

# LEGISLATIVE AND REGULATORY UPDATE

PA SECTION - AWWA NORTH AND SOUTH CENTRAL DISTRICTS  
WWOAP CENTRAL SECTION

SPRING JOINT CONFERENCE | APRIL 14, 2023

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# LEGISLATIVE UPDATE



# House and Senate Session Schedules

## 2023 HOUSE SESSION SCHEDULE

April	24, 25, 26
May	1, 2, 3, 22, 23, 24
June	5, 6, 7, 12, 13, 14, 20, 21, 22, 26, 27

## 2023 SENATE SESSION SCHEDULE

April	24, 25, 26
May	1, 2, 3, 8, 9, 10
June	5, 6, 7, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30



# House Bill 20 – Rep. Sturla

## Pennsylvania Water Resources Act

- Provides for the registration of extraordinary water users; imposes a water use fee; establishes the Water Use Fund; and provides for a submission of a question to the electorate authorizing incurring indebtedness.
- Prohibits extraordinary water users from withdrawing water from groundwater or surface water sources without filing a registration document.
- **Provides for a water use fee of \$0.0001 per gallon for water withdrawals and subsequent returns greater than 10,000 gallons per day for non-municipal purposes and if the extraordinary water user is an electric utility generator that withdraws or consumes water, the fee is \$1 per megawatt hour of electricity generated and sold.**
- Establishes the Water Use Fund in the State Treasury and allows for the fees collected to be put into the fund. Appropriates \$30 million to the DEP for water-related programs, \$25 million to the Department of Conservation and Natural Resources for water-related programs, \$11 million to the Department of Agriculture and \$5 million to the Pennsylvania Fish and Boat Commission.



# House Bill 20 – Rep. Sturla - Continued Pennsylvania Water Resources Act

- Allows PENNVEST bond issuance up to \$3 billion for the protection of watersheds, water resources, water environments, freshwater sources and the furthering of conservation methods.
- **STATUS:** Referred to the House Environmental Resources and Energy Committee, 3/23/2023.



# House Bill 299 – Rep. Harkins

## Senate Bill 93 – Sen. Tartaglione

### Public Employee OSHA Protection

- **HB 299** – The Jake Schwab Worker Safety Bill. Jake Schwab was a mechanic with the Erie Metropolitan Transit Authority and fatally injured at work in 2014. This legislation would extend OSHA protections to public sector employees in PA.
- **This is a re-introduction of HB 1976 of 2021.**
- **SB 93** -.would establish the Pennsylvania Occupational Safety and Health Review Board within the Department of Labor and Industry. OSHA safety rules would extend to public employers, including the Commonwealth of PA, all legal political subdivisions, public schools, public transit systems, and non-profit organizations.
- **This is a re-introduction of SB 310 of the 2021-22 session.**
- **STATUS:** HB 299 was referred to the House Labor and Industry Committee, 3/10/2023. SB 93 was referred to the Senate Labor and Industry Committee, 1/18/2023. Note: A Joint Policy Committee hearing was held 3/20/23 on both bills.



# House Bill 390 – Rep. Galloway

## Plumber and Plumbing Contractors Licensure

- Establishes the State Board of Plumbing Contractors and provides for its powers and duties and conferring powers on the Department of State.
- **Not the purely licensure bill (who can call themselves “plumber”) that was introduced in 2017 by former Representative Christiana (HB 442).**
- **This bill may require water systems to use licensed plumbers for routine system work, including lead service line replacements.**
  - **“ Plumbing services”** The installation, maintenance, extension, erection, repair or alteration of piping, plumbing fixtures, plumbing appliances and plumbing apparatus in connection with sanitary drainage, storm piping and facilities and building sewers to the facility’s or sewer’s final connection to an approved point of disposal, venting systems, public and private water supply systems of a premises or building within the property line and to the final connection with an approved supply system. The term also includes the installation, maintenance, extension, erection, repair or alteration of piping, plumbing fixtures and plumbing apparatus used for storm piping and facilities and building sewers, liquid waste or sewage.



# House Bill 390 – Galloway - Continued

## Plumber and Plumbing Contractors Licensure

- An individual may not provide **plumbing services**, offer himself or herself for employment as an individual who may provide **plumbing services** or hold himself or herself out as an individual authorized to perform **plumbing services** unless licensed under this act.
  
- **An individual, corporation, partnership, firm or other entity shall not:**
  - Employ an individual to provide **plumbing services** or direct an individual to provide **plumbing services** unless the individual is licensed under this act.
  - Use the term “licensed plumbing contractor” in connection with the individual, corporation, partnership, firm or other entity unless at least one full-time employee or owner of the entity is licensed as a master plumber under this act.
  
- **The act establishes:**
  - Qualifications and outlines the requirements for each license.
  - Fees, fines and civil penalties for violations of any provisions of the act.
  - Criminal and civil penalties for the board to levy the civil penalty.
  - Continuing education and its requirements.
  - Licenses under this act are sufficient to be used in municipalities without additional licensing.





# House Bill 390 – Galloway - Continued Plumber and Plumbing Contractors Licensure

- **Civil Penalty** – In addition to any other civil remedy or criminal penalty under this act, the board, by majority vote, may levy a civil penalty up to \$10,000 for any of the following:
  - A licensee who violates a provision of the act.
  - An individual **who performs plumbing services** in violation of the act without being properly licensed under the act.
- Pennsylvania is only one of 6 states that does not have state-level licensing for plumbers.
- **Status:** House Professional Licensure Committee, 3/14/2023.



# House Bill 423 – Rep. Hamm

## Amends the Dam Safety and Encroachments Act

- **This is a re-introduction of HB 2407 from last session, which passed the House.**
- Clarifies that the PA Fish and Boat Commission has no authority for permitting or enforcement related to stream cleaning or maintenance activities.
- Authority shall belong solely to the Department of Environmental Protection and the County Conservation Districts as appropriate.
- Local government organizations need to be able to maintain streams and waterways in their area to preserve the integrity of bridges and culverts, stream channels, and most importantly to prevent flooding.
- **STATUS:** Referred to the House Game and Fisheries Committee, 3/25/2023.



# House Bill 905 – Rep. McNeil Amends Title 53 and Title 66

- Amends Title 53 (Municipalities Generally) and Title 66 (Public Utilities) providing for customer notice of atypical water usage for municipal authorities and also for customer notice to public utilities for atypical water usage.
- A municipal authority or public utility shall make reasonable efforts to inform the utility customer of the increase in usage and assist the utility customer in identifying any potential leaks or other wasteful inefficiencies on the property.
- Authority shall belong solely to the Department of Environmental Protection and the County Conservation Districts as appropriate.
- **STATUS:** Referred to the House Consumer Protection, Technology and Utilities, 4/12/2023.



# House Bill 487 – Rep. Keefer Amends Regulatory Review Act

- **This is a reintroduction of HB72 from the 2021-2022 session.**
- Would establish an enhanced review process for major regulations that impose a substantial cost burden on the Commonwealth and would give the General Assembly a greater oversight role in the regulatory process.
- Modeled after the proposed federal REINS Act (Regulations from the Executive in Need of Security Act) which requires Congress to approve all new major regulations before they can go into effect. Major regulation is one that imposes \$100 million or more in costs on the economy.
- The General Assembly will be required to vote on a concurrent resolution to approve an economically significant regulation in order for the regulation to go into effect.
- **STATUS:** Referred to the House Environmental Resources and Energy Committee – 3/16/23.



# Senate Bill 144 – Sen. Yaw

## Fire Fighting Foam Management Act

- **This is a re-introduction of Senate Bill 302 from last session.**
- Amends Title 35 (Health and Safety) – establishes statewide uniform requirements restricting the use of Class B firefighting foams containing PFAS chemicals for training, restricting their use in testing while also allowing for continued sale and use against emergency, real-world fires.
- Directs the State Fire Commissioner to assist firefighting entities with evaluating and determining how to transition to the use of Class B firefighting foam that does not contain an intentionally added PFAS chemical for testing purposes.
- Provides for civil penalty not exceeding \$5,000 for a first offense, followed by a civil penalty not exceeding \$10,000 for the second or subsequent offenses.
- **STATUS:** Referred to Senate Veterans Affairs and Emergency Preparedness Committee, 3/8/2023.



# Senate Bill 428 – Sen. Phillips-Hill Amends Regulatory Review Act

- **This is a re-introduction of Senate Bill 233 from last session.**
- Establishes the Independent Office of the Repealer which would undertake an ongoing review, receive and process recommendations and 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.
- Would implement a one-in, two-out model for new regulations. For every new regulation added, two must be repealed. Includes a sunset date of five years specifically for the Independent Office of the Repealer.
- **STATUS:** Referred to Senate Intergovernmental Operations Committee, 3/14/2023.



# SB 432 – Sen. Kane Amends Title 66 (Public Utilities)

- **This is a re-introduction of SB 452 from last session.**
- Creates a water ratepayer bill of rights.
- Purpose is to ensure residential customers in Pennsylvania have input when a municipal water or wastewater authority may be acquired by a public water utility.
- Requires a selling utility to conduct a ratepayer referendum where customers will be able to voice issues they may have with a possible water utility acquisition. If a majority of ratepayers vote against the proposed sale, then the Public Utility Commission would be required to disapprove the sale.
- Requires a selling utility notify ratepayers of the referendum via US mail and a full page ad in a newspaper of major circulation in the municipalities served by the selling utility and may additionally notify ratepayers of the referendum via electronic mail, a publicly accessible internet website and any other means of communication.



# SB 432 – Sen. Kane - Continued

## Amends Title 66 (Public Utilities)

- Annual Privatization Report: Requires water and wastewater utilities to prepare an annual privatization report with the PUC for ratepayers by bill insert and posted on the utility's internet website. The report shall include:
  - A list of each system that the utility has purchased in the last 10 years which was previously owned by a municipality or municipal authority.
  - The annual amount billed to a typical residential customer by the municipality or municipal authority at the time of acquisition.
  - The annual amount billed by the utility to a typical residential customer of the former municipality or municipal authority in the most recent calendar year.
  - The amount of subsidy, if any, being provided by the utility's other customers to the former customers of the acquired system.
  - Any other information deemed necessary by the PUC.
- Annual Notice of Source: A water or wastewater utility shall annually notify ratepayers of the source of their drinking water by bill insert and published on the utility's internet website.
  - Ratepayers must be notified 9 months prior to a change in the drinking water source.
  - If an emergency requires the change of a drinking water source and notification of ratepayers is not practical, the utility shall notify PUC and ratepayers within 14 days after the emergency change.





# SB 432 – Sen. Kane - Continued

## Amends Title 66 (Public Utilities)

- Additional Notice: A water or wastewater utility shall disclose, upon request of a ratepayer, if water is being sold for bottling, fracking or other purposes as determined by the PUC.
- Right to Information: Water and wastewater utilities shall be required to engage in mandatory information collection on rate increases, arrearages, service disconnections and water lien sales. Information shall include geographic and demographic information, as applicable.
  - A water or wastewater utility shall provide, upon request of a ratepayer, a report based on the collected information.
- Right to Access Lands that were Previously Public: After the acquisition of a water or wastewater system that was owned by a municipality or municipal authority, ratepayers shall have access to the lands that were previously publicly accessible.
- New Customer Rights: The rights under this chapter shall be provided to a new customer of a water or wastewater utility within 30 days of becoming a customer.
- **STATUS**: Referred to Senate Consumer Protection and Professional Licensure Committee, 3/14/23.



# Reintroduced Legislation – Legionnaires’ Disease – Prior Senate Bill 1125, 2021-2022 Session

- On April 4, 2023 Senator Aument and Senator Fontana announced circulation of a co-sponsored memo for Legionnaires Disease Risk Management Legislation which is a re-introduction of SB 1125 from last session.
- Legionnaires’ disease is caused when a water mist is inhaled that contains *Legionella pneumophila* bacteria. The disease is not spread person to person . The mist can be introduced through showers, hot tubs, cooling towers, outdoor irrigation systems, fountains, and other similar devices in **poorly managed building water systems**.
- Would direct both public drinking water providers and certain building owners to assess their respective water systems for risk and adopt simple mitigation measures:
  - Flushing clean water through the system
  - Keeping hot and cold water at appropriate temperatures
  - Monitoring the system regularly
  - Require routine testing for *Legionella pneumophilla* bacteria
- Would codify the seven-step industry standard, ASHRAE-188 (currently the standard is only voluntary and not widely adopted).
- No current action, but it is anticipated that this Legionnaires legislation will be introduced in the near future.



# REGULATORY UPDATE



# **EPA - Schedule for New or Revised Regulations**

## **PFAS (PFOS & PFOA)**

- **Proposed – March, 2023**
- **Final – Fall, 2023**

## **REVISED CONSUMER CONFIDENCE RULE (CCR)**

- **Proposed – April, 2023**
- **Final – March, 2024**

## **LEAD AND COPPER RULE IMPROVEMENTS (LCRI)**

- **Proposed – September, 2023**
- **Final – October, 2024**

## **MICROBIAL/DISINFECTION BY-PRODUCTS (M/DBPs)**

- **Proposed – July, 2024**
- **Final – September, 2027**

**Note: Rulemaking schedules may be subject to change.**



# EPA – Proposed Rulemaking Consumer Confidence Report (CCR)

- Proposal announced March 28, 2023.
- EPA expected to finalize the Rulemaking by March, 2024.
- As part of the America's Water Infrastructure Act of 2018 (AWIA), Congress required EPA to revise the CCR Rule. The proposed revisions were to support the goal of the Safe Drinking Water Act "right-to-know" provisions by improving the CCRs to better inform people about their drinking water.



# EPA – Proposed Rulemaking - Continued Consumer Confidence Report (CCR)

- Goals of the proposed CCR Rulemaking:
  - Improve the readability, clarity, and understandability of water quality reports
  - Enhance risk communication
  - Encourage modern electronic delivery options
  - Clarify information regarding lead levels and efforts to reduce lead in drinking water, specifically corrosion control efforts.
  - Provide translation for customers with limited English proficiency
  - **Require reports be issued twice a year (for systems serving 10,000 people or more). Deliver a 2<sup>nd</sup> CCR by 12/31 (with new information from 1<sup>st</sup> half of calendar year, if applicable).**
  - Require states to submit compliance monitoring data to EPA
  
- Additional Provisions:
  - A Summary is required at the beginning of the CCR with highlights
  - The Contaminant Data Section no longer needs to be a table
  
- **After the Final Rulemaking – New Provisions will start with the 2025 CCR**



# EPA – Proposed Rulemaking - Continued Consumer Confidence Report (CCR)

- EPA is requesting Public Comment on the proposed regulation. The rule was published in the *Federal Register* on April 5, 2023. There is a 45 day comment period. **Comments are due by May 22, 2023. Comments can be made at [www.regulations.gov](http://www.regulations.gov) under Docket ID: EPA-HQ-OW-2022-0260.**
  
- PLEASE COMMENT ON ALL OF THE PROVISIONS OF THE REVISED CCR.
  - KEY QUESTIONS:
    - How can access be improved, as well as understandability?
    - How can reaching non-bill paying customers be improved?
  
- Informational Webinar will be held on April 20<sup>th</sup>, 2023. Register for the webinars at: <https://www.Eventbrite.com/e/public-webinar-on-epas-proposed-revised-ccr-rule-tickets-591379691577>



# EPA – Proposed Rulemaking PFAS (Six), PFOA AND PFOS

- On March 14, 2023, EPA 's Proposed PFAS MCL Regulation was published in the Federal Register. **Public Comments can be made at [www.regulations.gov](http://www.regulations.gov) under Docket ID: EPA-HQ-OW-2022-0114**
- EPA webinar recordings and presentation materials are available at: [PFASNPDWR@epa.gov](mailto:PFASNPDWR@epa.gov) Webinars were held in March, 2023.
- EPA will be holding a **Public Hearing on May 4, 2023** where members of the public can register to attend and provide verbal comments on the proposed rule. Registration is required to attend and the last day to register to speak at the hearing is **April 28, 2023**. Register at: <https://www.eventbrite.com/e/proposed-pfas-npdwr-public-hearing-tickets-549335536377>
- **There is a 60 day Comment Period – Comments are due on or before May 30, 2023.**





# EPA – Proposed Rulemaking PFAS (Six), PFOA AND PFOS

- The proposed PFAS regulation establishes legally enforceable Maximum Contaminant Levels (MCLs) for six PFAS, PFOA and PFOS as individual contaminants and PFHxS, PFNA, PFBS and HFPO-DA (referred to as GenX Chemicals) as a mixture.
- EPA is also proposing health-based, non-enforceable Maximum Contaminant Level Goals (MCLGs) for the six PFAS.
- **NOTE: THE PROPOSED FEDERAL PFAS RULE DOES NOT REPLACE OR MODIFY THE PA RULE PUBLISHED IN JANUARY, 2023. WATER SUPPLIERS WILL BE REQUIRED TO COMPLY WITH THE PA PFAS RULE.**



# EPA – Proposed Rulemaking - Continued PFAS (Six), PFOA AND PFOS

Compound	Proposed MCLG	Proposed MCL
PFOA	Zero	4.0 parts per trillion
PFOS	Zero	4.0 parts per trillion
PFNA	Zero	
PFHxS	1.0 (unitless) *	1.0 (unitless)*
PFBS	Hazard	Hazard
HFPO-DA (GenX Chemicals)	Index	Index

\* EPA will be providing a calculator tool for the Hazard Index.

- The proposed rule requires public water systems to:
  - **Monitor for the PFAS Compounds**
  - **Notify the public of the levels of the PFAS Compounds**
  - **Reduce the level of the PFAS Compounds if found to exceed the proposed standards**



# Pennsylvania DEP

## Maximum Contaminant Level for PFAS

- **Final Rule** published in the *PA Bulletin* on January 14, 2023. **Note:** a correction was published in the *PA Bulletin* on February 18, 2023 regarding monitoring requirements.
- Final Rulemaking: Safe Drinking Water PFAS MCL Rule (25 Pa. Code Chapter 109).
- **MCL – PFOA of 14 parts per trillion (ppt)**
- **MCL – PFOS OF 18 parts per trillion (ppt)**
- The final regulation applies to all community, nontransient noncommunity, bottle, vended, retail and bulk hauling systems with **initial monitoring beginning January 1, 2024.**



# Water Quality Standard for Manganese

- (#7-533) Administrative Code of 1929, Pennsylvania Clean Streams Law, Federal Clean Water Act 25 Pa Code Chapters 93 and 96.
- Proposed a new human health criterion for manganese of 0.3 mg/l in Chapter 93.8 – Water Quality Criteria for Toxic Substances and would delete the existing 1 mg/l standard because it is not protective of human health.
- On November 18, 2022, the Environmental Quality Board (EQB) withdrew its final-form regulation for Water Quality Standards for Manganese and Implementation. Prior to this, the Independent Regulatory Review Commission (IRRC) disapproved the final-form regulation, additionally Republicans on both the Senate and House Environmental Committees voted to recommend the IRRC disapproval of the regulation.
- **Since the regulation has been withdrawn, DEP's existing water quality criterion for manganese to protect the Public Water Supply use (1.0 mg/l) continues to apply to all surface waters (at the point of discharge).**



# Technical Guidance – For Filter Plant Performance Evaluations

## DEP ID – 391-3120-001

- Provides guidance and procedures developed to direct and support DEP Safe Drinking Water Program staff conducting Filter Plant Performance Evaluations.
- Anticipated to be published as Draft Guidance in Quarter 2, 2023.
- This Draft Guidance will be reviewed by the Public Water System Technical Assistance Center Board – TAC.



# Technical Guidance – Public Water Supply Manual Part II, Community System Design Standards - – DEP ID: 383-2125-108

- Outlines permitting procedures and provides design standards for community water systems.
- Part II of the Public Water Supply Manual has not been revised since May, 2006.
- Anticipated to be published as Draft, Quarter 2, 2023.



# Technical Guidance – Notification Requirements for Spills, Discharges and Other Incidents That Threaten To Cause Pollution of the Waters of the Commonwealth – DEP ID 383-4200-003

- Provides guidance on the immediate notification requirements for spills, discharges, and other incidents of a substance causing or threatening pollution to waters of the Commonwealth.
- Requires chloraminated systems to address ammonia in discharges.
- Anticipated to be published as Final Guidance in Quarter 3, 2023.



# Technical Guidance – Pennsylvania’s Public Water System Capability Enhancement Strategy – DEP ID: 391-0400-001

- Provides guidance to all community, nontransient noncommunity, and transient noncommunity drinking water systems, as well as DEP staff on the guidelines and implementation of the Commonwealth’s Public Water System Capability Enhancement Program.
- Purpose of the document is to establish a rational methodology to implement, track and allocate appropriate resources needed to meet the Federal requirements for a State capacity development strategy for all public water systems.
- Substantive revisions proposed to facilitate more effective use of grant funds from the US EPA by incorporating principles for long-term sustainability.
- Anticipated to be published as Final, Quarter 3, 2023.





# TAC Board Meetings

- TAC now represents Public Water Systems (all sizes)
- The Agenda, previous Meeting Minutes and all of the documents and information for discussion can be viewed on the TAC Board website:  
<https://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WaterAdvisory/TAC/Pages/default.aspx>
- ***NEXT TAC BOARD MEETING IS Tuesday, April 18, 2023***
- ***NOTE: VIRTUAL ATTENDANCE IS AVAILABLE – SEE THE TAC BOARD WEBSITE FOR DETAILS.***



# TAC Board Meeting Agenda – April 18, 2023

- Questions and Answers – **LCRR Service Line Inventory**
- Review and Discussion – **PFAS Sampling Fact Sheet**
- Informational Session: **Bipartisan Infrastructure Law**
  
- Next TAC Board Meeting – Thursday, July 13, 2023



# QUESTIONS





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