions in the most effective basins (MEB) of the Bay watershed – areas where projects to reduce runoff from farm operations will yield the greatest progress toward achieving water quality standards in the Bay.

The additional \$1.25 million is being designated for environmental justice areas within those most effective basins.

“We at EPA are committed to doing all we can to help our state partners reach their Bay cleanup goals and to ensure that underserved areas share in that effort,” said EPA Mid-Atlantic Acting Regional Administrator Diana Esher.

For the second consecutive year, EPA’s Chesapeake Bay Program budget received \$6 million for “state-based implementation in the most effective basins.” EPA identified those basins based on a finding that reducing excess nitrogen from agricultural sources would have the most impact on key areas of the Bay at the least cost.

As in 2020, the funding allocations reflect commitments to reduce farm-based pollutants made by the states in their most recent Bay cleanup plans. Pennsylvania, whose Phase III Watershed Implementation Plan anticipates 61.6 percent of its nitrogen reductions to come from agriculture, has 26 of the top 30 most effective basins, including all of the top 15.

EPA is focusing the additional \$1.25 million in areas identified as being most effective for improving water quality while targeting underrepresented communities. The funds will be allocated based on the formula used for the annual Chesapeake Bay Implementation Grants (CBIG) – 20 percent shares to Maryland, Pennsylvania and Virginia, and 10 percent shares to the District of Columbia, Delaware, New York and West Virginia.

For more information, visit www.epa.gov/chesapeake-bay-tmdl.

Source: EPA Press Release, 5/27/2021

Emergency Rental Assistance Program (ERAP) Now Accepting Applications

The Emergency Rental Assistance Program (ERAP) is now taking applications. This program can help renters who are behind on rental or utility payments and landlords with tenants in this situation to pay these bills so their housing is not jeopardized.

Pennsylvanians can apply online through COMPASS.

For more information, visit: <https://www.dhs.pa.gov/ERAP/Pages/ERAP.aspx>.

Source: Senator Mensch Newsletter, 5/28/2021

#####

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.