

GOVERNMENT RELATIONS

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**Berks County
Water & Sewer
ASSOCIATION**

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Senate Environmental Resources and Energy Committee Approves Bills on Solar and Wind Projects, PFAS Safeguards, Clean Streams Law

On June 15, 2021, the Senate Environmental Resources and Energy Committee approved three bills sponsored by committee chairman Sen. Gene Yaw (R-23).

Senate Bill 284

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=S&type=B&bn=0284> requires the Environmental Quality Board to establish bonding requirements for project developers who seek to install or operate commercial wind or solar electric generation and other renewable energy facilities in Pennsylvania.

"While wind and solar may use renewable energy sources to generate electricity, the components they utilize to do so are not renewable. Often, they include rare earth metals and other hazardous materials which pose environmental or public health hazards if not handled appropriately," Yaw said. "Wind and solar facilities have a finite life span, and many across the United States are coming to the end of their useful life. Establishing reasonable bonding amounts will help to address challenges as to how to properly decommission a site or handle associated waste."

Senate Bill 302

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=S&type=B&bn=0302> restricts the use of Class B firefighting foams containing per- and polyfluoroalkyl substances (PFAS) for training and testing, while allowing continued sale and use against real-world fires.

"PFAS chemicals are used for firefighting because of their ability to produce a fast-spreading foam. However, the foam can seep into groundwater and contaminate drinking water sources and its use should be limited," Yaw said.

Senate Bill 545

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=S&type=B&bn=0545> amends the Clean Streams Law to address accidental discharges or spills of substances that enter or may enter Pennsylvania waters.

"The state Department of Environmental Protection currently requires it be notified of all unauthorized spills of any substance, even when the quantity is very small and poses no risk of harm to persons or the environment," Yaw said. "As confirmed by decisions of Pennsylvania courts, the purpose of the Clean Streams Law is to regulate and control potentially harmful discharges, not to impose an impractical and unnecessary requirement on every business and individual in the Commonwealth to report every drop spilled at their facilities or homes."

The bills will be sent to the full Senate for consideration.

For more state-related news and information visit Senator Yaw's website at <http://www.senatorgeneyaw.com/> or on Facebook and Twitter @SenatorGeneYaw.

Source: Senator Yaw Press Release, 6/15/2021

PUC Seeks Comment on Proposed Procedures and Filing Requirements for Utilities Using Fully Projected Future Test Years

Establishes a 90-Day Public Comment Period Following a Series of Meetings between the PUC and Stakeholders in 2018 and 2019

On June 17, 2021, the Pennsylvania Public Utility Commission (PUC) approved a **Notice of Proposed Rulemaking Order** <https://www.puc.pa.gov/pcdocs/1708117.docx> requesting comments on proposed procedures and filing requirements for utilities that use a Fully

Projected Future Test Year (FPFTY) in base rate cases.

The Commission voted 4-0 to solicit comments on potential new FPFTY procedures and filing requirements for utility use in base rate proceedings. The PUC first entered an **Advanced Notice of Proposed Rulemaking Order** <https://www.puc.pa.gov/pcdocs/1547817.docx> on Dec. 22, 2017, that led to several meetings between PUC staff and stakeholders during 2018 and 2019. The last meeting was held on Oct. 30, 2019.

Under Act 11 of 2012 (Act 11), as part of base rate cases, utilities may now employ a FPFTY to project items such as revenues, operating expenses, and capital expenditures throughout a 12-month period beginning with the first month that new rates would be in effect.

The Commission has established a 90-day comment period. Interested parties may submit written comments, via the **Commission's electronic filing system** <https://www.puc.pa.gov/filing-resources/efiling/>, referencing Docket No L-2012-2317273 within 45 days of publication in the **Pennsylvania Bulletin** <https://www.pacodeandbulletin.gov/>, and may file written reply comments within 45 days of the deadline for comments. An eFiling account may be opened and used through the **Commission's website** <https://efiling.puc.pa.gov/>.

NOTE: Comments containing confidential or proprietary information should not be eFiled - but instead be clearly marked as such and mailed to Commission Secretary Rosemary Chiavetta at rchiavetta@pa.gov.

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 things utility. "Like" Pennsylvania Public Utility Commission on Facebook for easy access to information on utility issues.

Docket No.: **L-2012-2317273**
<https://www.puc.pa.gov/search/document-search/?DocketNumber=L-2012->

[2317273&ufprt=A5FDB98D11998AC5649F4FAD54674A2A99296E4B6644263E0DF1177FB27DA A679F5B2DF7374F3B0B7C9577B7B9B937284542AB84A1371921C29C531A5C707ADFEAB5642B3CF7BD87EC212680AB92A294CFB90F8407B89329DEDB9495B36EC36340012FF30977FAF5892A541699CFD685186555246BC13F9A767A28E339ADBDF8A8009458065CF0DFB3BF42EF0C78DBFF86EF897F9EB3BB4683AA6C3507D0DA5179EB42FB20F4B3E669DA08F198DC057176BD98D07577AB330C32CCF41D55757FA#search-results](https://www.pucpa.gov/pcdocs/1707951.pdf)

Source: PUC Press Release, 6/17/2021

PUC Announces Appointments to Consumer Advisory Council

*The Council Advises PUC Commissioners on
Matters Related to the Protection of Consumer
Interests Under PUC Jurisdiction*

On June 17, 2021, the Pennsylvania Public Utility Commission (PUC) announced a series of appointments to its **Consumer Advisory Council** <https://www.pucpa.gov/pcdocs/1707951.pdf> (CAC), which provides input to the PUC on issues important to utility customers. Today's appointees will serve on the CAC through June 30, 2023.

New CAC members appointed by the Commission include:

- **Ray Landis, of Harrisburg**, is a retired, former Advocacy Manager for AARP Pennsylvania. Landis retired from AARP in 2019 after working for the organization since 1996. Prior to his work at AARP, Landis served on the Congressional staff of U.S. Rep. John Murtha of Pennsylvania. A native of York, he is currently a columnist for the Pennsylvania Capital-Star, writing about issues impacting consumers, particularly older Pennsylvanians.
- **Elizabeth "Liz" R. Marx, of Harrisburg**, is Executive Director of the Pennsylvania Utility Law Project (PULP) - which provides information, assistance and advice about

residential utility and energy matters affecting low-income consumers. Prior to joining PULP, Marx worked as a staff attorney at the Pennsylvania Coalition Against Domestic Violence. A graduate of Temple University and the Widener School of Law, Marx currently chairs Pennsylvania's Low-Income Home Energy Assistance Program (LIHEAP) Advisory Committee and serves on a statewide Weatherization Assistance Program Policy Advisory Committee.

- **Eileen Mazza, of Eighty Four, Washington County**, is a retiree from Columbia Gas of Ohio, where she was a plant supervisor in charge of the fleet and warehouse and eventually rose to Director of General Services for their Northern Ohio Region. With 20 years of experience in the gas distribution industry, Mazza has been a member of AARP's Consumer Issues Task Force since 2007 and has given presentations to various groups on issues such as "Frauds and Scams," "It's Your Money" and "Health Care Frauds."

Additionally, the PUC reappointed the following "at-large" CAC members:

- **Mary Bach, of Murrysville, Westmoreland County**, is a long-time independent consumer advocate. A former high school teacher, Bach is volunteer chair of AARP's Pennsylvania Consumer Issues Task Force and has long been a strong voice for consumers across Pennsylvania.
- **Carl W. Bailey, of Philadelphia**, has 35 years of experience working with community development and small business growth. He currently serves on Pennsylvania's LIHEAP Advisory Committee and has also been a strong leadership voice for AARP programs in Pennsylvania.
- **Lenora M. Best, of Lower Paxton Township, Dauphin County**, has an extensive background in consumer protection policy. A retired manager of the PUC's Bureau of Consumer Services, Best previously served on the PA Relay Service Advisory Board and brings

decades of experience working with utility and consumer organizations.

- **Timothy B. Hennessey, of North Coventry Township, Chester County**, is Business Development Manager for HiUp USA and is owner of Phoenix Festival Productions, an event-planning company. He is also a former member of the Pennsylvania Department of Environmental Protection's Cleanup Standards Scientific Advisory Board. A graduate of the Fels Institute of Government at the University of Pennsylvania, Hennessey currently chairs the CAC.
- **Chad Quinn, of Pittsburgh**, is Chief Executive Officer of Pittsburgh-based Dollar Energy Fund, which works to improve the quality of life for households experiencing hardships by providing utility assistance and other services that lead to self-sufficiency.
- **Sylvia P. Simms, of Philadelphia**, is an advocate for high-quality education - especially in low-income neighborhoods. Simms is the founder of PARENT POWER, a training program to get families more involved in their children's education and has been involved with community improvement efforts for more than a decade. Previously, Simms was Executive Director of Educational Opportunities for Families and served as an Urban Affairs Coalition Broadband Adoption Community Liaison.

The following reappointments from state executive offices and legislators were ratified by the PUC today:

- **Sonny Popowsky, of Philadelphia**, is the former Pennsylvania Consumer Advocate (serving from 1990 to 2012) and is regarded nationally as an expert on state and national consumer and utility issues. Popowsky, of Philadelphia, has been reappointed by Gov. Tom Wolf.
- **Ralph G. Douglass, of Bensalem, Bucks County**, is semi-retired as President of PECA Inc., an electronics design and manufacturing firm, for which he continues to provide project

management consulting services. A former chairman of the CAC, Douglass currently serves as CAC vice chairman and has been reappointed by Sen. Robert M. Tomlinson (R-Bucks), the Majority Chairman of the Consumer Protection and Professional Licensure Committee.

- **Justin Udo, of Philadelphia**, is a reporter for KYW Newsradio in Philadelphia. A former Western Pennsylvania resident, Udo brings a journalistic background to the CAC - blending research and storytelling that includes consumer and community issues. Udo has been reappointed to the CAC by Lt. Gov. John Fetterman.

The Consumer Advisory Council

<https://www.puc.pa.gov/about-the-puc/consumer-advisory-council/> advises the PUC Commissioners on matters related to the protection of consumer interests under the jurisdiction of the PUC. Council meetings are held bimonthly and are open to the public. Members serve without compensation. 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.

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Source: PUC Press Release, 6/17/2021

Pennsylvania's Unemployment Rate Down to 6.9 Percent in May

On June 18, 2021, the Pennsylvania Department of Labor & Industry (L&I) released its employment situation report for May 2021.

Pennsylvania's unemployment rate was down two-tenths of a percentage point over the month to 6.9 percent in May. The U.S. rate fell three-tenths of a percentage point from April to 5.8 percent. The commonwealth's unemployment rate was 6.6 percentage points below its May 2020 level and the national rate was down 7.5 points over the year. Pennsylvania's civilian labor force – the estimated number of residents working or looking for work – decreased 6,000 over the month as employment rose 10,000 and unemployment fell 16,000.

Pennsylvania's total nonfarm jobs were up 18,500 over the month to 5,684,200 in May. Jobs increased in 5 of the 11 industry supersectors with the largest volume gain in education & health services (+12,200). The largest drop was in construction (-3,300) which followed 12 consecutive monthly gains. Over the year, total nonfarm jobs were up 529,200 with gains in 10 of the 11 supersectors. Leisure & hospitality had the largest 12-month gain, adding back 187,200 jobs. All supersectors remained below their February 2020 job levels as of May 2021.

Additional information is available on the L&I website at www.dli.pa.gov.

Note: The above data are seasonally adjusted. Seasonally adjusted data provide the most valid month-to-month comparison.

Source: PA Dept. of Labor & Industry, 6/18/2021

Sen. Yaw: Senate Approves Bill Requiring Legislative Approval for Joining RGGI

On June 14, 2021, the state Senate approved, by a solid 35-15 bipartisan, veto-proof vote, a bill that would require Legislative approval of the Governor's proposal to have Pennsylvania join the Regional Greenhouse Gas Initiative (RGGI).

Senate Bill 119

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2021&sInd=0&body=S&type=B&bn=0119>, which creates the Pennsylvania Carbon Dioxide Cap and Trade Authorization Act, specifically prohibits the Department of Environmental Protection (DEP) from unilaterally joining RGGI – or any similar pact — without Legislative approval.

The bill was supported by every Senate Republican and six Democrats: James Brewster, Wayne Fontana, Marty Flynn, John Kane, Tina Tartaglione, and Lindsey Williams.

“A carbon tax is a major energy and fiscal policy initiative that – if it is to be imposed on Pennsylvania employers and ratepayers – must be approved by the General Assembly,” Sen. Yaw said. “RGGI is a superficial fix, at best. It does very little to reduce greenhouse gas emissions, moves electric generation to Ohio and West Virginia, all while putting hardworking Pennsylvanians out of work. The RGGI initiative also creates serious constitutional questions of checks and balances between co-equal branches of government. Senate Bill 119 restores that balance by requiring legislative approval before Pennsylvania imposes a carbon tax on employers operating in the Commonwealth.”

Under Senate Bill 119, the DEP would be required to publish its RGGI legislation in the PA Bulletin and provide a public comment period of at least 180-days. During the comment period, DEP would be required to hold a minimum of four public hearings in locations that would be directly affected economically by the proposal.

Following the public comment period, DEP would be required to submit a report to the House and Senate Environmental Resources & Energy Committees detailing the specific economic and environmental impacts that joining RGGI would have on impacted communities, the Commonwealth, and the PJM Interconnection region.

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. If Pennsylvania joins RGGI, it would be the only major energy producing state in the compact.

The RGGI 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. Power plants must purchase a credit or “allowance” for each ton of CO2 they emit.

Senate Bill 119 mirrors the language of **Senate Bill 950**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=s&type=b&bn=950> and **House Bill 2025**

<https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2019&sInd=0&body=h&type=b&bn=2025> that were introduced during the last Legislative Session. The **Governor vetoed House Bill 2025**

<https://senatorpittman.com/2020/09/24/pittman-slams-governors-veto-of-rggi-bill/> – which had received bipartisan support in both chambers – last September.

Source: Senator Yaw Press Release, 6/15/2021

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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.