Joint Legislative Conservation Committee
10/15/18, 12:00 p.m., Room 60 East Wing
By Mike Howells, Pennsylvania Legislative Services

The committee held its monthly environmental issues forum on the topic of converting waste to energy.

Chairman Scott Hutchinson (R-Venango) pointed out that both waste and energy consumption have been increasing, and companies are looking to embrace the emerging field.

Janice Kelsey, co-founder of Glenmore-based Solar CITIES, discussed how they convert human and food waste into useable energy through the process of creating biogas. She offered examples of small-scale biodigestion that can be set up in the home as well as larger, more commercial designs.

Kelsey also discussed how a larger biodigester installed at a farm in Chester County generates liquid fertilizer that has been effective in improving that farm’s hay yields. She said state officials concerned about reducing waterway pollution from manure have been impressed at benefits of such a system.

As a non-profit humanitarian organization, Kelsey also emphasized the educational effort they make in schools to familiarize students with the potential of biogas. She said they have also been able to offer support in places around the world like Haiti to provide energy sources when traditional options like natural gas are unavailable.

Kelsey identified the benefits of biogas, including free fertilizer and fuel accessible to all, soil restoration and regeneration, an end to deforestation and soil erosion, a reduction in smoke-related illnesses and deaths suffered in areas where open fires are used to cook food indoors, an ability to boil water, as well as entrepreneurial opportunities.

Kelsey also outlined the group’s wants and needs, including funding and guidance.

Dan Spracklin, CEO of bioenergy company SoMax, discussed the use of waste conversion at a large scale. He said there is a "looming crisis" in Pennsylvania, with the state predicted to run out of landfill space by 2030, and associated price increases as it nears that point. He said current solutions include composting and anaerobic digestion in addition to landfilling.

Spracklin said the energy content in one ton of food waste is equivalent to one barrel of oil. In effect, he said, 180 million
barrels of oil per year is thrown away in the United States.

Spracklin explained they have developed a metric called carbon efficiency that measures how effective a given type of energy conversion is. He said while composting has an efficiency of 10 percent, digestion is 50 percent efficient. Hydrothermal carbonization, by comparison, is 95 percent efficient and takes a matter of hours at relatively low temperatures. Hydrochar, the energy product, has zero net carbon emissions, he went on.

Spracklin advised they are working on the first reactor in Phoenixville. Additionally, he reported, they are partnering with a Fortune 10 company who wants to implement waste conversion in Philadelphia.

Outlining the consumer end of waste conversion, Spracklin indicated there is not a great deal of change required for human behavior, particularly for those already familiar with composting and recycling habits. He said they are investigating the use cases at an institutional level, at places like supermarkets.

A member of the audience asked if there are any regulations or laws that either incentivize or make more difficult what the two are doing. Kelsey said that for homestead-level biogas she would like to see an outreach and PR push similar to that done for composting. At the commercial level, Spracklin said, there are no eligible programs to incentivize its use. One of the biggest impediments is existing legislation on food waste, he said. He added there are multiple permits to obtain the same product from different sources, for example. He indicated it is time for a deep dive on the regulatory environment surrounding waste-to-energy conversion.

A member of the audience asked why SoMax sited its facility in Phoenixville. Spracklin said it was near their headquarters, but also local elected representatives there passed a commitment to 100-percent renewable energy and were receptive to it.

****************************************************************************************

**Senate Environmental Committee OKs Bill To Weaken Conventional Oil & Gas Drilling Standards**

Posted: 25 Sep 2018

Senate Environmental Resources and Energy Committee

9/25/18, 2:05 p.m., Rules Committee Conference Room
By Kimberly Howells, Pennsylvania Legislative Services

The committee met to consider bills.

**SR 214 Greenleaf, Stewart** - (PN 1255) Resolution urging Pennsylvania natural gas producers to export natural gas to European countries in an effort to curtail the natural gas monopoly that Russia has on the region. - The bill was unanimously reported as committed.

Sen. Stewart Greenleaf (R-Montgomery) explained the resolution is an effort to curtail Russia's monopoly while helping Pennsylvania economically.

Sen. Andy Dinniman (D-Chester) praised the resolution and said natural gas is key to prosperity. He also urged those in the western part of the state to work with those in the east, as they want to help get the gas to market but have safety concerns that need to be addressed.

**HB 2154 Causer, Martin** - (PN 3477) The Conventional Oil and Gas Wells Act relates to conventional wells and the development of oil, gas and coal; imposes powers and duties on the Department of Environmental Protection; and provides for preliminary provisions, for general requirements, for underground gas storage, for enforcement and remedies, for related funds, parties and activities and for miscellaneous provisions. The purposes of this act are to: (1) Permit the optimal development of the oil and gas resources of Pennsylvania consistent with the property rights of owners of the oil and gas resources and the protection of the health, safety, environment and property of the residents of this Commonwealth; (2) Protect the safety of personnel and facilities employed in the exploration, development, storage and production of natural gas or oil or the mining of coal; (3) Protect the safety and property rights of persons residing in areas where exploration, development, storage or production occurs; (4) Protect the natural resources, environmental rights, property rights and values secured by the Constitution of Pennsylvania; and (5) Provide a flexible and cost-effective way to implement and enforce the provisions of this act. Further provides the requirements of the Coal and Gas Resource Coordination Act shall apply to this act for the issuance of a permit. Effective immediately. (Prior Printer Number: 3187) - The bill was reported as committed with Democrats voting in the negative.
Sen. Scott Hutchinson (R-Venango) described the bill as similar to one he has introduced, but it also has language that deals with the coordination between the coal and oil and gas industries. He said this bill is about creating a separate statute to govern the conventional gas industry, which he said is very different than the new shale industry. He added that the basis of this bill is the law as it stood in 2012. He urged passage of the bill, stating the conventional industry is on the verge of shutting down.

Rep. Kim Ward (R-Westmoreland) requested a ruling as to whether she may vote because her son works in the industry. The chairman ruled she must vote.

Sen. Camera Bartolotta (R-Washington) spoke in support of the bill and its goals, noting she was going to offer an amendment to further distinguish the conventional and unconventional industries, but has found it is not necessary. She said the bill protects conventional drilling businesses.

Sen. Dinniman noted the Pennsylvania Environmental Council and Environmental Defense Fund oppose the bill and cited an increased number of violations in the industry in recent years as reason for opposing the bill. He stated the bill would make Pennsylvania the only state that has set back a number of environmental standards.

Minority Chairman John Yudichak (D-Luzerne) commended the progress on the issue, but said he will oppose it because the administration opposes it. He noted the Department of Environmental Protection (DEP) has been working on separate regulations but that process has not come to fruition yet.

Chairman Gene Yaw (R-Lycoming) remarked on the long process to reach this point and relayed his frustrations with the lack of success or guidance from DEP.

Sen. Scott Hutchinson (R-Venango) described the bill as similar to one he has introduced, but it also has language that deals with the coordination between the coal and oil and gas industries. He said this bill is about creating a separate statute to govern the conventional gas industry, which he said is very different than the new shale industry. He added that the basis of this bill is the law as it stood in 2012. He urged passage of the bill, stating the conventional industry is on the verge of shutting down.

Rep. Kim Ward (R-Westmoreland) requested a ruling as to whether she may vote because her son works in the industry. The chairman ruled she must vote.

Sen. Camera Bartolotta (R-Washington) spoke in support of the bill and its goals, noting she was going to offer an amendment to further distinguish the conventional and unconventional industries, but has found it is not necessary. She said the bill protects conventional drilling businesses.

Sen. Dinniman noted the Pennsylvania Environmental Council and Environmental Defense Fund oppose the bill and cited an increased number of violations in the industry in recent years as reason for opposing the bill. He stated the bill would make Pennsylvania the only state that has set back a number of environmental standards.

Minority Chairman John Yudichak (D-Luzerne) commended the progress on the issue, but said he will oppose it because the administration opposes it. He noted the Department of Environmental Protection (DEP) has been working on separate regulations but that process has not come to fruition yet.

Chairman Gene Yaw (R-Lycoming) remarked on the long process to reach this point and relayed his frustrations with the lack of success or guidance from DEP.

Sen. Scott Hutchinson (R-Venango) described the bill as similar to one he has introduced, but it also has language that deals with the coordination between the coal and oil and gas industries. He said this bill is about creating a separate statute to govern the conventional gas industry, which he said is very different than the new shale industry. He added that the basis of this bill is the law as it stood in 2012. He urged passage of the bill, stating the conventional industry is on the verge of shutting down.

Rep. Kim Ward (R-Westmoreland) requested a ruling as to whether she may vote because her son works in the industry. The chairman ruled she must vote.

Sen. Camera Bartolotta (R-Washington) spoke in support of the bill and its goals, noting she was going to offer an amendment to further distinguish the conventional and unconventional industries, but has found it is not necessary. She said the bill protects conventional drilling businesses.

Sen. Dinniman noted the Pennsylvania Environmental Council and Environmental Defense Fund oppose the bill and cited an increased number of violations in the industry in recent years as reason for opposing the bill. He stated the bill would make Pennsylvania the only state that has set back a number of environmental standards.

Minority Chairman John Yudichak (D-Luzerne) commended the progress on the issue, but said he will oppose it because the administration opposes it. He noted the Department of Environmental Protection (DEP) has been working on separate regulations but that process has not come to fruition yet.

Chairman Gene Yaw (R-Lycoming) remarked on the long process to reach this point and relayed his frustrations with the lack of success or guidance from DEP.
Chairman Yudichak noted that a cybersecurity attack cost the Senate Democratic Caucus $700,000 and added that the Nuclear Caucus discussed the issue of cyber attacks this morning. "This is a real part of doing business in the 21st century," he stated. "The Russian economy is completely a resource-based economy so it's not a far-fetched conversation. We are going to try to steer away from pulling the threads on any conspiracy theories but we are going to focus on the real threat of cyber disruption."

**Thomas Murphy**, Director, Penn State Marcellus Center for Outreach and Research, explained that energy production has represented a "paradigm shift in the commonwealth" and said along with the significant shale energy implications in Pennsylvania and across the United States and Canada, there are equally large impacts observed in other regions around the globe. "One estimate has illustrated that 80 percent of potential shale gas development, is or could occur, in countries which in the past have constituted only 30 percent of conventional oil and gas resource production," he stated. "This is a potential seismic shift geopolitically as more countries that have annually spent considerable financial resources to import energy, now have the potential to produce for their own needs, and possibly export into the larger global market. Already this has had a disruptive influence on global energy markets leading in many cases to a new equation of suppliers and consumers."

Murphy noted that Eastern European countries were solely dependent on Russia in the past for energy resources, due to historical political connections and the pipeline infrastructure in place. "As these countries transitioned to the EU, they have been attempting to diversify their energy supply, investing in new options to provide the energy which is a foundation of their increasingly modern economies. This has challenged Russia for instance, which has over 40 percent of its national budget dependent on the sales of oil and gas," he stated. "Shipments of liquefied natural gas and natural gas liquids such as ethane, are now finding their way from not just the U.S., but specifically from Pennsylvania, to some of these European countries, with additional supplies still being requested. Delivery to Norway, Scotland, Poland, and Lithuania are prime examples. On a competitive basis, any new U.S. supply offsets quantities previously delivered by Russia. And U.S. natural gas exported is now mostly sold priced on Henry Hub versus the previous model of 20- year contracts linked to a higher priced oil market formula. It is interesting to note that Russia, as an emerging LNG exporter itself, used a similar approach to ship two cargos of liquefied into the Boston market this past winter due to high domestic winter heating and power generation demand in that region, and limited supply due to pipeline constraints from states south of it, including the Marcellus of Pennsylvania."

Chairman Yaw noted that New York does not want a pipeline through their state to serve the New England market. "Russia is watching us and they saw a void and started shipping LNG through tankers. That's an example of what they're willing to do," he stated.

Chairman Yudichak questioned if any specific regulatory authority deals with cybersecurity threats to natural gas production and distribution. Murphy said cybersecurity is not his area expertise.

**Kevin Mooney**, Reporter, Daily Signal, explained that U.S. Rep. Lamar Smith (R-Texas), chairman of the House Committee on Science, Space, and Technology, has called on the U.S. treasury secretary to investigate the financial relationship between environmental groups and the Russian government. "The letter Smith sent to the treasury secretary back in June 2017 documents some of what congressional investigators have uncovered. Smith's letter says that Russia is conducting a 'propaganda war against fossil fuels' and in particular against natural gas development in U.S. He also describes the mechanics of how money is moved from Russia into the U.S. to advance this propaganda campaign," he stated.

Mooney highlighted the Sea Change Foundation and discussed how it received $23 million from a "Bermuda-based shell company" with ties to Russia. "There is what members of Congress describe as a 'paperless money trail' that flows from Putin's government in Russia into the shell company in Bermuda, from there into the Sea Change Foundation and from the Sea Change Foundation into U.S. environmental groups in the form of grants," he stated. "The San Francisco-based Energy Foundation received over $30 million from Sea Change in the period 2011-2012...Sierra Club Foundation also saw huge gains in the same period, jumping from $3 million to $5.5 million between 2011-2012.2 This 2012 grant was by far the largest single-year grant from Sea Change to Sierra. The Tides Foundation has received $8 million from Sea Change, making it the 12th largest grantee in total funds received. But all of that money came within three years-2009-2011. The Natural Resources Defense Council (NRDC) received more than $15 million from the Sea Change Foundation. That is to say it has received more than $15 million directly. But there's more it has received indirectly from Sea Change and by extension the Russian government."

Mooney concluded by arguing that organizations like the NRDC, the Sierra Club, the League of Conservation Voters and other groups with an active presence in Pennsylvania, should all be required to register as foreign agents. Chairman Yaw questioned if any federal agency or congressional committee is monitoring the issue closely. Mooney said most of the work has been done on the House side of Congress and noted that the Treasury Department has examined the issue. "I wouldn't be too fixated on looking at Washington for answers. Keep apprised of whether or not these groups are genuine, indigenous, grassroots organizations or whether they are outside agitators," he stated.
Sen. Bartolotta said coal mining activity has been halted by the Sierra Club and questioned how their information on the dangers of extraction can be countered. Mooney responded, “You’re never going to be able to outspend these organizations; I think you have to be organized enough to get your message and facts out.” He added that if the Penn East Pipeline project was scrapped, gas would have to be imported from Russia.

Chairman Yudichak emphasized the need to separate Russian interference from the mission of environmental groups in the United States. "I have to question why those dedicated to moving beyond the fossil fuel industry would partner with the largest national producer of fossil fuels. It doesn't seem they would look to Russia as partners," Chairman Yudichak stated. "I'm not suggesting that there's no evidence of Russian disruption but to suggest that these organizations are becoming de facto foreign agents is criminal activity." Mooney stated “there's a real opportunity cost with the time and energy spent by activists with foreign ties versus legitimate environmentalists who ask legitimate questions about environmental impacts.”

He noted that the NRDC has sued the United States military about environmental consequences from military exercises but does not criticize the damage that caused by Russia or China's military. "I don't think the leadership sitting on top of those organizations that constantly apologize for China and Russia while criticizing the United States are not who they pretend to be,” he stated.

Chairman Yudichak questioned if the Daily Signal is funded by the Heritage Foundation. Mooney stated “correct.” Sen. Leach questioned if there is publication outside of right-wing websites and politicians that have supported claims that Russians are funding environmental groups. Mooney said the site has "articles based on objective facts." Sen. Leach questioned if there is publication outside of right-wing websites and politicians that have supported claims that Russians are funding environmental groups and asked if there are any progressive articles on the Daily Signal website. Mooney said the site has "articles based on objective facts." Chairman Yaw noted that The Caucus had had written an article on Russian influence on the natural gas development in Pennsylvania. Sen. Leach asked if Mooney believes the environmental groups are outspending the fossil fuel industry on lobbying. Mooney stated "I think in many instances they are.” Sen. Leach said the industry outsends environmental groups as much as eight or nine to one lobbying. Sen. Leach opined that it is counterintuitive for Russians to put resources into environmental groups when, according to every intelligence agencies, they tried to elect pro-fossil fuels candidates in the last election. Mooney said Russia always tries to influence elections. “I think the evidence that they supported specific candidates is elusive and tried to play both sides like they always have,” he stated. Sen. Leach questioned if he disagrees with every intelligence agencies, the Republican chairman of congressional committees that Russia interfered with 2016 elections to try to help elect Donald Trump.

Mooney stated, "I don't think Donald Trump was their preferred candidate.”

**Thomas Shepstone,** Shepstone Management Company, Inc., said Heinz Endowments has funded "one radical anti-gas initiative after another" and the foundation has funded Southwest Pennsylvania Environmental Health Clinic, PennFuture, the Clean Air Council, the NRDC, the Delaware Riverkeeper and the online journal StateImpactPA. "We learned Chris Heinz is heavily invested in Burisma, a Ukrainian oil and gas company that brags it operates the largest modern rig and hydraulic fracking fleet…in Ukraine and across the region.” Burisma clearly hopes to supply Europe with natural gas as a competitor to Gazprom, the Russian natural gas company. Burisma will also be competing with LNG from the US; Pennsylvania LNG that initially comes out of the ground in Bradford, Lycoming and Washington counties, is then converted to LNG and finally shipped out of Cove Point to import terminals all of the world," he stated. "So, what we have is the Heinz family spending money to thwart natural gas development in Pennsylvania on the basis of supposed environmental and health impacts even as it invest in that industry overseas. The Heinz Endowments, for all practical purposes, is acting as an agent of foreign influence, nurturing the development of Ukrainian gas by delaying, frustrating and killing the potential for competition from Pennsylvania gas."

Shepstone argued that Pennsylvania should require non-profit tax returns in the Commonwealth to include disclosure of all donors giving such organizations more than $5,000 per year and called on the Auditor General to investigate the link between those environmental groups receiving funds and foreign actors. "What we need is what you’re doing today; exposing the foreign special interests behind so much of what passes as fractivism," he stated.

Chairman Yaw questioned what the motive is for an organization such as the Heinz Foundation to want to impede the development of natural gas in Pennsylvania. Shepstone responded “pure corporatism” and said many of the organizations are investing in foreign natural gas development and alternative energy domestically. "They have every incentive to try to slow down natural gas development. Preventing LNG exports allows those foreign investments to come to fruition a little faster and gives them a better opportunity to compete,” he stated. "Chris Heinz is invested in Ukrainian oil and gas. I'm not saying everything the Heinz Foundation does is not altruistic, they certainly do some very good things, but the fact is they are doing things that benefit them too.” Shepstone added that the lines between government, wealthy foundations, and special interests are too blurred. "Some folks who are on the environmental side of things are putting volunteers that they pay into attorney generals' offices, including in Pennsylvania, and that's not right and just violates every principle that is American,” Chairman Yaw said he contacted the Attorney General's Office and they are not doing that. Shepstone indicated that he has an application from that office because it is a matter of public record. Chairman Yaw reiterated that
Pennsylvania's Attorney General's Office is not allowing the practice of volunteers being paid by outside interests to work for the office.

Sen. Leach questioned if anyone outside of right-wing publications and politicians are positing that Russia is funding environmental groups. Shepstone said the NATO Supreme Commander and Hillary Clinton have said that Russians have used environmental organizations to undermine natural gas production. Chairman Yaw reiterated that The Caucus had written an article on Russian influence on the natural gas development in Pennsylvania. "I don't think The Caucus would like to be referred to as a right-wing publication," he stated.

Sen. Leach asked if there are any environmental groups that are legitimate and not taking money from foreign entities. Shepstone pointed to the Pennsylvania Environmental Council, Environmental Defense Fund, and Trout Unlimited. Sen. Leach questioned if every organization including the Heartland Institute should disclose donations over $5,000. "I think disclosure is essential, I don’t if it’s right or left," Shepstone stated. He added that the Delaware Riverkeeper inadvertently disclosed a $100,000 donation from an anonymous source.

*House Environmental Committee Amends Critical Infrastructure Security Bill To Set Penalties For Intentional Vandalism*

Posted: 25 Sep 2018

House Environmental Resources and Energy Committee

9/25/18, 9:00 a.m., B31 Main Capitol
By Jessica Richardson, Pennsylvania Legislative Services

The committee met to consider legislation.

**HB 2640 Mako, Zachary (F)** - (PN 3988) Amends the Solid Waste Management Act, in general provisions, adding that the department has the power and duty to (1) forward a notice of noncompliance issued by the Environmental Protection Agency for a violation of the Toxic Substances Control Act to the municipality where the violation has occurred; and (2) send a notice of noncompliance for a violation under the act to the municipality where the violation has occurred. Effective in 60 days. - The bill was unanimously reported as committed.

**SB 652 Regan, Mike (F)** - (PN 1784) Amends Title 18 (Crimes and Offenses), in burglary and other criminal intrusion, further providing for the offense of criminal trespass by establishing an offense for critical infrastructure facility trespass. Provides differing grading for the offense depending whether it is a first offense, whether the defendant is a minor, and whether there is an intent to damage or obstruct the operation of the facility. Effective in 60 days. (Prior Printer Number: 752, 1553, 1584) - The bill was reported as amended with Rep. Becky Corbin (R-Chester) and Democratic members voting in the negative.

**A09368** by Maher, amends the offense of critical infrastructure facility trespasser, adjusts the gradation, amends the definition of critical infrastructure facility, and adds the offense of critical infrastructure vandalism. The amendment was adopted with Representatives Carolyn Comitta (D-Chester), Leanne Krueger-Braneky (D-Delaware), and Helen Tai (D-Bucks) voting in the negative.

Rep. Krueger-Braneky questioned what the technical definition of deface is in the amendment. Chairman John Maher (R-Allegheny) replied the common sense answer would be applicable. Rep. Krueger-Braneky asked if protesting by hanging a sign would be included in defacing. Chairman Maher said that is something to be decided by the court.

Rep. Krueger-Braneky commented the criminal mischief is actually putting a steeper penalty for folks charged with vandalism in pipeline infrastructure. She asked why it is putting harsher penalties in place for these protestors. Chairman Maher explained current statute refers to any place but the bill is dealing with property secured by a fence or other structure. He said this is someone deciding to breach a secure perimeter to get about what they are doing. Rep. Krueger-Braneky noted in her county there are mothers, grandmothers, and nuns protesting and this bill appears to be putting strong protections for the oil and gas industry.

Rep. Tai requested clarification on the amendment regarding striking out lines seven through nine. Chairman Maher stated the intent there is to provide technical clarity as reference to another section makes it a little cumbersome. Executive Director Leda Lacomba added it is a little tricky because the amendment is not engrossed in the bill but she did draft an engrossed version she would be happy to share.

Chairman Maher stated the other offense in the original bill would be eliminated.
Rep. Steve McCarter (D-Montgomery) asked if someone conspiring to do the act that this bill covers will be covered. Chairman Maher responded this is not about trespassing but about planning to damage or actually damaging property. He said he would say yes in regards to the conspiracy to go forth and damage critical infrastructure would be a crime. Rep. McCarter asked if people going to the site to protest would be a conspiracy. Chairman Maher stated the bill as it stands would have it that way but the amendment would make it not a crime.

Rep. Comitta asked what problem the bill is trying to fix, commenting it seems redundant with current law. Chairman Maher explained currently there are laws about forms of trespassing but the bill arrived from the Senate addressing those in this context. He said the amendment would eliminate adding a new trespass issue and gets to damage of critical infrastructure. Chairman Maher added this is a matter of principle as there is a distinction between this being against not just the property owner but the community. Rep. Comitta commented the bill is redundant and unnecessary.

Minority Chairman Mike Carroll (D-Luzerne) noted the bill as written presents significant problems for a whole host of interested parties in southeastern Pennsylvania and the bill as received is something he could not support. However, the amendment alleviates some of the concerns and is a step in the right direction, he added. Chairman Carroll said the amendment is the smart thing for him to support with the expectation that it will minimize the effect on people that are sincerely protesting, but the bill as amended still requires some attention.

The committee moved to discussion on the bill as amended.


Rep. Krueger-Braneky commented she strongly opposes the bill because it is designed to intimidate citizens out of exercising their free speech rights. She said this is not a Pennsylvania specific bill but one designed to take away free speech across the country. Rep. Krueger-Braneky explained in Delaware County there was a facility that serves people with intellectual disabilities in wheelchair that had to be evacuated after a pipeline was struck and raw sewage flooded the parking lot. She also told how in Lancaster County nuns had their land taken away because of eminent domain and they have created a chapel at the site to pray. Real protections need to been taken up instead of another bill designed to protect the interest of the oil and gas industry, she argued.

Chairman Maher explained the bill. He said it is discussing entering property containing critical infrastructure such as water, sewer, or electrical transmission lines with the intent to willfully damage, destroy, vandalize, deface or impede operations of the facility. He said the situation of raw sewage in the parking lot is tragic, but when it happens on purpose that would be a crime under this bill.

Rep. Comitta added she believes what was described as a crime is already a crime. She said another concern of hers is that many constituents have homes or schools along the Mariner East Pipeline and are so close that the pipelines right of way is on their property. There have been some concerns of whether this bill is encroaching on pipelines right of way. Rep. Will Tallman (R-Adams) responded to Rep. Comitta and said that he has a pipeline through his property but that right away does not give away his rights to his property.

Rep. Jordan Harris (D-Philadelphia) expressed his concern is with the crimes and punishment as a felony of the second degree is left for those who commit murder and a felony of the first degree is premeditated murder. He stated he is confused how it can be a felony of the first degree but give only two years. The crimes would also be bar people from doing any real meaningful work in the future, he added. Rep. Harris asked how this can be put on the same par as someone who commits premeditated murder. He added the ambiguity leaves too much interpretation to law enforcement.

Chairman Maher stated he is willing to sort out the fine points and concerns as the bill is not marked for second consideration this week.

Rep. Austin Davis (D-Allegheny) noted his concerns are with limiting free speech and the right to assemble of those who want to hold industry accountable. He said the bill is overly punitive and the language remains unclear. Rep. McCarter made a motion to table the bill. The motion to table failed with Republican members voting in the negative.

Chairman Maher discouraged the motion. Chairman Carroll commented an effort to amend the bill in committee is a harmless proposal. Chairman Maher stated the bill has been in committee since June and those with sincere points have been in touch with him.

Rep. Harris commented he is very sincere about his concerns. Chairman Maher noted he knows the representative was sincere.
WOLF ADMINISTRATION, AUDITOR GENERAL UNVEIL SCHOOL SAFETY FINAL REPORT

By Matt Hess, Pennsylvania Legislative Services
August 27, 2018

Auditor General Eugene DePasquale and officials from the Wolf Administration held a press conference this afternoon to unveil the final report and recommendations from the Pennsylvania School Safety Task Force.

DePasquale explained that the impetus for the task force was the mass school shooting in Parkland, Florida, and the report and recommendations were based on meetings around the state with stakeholders who included teachers, students, and school officials.

“Every student we talked to said mental health services is absolutely critical,” DePasquale stated. “Social and emotional education support systems and community involvement are all aspects of mental health awareness and students said they were lacking in their districts. Students repeatedly identified social media and online bullying as major concerns…there must be processes in place to help students access mental health services before tragedy occurs.”

DePasquale said the task force also repeatedly heard about the need for enhanced physical security and the issue of arming teachers. “The overwhelming majority of people said they do not want teachers to be armed. School security should not rest in the hands of teachers. We need trained law enforcement professionals to handle violence and try to prevent violence in classrooms. Coordination with local law enforcement is key. If armed officers are in our schools, they need to be trained to work with students not just criminals,” he stated. “We’re also looking to help school boards avoid making knee jerk reactions to keep their students safe. Often in the days after a school attack, school administrators are flooded with offers from vendors looking to enhance a building physical security. However, without proper guidance many of these administrators are not adequately equipped to make good decisions on what should and shouldn’t be done for building enhancements. That is why this report includes a recommendation for an approved vendor list so administrators can be well informed. Just like state contractors in other state agencies, you have to be on a state approved vendor list before a school can hire you to make security enhancements.”

DePasquale said there are a total of 32 recommendations that focus on the following five areas:
• Improving communication and information sharing;
• Using training and evidence-based practices;
• Increasing access to mental health services;
• Expanding the social, emotional, and mental health curriculum;
• Strengthening building security.

“The main goal is to provide actionable advice for families, communities, schools, and state agencies to help prevent school violence. Many times the tools for implementing these recommendations are already available; they just need to be used. Pennsylvania government must lead the way in shaping how students should be kept safe and it will be my job to ensure the schools are following through on what they need to do,” DePasquale stated. “There is no one-size-fits-all solution for schools across Pennsylvania. The diversity of our school size and makeup creates a unique challenge to have standardized security guidelines. As school officials implement the recommendations targeted to them, they will be making strides to keeping students and staffs safe.”

Marcus Brown, Director of the Office of Homeland Security, said in addition to the task force report, the 2018-19 budget includes $60 million that will be distributed by a new School Safety and Security Committee with the oversight of the Pennsylvania Commission on Crime and Delinquency to help school districts across the state address their school safety needs. "This will be awarded in the form of grants to cover a wide variety of expenses and programs including physical security upgrades, security equipment, violence prevention programs, teacher training, and individualized mentoring programs," he stated. “I know the governor is incredibly proud of this report and the fact that we were able to get this new program funded in the budget. He is looking forward, as we all are, to helping schools across the commonwealth making their classroom safer for students. We will continue to work together with educators, students, parents, and stakeholders to make sure we are doing all we can do to make our schools safe for children.”

Pedro Rivera, Secretary of the Department of Education, as well as a host of law enforcement officials were on hand for the press conference.

The administration officials and DePasquale then responded to questions from the media.
The funding would only provide $120,000 per school district; is there a plan to increase the money for school safety initiatives?
Brown stated, “The idea for us was not for us to tell schools what to spend the money on. The idea was for each of the districts to come to us and submit grant applications and decide how they want to spend the money.” DePasquale added “some point down the line we’re going to have to have some more money for mental health services but one thing we highlight in the report is that there are a lot of resources already available. There are mental health offices in every county where if we had better coordination you would not have to necessarily hire more people.”

Is there a protocol recommended for when a student is identified as being a threat to themselves or others?
DePasquale stated, “There is no protocol in there aside from having the mental health professional would take their appropriate protocols and make their recommendations.

Are there any strategies or recommendations that need to be urgently implemented in schools statewide?
DePasquale said, “The money going out to the school districts for the immediate physical upgrades was something that was viewed as critical, that’s why the money is flowing out to those districts. I’m not convinced at this point that every school district is making mental health counselors available to every student and that is something that needs to get done very fast.”

Some have suggested that privacy laws will have to be changed in order to improve communication and coordination between districts and state agencies. Can you give any specific examples of why the change would be necessary?
Sec. Rivera replied, “At the direction of the governor we involved in looking at specific policies by which agencies across the commonwealth can share pertinent information that is not necessarily protected under current law. There is misinformation around what information can be shared. There is an umbrella that seems to be placed around protected information and not all of that information is protected. We are identifying that non-protected information and working on sharing it across agencies.”

The Senate Majority Policy Committee is holding hearings around the state regarding the issue of school safety, are you working with them?
DePasquale stated, “The governor’s office and myself met with legislators throughout this process. The lion’s share of the task force listening tour was to listen to the parents, teachers, and administrators because they are rarely get heard. We kept having discussions with members of the General Assembly on both sides of the aisle and in both chambers.”

I believe that state law requires districts to have MOUs with local police departments or the State Police with regard to school safety; why would a district have to work with a third party entity?
DePasquale stated, “That law does exist but in many parts of Pennsylvania, they don’t have a local police department and in many cases the State Police is the first responder. There may be a need to hire additional professionals. That exists in a pretty big chunk of Pennsylvania and therefore other options need to be considered.”

You said there is not a one-size-fits-all approach but is there a specific recommendation that the General Assembly could implement to improve school safety?
DePasquale responded, “I think there needs to be additional resources to the State Police. They have a great team that goes out to assess the infrastructure of schools at the request of school districts but they don’t have nearly enough people to do that for every school across Pennsylvania; they need more staff to get that done. We are going to have to find additional funding for every school district to provide mental health counselors. Some of our rural and poor districts don’t even have money for a guidance counselor; they simply don’t have the money to do it on our home. We are going to help lower income schools come up with the resources to hire the appropriate professionals.

8/30/2018

PCCD committee polishes distribution of $70 million in school safety funding
Lawmakers, security and schooling experts laid the groundwork for the distribution of $70 million in state school safety funding Wednesday at the second meeting of the Pennsylvania Commission on Crime and Delinquency's School Safety and Security Committee.

The General Assembly allocated the funding under this year’s budget with a wide list of uses, from installing metal detectors or security cameras to providing training for teachers or ordering a threat assessment.
The committee held an informational hearing on SB 799.

**SB 799  Alloway, Richard** - (PN 1451) Amends Title 27 (Environmental Resource), in environmental stewardship and watershed protection, further providing for legislative findings, for the Environmental Stewardship Fund, for agencies and for Commonwealth indebtedness and establishing duties for the Department of Community and Economic Development, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission and the Pennsylvania Historical and Museum Commission. The bill shall be known as the Growing Greener III Act. Beginning in fiscal year 2017-2018, moneys in the fund shall be allocated as follows: (1) 28.9 percent to the Department of Conservation and Natural Resources, which shall use the allocation as follows: At least 50% for grants for projects of which the recipient is a county or other municipality, council of governments, conservation district or authorized organization; At least 10% for land trust projects; At least 4.5% for the Heritage Areas Program; and For fiscal years 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022 and 2022-2023, at least 30% for projects and programs located within the watershed of the Susquehanna River and its tributaries; (2) 38.2 percent to the Department of Environmental Protection, which, for fiscal years 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022 and 2022-2023, shall use at least 40% of its funds for projects and programs within the watershed of the Susquehanna River and its tributaries; (3) 19.7 percent to the Department of Agriculture, which shall use the allocation as follows: At least 12% for grants to authorized organizations to preserve farmland; and For fiscal
Chairman Maher stated this is an effort to educate members of the committee and the public about important legislation that is pending in the House. He said the bill is referred to as Growing Greener III.

Andrew Loza, executive committee member, Growing Greener Coalition, provided a historical look at the Greater Greener program. He explained that Growing Greener grants have helped locally-based organizations help their communities. Loza told lawmakers, “Watershed associations, land trusts, conservation districts and other groups have brought hundreds of miles of stream back to life; made our water safer to drink; reduced the threat of flooding; and made fishing, swimming, and paddling possible where once there was only death.” He reported, “We have almost two decades of evidence showing that Growing Greener investments provide effective solutions to these challenges.” Loza cautioned, “Growing Greener is underfunded relative to its much higher, past funding levels and it's underfunded relative to the tremendous backlog of environmental needs waiting to be addressed.” He outlined some of the projects where there is not enough money to complete them.

Rep. Pyle stated he is curious about the data set regarding miles of waterway. He commented he receives calls all the time about the water near him in the Allegheny River and is told on one hand it is a bubbling oozing river and the other hand it is a vibrant fishing stream. Rep. Pyle said the non-remediated mine lands seem to be pointing to the Northeast as in the Northwest they are receiving awards for remediating mine lands. He asked if he is supposed to go to his people at home and say they will be charged an extra $10 to $20 to go to state parks and forests though there are none. Loza replied Growing Greener invests in local community and state parks and forest system. He noted there has been a lot of great progress made regarding abandoned mine lands but there is still a tremendous amount to be done. Rep. Pyle commented Pennsylvania does not have state parks but federal flood control projects.

Rep. Corbin asked if the statistics for number of rivers unable to be used for boating and fishing include those rivers that could not be navigable with a boat anyhow. Loza stated it includes both navigable and unnavigable.

Ann Swanson, Executive Director, Chesapeake Bay Commission, provided a power point presentation in support of SB 799. She reported the “funds available for water quality improvement in Pennsylvania are less than $150 million and are shrinking as reductions are made to Growing Greener.” According to Swanson, “there are more than 19,000 miles of streams in the Commonwealth that do not meet water quality standards, and the number of impaired waters in Pennsylvania leads the nation, more than double the number two state of Michigan.” Noting the funding levels in Maryland and Virginia, Swanson asserted, “Dedicated funding gets results.” She spoke of the importance of spending strategically. She argued that success will require "expanding the old and embracing the new." Swanson described the legislation as "a great next step."

Chairman Maher commented he has paid close attention to the Chesapeake Bay while serving on the committee and discovered the statistics cited are not based on anyone measuring what is in the water but rather on a model of scoring. He stated he has been told it is the best model but that does not reconcile going out and actually testing the water. Chairman Maher noted the funding chart shown in testimony is comparing apples to oranges because it does not include money from the authorities and municipalities used for improving water quality.

Chairman Maher questioned if the commission supports the bill. Swanson replied yes. Chairman Maher added the bill includes a new initiative to deal with nitrogen that is a byproduct of livestock through some science that pulls out nitrogen and would be funded through this bill. Marel King, Pennsylvania director of the Chesapeake Bay Commission, responded it sets a procurement program that looks at nitrogen generically as water does not care where the nitrogen comes from so why should they. She said a key to the procurement fund is looking where they can find those reductions most cost effectively.

Chairman Maher added the Susquehanna River contributes to the Chesapeake Bay and measuring needs to happen at the Pennsylvania line. Swanson noted there are 144 monitoring sites in Pennsylvania. Chairman Maher responded the model is what generates the statistics.
George Kelly, Chief Markets Officer, Resource Environmental Solutions (RES), was joined by Robert Maiden who resides in the RES Pennsylvania Office. Kelly stated, “The role of the private sector is critical.” Reviewing the Growing Greener and Pennsylvania Clean Water Procurement programs, Kelly told members, “It is important to encourage and allow the private sector to participate in the delivery of these programs.” Kelly went on to outline provisions in the legislation which he said “should be addressed in order to create greater clarity in understanding the legislative intent and application/implementation of the bill should it be enacted into law.”

Chairman Maher asked if they have any suggestions on how they would revise the concerns they brought forward. Kelly replied yes. Chairman Maher requested they be sent to the committee. He asked how can the balance the objectives of sediment and water as they seem to be separate issues. Kelly replied in terms of their experience, they have seen many of the practices produced are around sediment benefits in addition to nitrogen and phosphorus benefit. He said because many of the permits in Pennsylvania are sediment focused there is an opportunity to use the funds to help municipalities meet the obligations. Kelly gave the example of Codorus Creek Project in York County, which has many sediment benefits as well as nitrogen and phosphorus.

Rep. Tallman commented the Susquehanna River is full of sediment and there are problems with floods. He asked what the best management practice is for reducing sediment. Kelly stated there is a whole host of best management practices such as storm water types of practices which have tremendous benefits from a sediment perspective. He added there are real opportunities to restore streams in size that have a major input on sediment. Kelly noted they have done 40 miles of stream restoration that is flood plain restoration.

Patrick Thompson, Chief Executive Officer, EnergyWorks Group, discussed how “manure treatment technologies (MTT) can play a key role in meeting Pennsylvania’s agricultural nutrient load reduction goals.” He outlined how his company’s facility in Adams County demonstrates MTT potential. Thompson went on to discuss the commonwealth’s systemic nutrient imbalance, the role of manure treatment technologies, integrated area nutrient management, and transitioning pollutant mitigation costs.

Rep. Pyle stated nitrogen is the most common occurring element on earth but phosphorus is the problem and asked if that is correct. Thompson responded both contribute to algae growth and contribute to problems in the Chesapeake Bay. Rep. Pyle stated essentially farmers are being asked to do a lot more activities and lay out a lot more money when Pennsylvania does not get the back end of what is done because it affects the Chesapeake Bay. Thompson said they are seeing all states make good progress on the phosphorus piece of it, but nitrogen is the hardest one to control.

Rep. Tallman commented he has toured Thompson’s facility and suggested other members do too as it is very innovative.

Chairman Maher noted while there is no part of the Chesapeake Bay in Pennsylvania, the state does have an algae issue. He said on the other hand there are waterways that could use more nitrogen and phosphorus to restore aquatic life. Thompson added nitrogen is an issue for local water quality as well as drinking water quality is a serious issue in Pennsylvania.

Mark Stoermann, Chief Operating Officer, Newtrient LLC, explained that his organization’s mission is “to reduce the environmental footprint of dairy and make it economically viable to do so.” He further explained, “Newtrient brings an entrepreneurial approach to its work, by focusing efforts on nutrient management technologies, manure-based products and market-drive solutions that positively incentivize dairy farmers to invest in environmental outcomes that benefit their communities.” Stoermann argued, “By using a competitive bidding process to identify the lowest cost opportunities to reduce water pollution the Pennsylvania Clean Water Procurement Program will create a market for verified nutrient credits allowing Pennsylvania dairies of all sizes to put practices and systems in place that reduce environmental impacts and the state’s nutrient compliance costs.” He concluded, “By providing a market driven source of revenue to support these projects the program will improve the environment, help meet the state’s compliance mandates, and strengthen the dairy industry of Pennsylvania”

Chairman Maher stated he agrees with the testifier’s statement that there have been random acts of conservation.

Joseph Sweeney, Executive Director, Water Science Institute (WSI), told committee members, “WSI supports the aims of this legislation because we believe it will fund best practices, promote innovative technologies and start to align water quality funding with cost-effective results.” He testified, “In particular, we view the current provisions of SB 799 to be useful in promoting cost-effective practices such as the removal of legacy sediment (so called because it is the legacy of historic damming of valley bottoms) that commonly buried wetlands and streams in the region.” Sweeney explained, “The long-term practice of damming and other alterations to the landscape for logging, milling and mining operations has had a profound but often unrecognized effect on modern watershed hydrology.” He briefly discussed WSI’s restoration project at
Big Spring Run in West Lampeter Township, Lancaster County. Sweeney concluded, “WSI supports SB 799 because it funds existing best practices while promoting marketplace innovation like the approach at Big Spring Run.”

Chairman Maher questioned what the benefits would be downstream if the sediment buildup at the Conowingo Dam were to be cleaned up. Sweeney stated it would be significant, but can be done in a better way than what Maryland is planning. Chairman Maher inquired if it is clear to Sweeney what best practices in the bill means. Sweeney said there needs to be some clarification and has made some suggestions.

Rep. James asked for explanation of nitrogen credits. Chairman Maher explained if party A was obliged to reduce nitrogen by X but they thought it might be more cost-efficient is someone else reduces nitrogen by X, they would pay someone to do so and that would be credit against their own.

Rep. Bloom inquired what is done with the sediment once it is removed and if it is a beneficial use. Sweeney replied in one instance the sediment was purchased by a local excavator who used it for Brownfield restoration in Lancaster City.

Tony Friedrich spoke on behalf of Bob Clouser, the owner Clouser’s Fly Shop in Middletown, Pennsylvania, who expressed support for the legislation. He commented, “Fishing in Pennsylvania used to be world class.” Friedrich reported, “We started to notice a decline in water quality and of course, fish populations in the late 1990s.” He commented, “As I look back on my career, it mystifies me that so little was done to protect something that could be the most formidable economic engine for our state.” Concluding the testimony, Friedrich said, “I believe SB 799 does a good job in addressing these concerns and will put us on the right track.”

Dusty Wissmath, owner, Dusty Wissmath’s Fly Fishing School and Guide Service, also expressed support for SB 799. According to Wissmath, “People aren’t coming here to fish anymore because our waterways are degraded.” He noted, “Essentially, I've lost 25 percent of my business from both in-state and non-resident fishermen in the last 20 years.” Wissmath asserted, "With a significant percentage of our streams and rivers impaired, including parts of the lower Susquehanna, it is no wonder that we aren’t seeing the full potential of our state fisheries." He went on to say, "Senate Bill 799 will be a great down payment on restarting that economic engine."

Chairman Maher commented from visual observation water is different now than it was. Wissmath commented many people that come into his store tell him how much they have seen a change in their lifetime.

Rep. Tallman inquired how the qualities of Torch Spring Run and Yellow Breeches have changed from 1960 to today. Wissmath replied he did not live here in 1960, but a challenge is that agricultural runoff has increased. He explained they have volunteer work parties that go out and try to mitigate that situation by trying to create buffers. Wissmath stated with the amount of silt it makes the water shallower which then increases the temperature. Friedrich added the limestone deposits in the water is a gift from nature which is why so many people choose to fly fish here because Pennsylvania is one of the few places that has this amount of limestone. Chairman Maher commented when sediment builds up it buries the limestone.

Ramez Ziadeh, Executive Deputy Secretary for Program, Department of Environmental Protection (DEP), stated that in 2010 the Environmental Protection Agency (EPA) established a Total Daily Maximum Load (TMDL) for the Chesapeake Bay. While significant progress had been made, there is still work to be done, Ziadeh said. He stated Pennsylvania’s phosphorus goal is 3 million pounds. Ziadeh added the DEP, the Pennsylvania Department of Agriculture (PDA), and the Department of Natural Conservation and Resources (DCNR) along with 200 stakeholders are working on Phase 3 of Pennsylvania's Watershed Implementation Plan (WIP). He commented the administration believes the procurement plan in the bill with some modifications can help them achieve an innovative financing mechanism. However, there are a number of principles of a procurement program that need to be incorporated into the bill, Ziadeh added. He offered the following suggestions:

- funding solutions should allow all recognized best management practices that will deliver nutrient reductions to compete within the procurement process
- the procurement should be based upon actual delivered reductions
- the bill should provide maximum flexibility for DEP and the Pennsylvania Infrastructure Investment Authority (PENNVEST) to utilize the most innovative tools
- Various technical requirements.
Lauren Imgrund, Deputy Secretary for Conservation and Technical Services, DCNR, continued that the need for investments in environmental restoration and recreation has never been greater and it is vital to keep this investment strong. She commented the demand for Growing Greener continues to greatly exceed available funding. For example, as funding from Growing Greener II has been exhausted, DCNR and its partner communities has been challenged to make the investments needed to restore state and community parks and trails, renovate and modernize state parks and forest infrastructure, and many other investments that make Pennsylvania an attractive place to work and to live, Imgrund said.

Karl Brown, Executive Secretary Pennsylvania State Conservation Commission, PDA, added Growing Greener funding greatly accelerated the rate at which PDA was able to secure agriculture conservation easements through the Pennsylvania Farmland Preservation Program. He stated the demand remains high, with roughly 1,400 eligible farms on county backlog lists waiting to be preserved. Brown noted additional funds will help to secure these easement purchases and protect some of the most productive prime farmland soils found anywhere in the nation.

Chairman Maher stated one of the first conversations he had with DEP after becoming chairman of the committee was focused on the issue of the Chesapeake Bay and discussion of various proposals for credits. He said the term credit can be confusing, but this conversation has been ongoing for the entirety of the administration. Chairman Maher asked if they have suggested language. Ziadeh stated they would be happy to work with the committee.

Chairman Maher said there is a practical problem when trying to create policy because the administration says there needs to be an amendment but never says what they want. He noted Growing Greener is supposed to provide a map of the objectives trying to be accomplished from a conservation and remediation perspective. Chairman Maher added he has heard nothing from the administration today about abandoned gas wells when last year only four were plugged.

Chairman Maher continued that when it comes to abandoned mines the conversation is focused on Central Pennsylvania but there needs to be some focus on Western Pennsylvania, too. He said he believes the testifiers are doing their jobs and doing them well but the administration as a whole needs to get engaged in more than criticizing.

Rep. Pyle agreed with the chairman's comments regarding focusing on Western Pennsylvania as the Allegheny River is one of two rivers in the entire world of its nature. He said there are conflicting views as some say it is bubbling oozing water while it is also a place of traditional monster fishing. Rep. Pyle suggested the Fish and Boat Commission be involved in the discussion. He stated they used to work on the Allegheny River until they found endangered species that live in the sediment. Rep. Pyle added they need to lay off the Allegheny River.

Ziadeh replied they will get the comments back to the administration.

Chairman Maher noted there was a long list of advocates who had wanted to provide comment but none had shown up or provided written comments.

**************************************************

Senate Environmental Resources and Energy Committee
6/12/18, 9:30 a.m., Room 8E-B East Wing
By Mike Howells, Pennsylvania Legislative Services
Video: (click here)

The committee met to consider legislation.

Chairman Gene Yaw introduced his new executive director, Nick Troutman.
SB 1189 Baker, Lisa - (PN 1812) The Delaware River Basin Commission Eminent Domain Activity Act provides that a ban as described under section 4 (relating to designation of condemnation) shall constitute a taking by the Delaware River Basin Commission of the property of the owners of the oil and gas estates in the impacted counties and the owners shall be entitled to be paid appropriate and just compensation by the commission, in accordance with law, as a remedy for the taking. Effective immediately. - The bill was reported as committed with Senators Andy Dinniman (D-Chester), Daylin Leach (D-Montgomery), and Anthony Williams (D-Philadelphia) voting in the negative.

Sen. Lisa Baker (R-Luzerne) noted there is a move by the Delaware River Basin Commission (DRBC) to make permanent regulations that would provide for a drilling ban. She said those who live in the basin face a fundamental unfairness in that regard, and that the notion of compensation for landowners has been under consideration for some time. “There is simply no principle of equity to support such a large denial of opportunity without compensation,” she said, and emphasized the measure is not an attempt to contravene the decision-making process of the commission, or be cast as a judgment on whether drilling should take place in the basin.

Sen. Baker pointed out the Susquehanna River Basin Commission (SRBC), in contrast to the DRBC, has not found that such action is necessary. She said the DRBC’s action has caused people in different parts of the state, and even in different parts of a county, to be treated differently. She added there is a concern it is the “beginning of an assault” on other economic enterprises the commission may deem potentially harmful. She contended the bill is not an environmental resources measure but rather one that simply tries to compensate impacted residents.

Sen. Daylin Leach (D-Montgomery) asked who would retain title to the land in any other kind of taking. Sen. Baker said they believe it would be the same process in an eminent domain taking. She said residents would not lose title because mineral rights go with the land. Sen. Leach said most takings mean the previous owner no longer owns the land, it having been taken by the government. He asked if residents in this case would still be able to use their land for other things, besides fracking.

Sen. Baker confirmed that is the case. Sen. Leach suggested a fairer level of compensation should just be the lost value of any fracking royalties. Sen. Baker clarified it is just the value of the mineral rights that would be conferred to the resident. Sen. Leach continued, suggesting it would only be fair to compensate people if they were using land for fracking. Sen. Baker said it would be for mineral rights. Sen. Leach discussed the issue of limiting principle, and whether the bill would apply to any environmental regulation. Sen. Baker cited case law from New Jersey, Loveladies Harbor, Inc. v. United States, where the Army Corps of Engineers failed to issue a permit which caused a property to essentially lose all of its value, and the government was ordered to pay just compensation on the basis that the public interest did not outweigh the individual interests involved.

Sen. Leach asked if the matter is thus already covered under existing precedent related to constructive taking. Sen. Baker she feels it is a question that needs to be put into law.

Sen. Andy Dinniman (D-Chester) questioned why the bill is being run before the regulations are complete, and suggested a resolution conveying the Senate’s opinion may be more timely. He also remarked that the state is dealing with a federal agency comprised of four states, and said in his understanding the state doesn’t have the right to challenge a multi-state agency of which it is a part. Thirdly, Sen. Dinniman said there are already laws in place on eminent domain. He added the impact on water quality at this point remains an open question. Lastly, he said the matter deals with the northern part of the Delaware River Basin, and the Senate has passed legislation barring fracking in the southerly counties. He said he would be more receptive if the bill took care of the problems in the southeast, such as recourse if a company impacts a person’s well or surface water. He emphasized this is his biggest concern. Sen. Baker said they are working on a rewrite of Title 35 to expand small disaster assistance program to support natural and manmade disasters in the state that don’t qualify for federal assistance. In terms of leaving the DRBC, she said there are many who question the appropriateness of the commission, which she noted is an unelected body making land-use decisions that affect Pennsylvanians. In terms of equity, Sen. Dinniman said that when the legislature is willing to protect the rights of residents in the southeast relative to pipelines, he is ready to support Sen. Baker’s legislation.

Chairman Yaw called attention to a resolution being run on the floor today.

Sen. Leach referred to language in the bill that seems to contradict Sen. Baker’s intent of only compensating mineral rights rather than the entirety of a property. He added that vis a vis the limiting principle demands further tightening of the language.

Additionally he noted that several thousand dollars for easements to build pipelines in people’s yards which render them “uninhabitable” is not fair compared to the windfall being proposed in the bill.
Sen. Anthony Williams (D-Philadelphia) said he doesn’t support the bill given its fiscal implications but added it is appropriate to engage in more practical discussions on the matter. He suggested Sen. Baker’s constituents are requesting what they think is fair. Sen. Baker confirmed her constituents have been good stewards of their environment and just want to be treated fairly. She emphasized the DRBC’s intent appears to be a permanent removal of the right to drill in that area. Sen. Don White (R-Indiana) said it has been an issue in the west of the state too. He said he could not see anything in the bill that names particular southeast counties. He asked what “high-volume” fracking is. Sen. Baker said there have been test wells in Wayne County in particular whose results are not public but the dollar value associated with canceled leases implies there is potentially a large volume of resources.

SR 373 Rafferty, John - (PN 1800) Concurrent Resolution establishing a special bipartisan, bicameral legislative commission to recommend safety, oversight and interagency coordination improvements for the transport of oil, natural gas and other hazardous liquids through pipelines in this Commonwealth and develop and promote legislation in furtherance of its recommendations. - The resolution was reported as amended with Senators Scott Hutchinson (R-Venango), Scott Martin (R-Lancaster), Kim Ward (R-Westmoreland), and White voting in the negative. A07486 by Yaw, modifies the makeup of the commission. The amendment was adopted with Sen. Ward, Martin and White voting in the negative.

On the amended resolution, Sen. Rafferty said it has grown out of pipeline development in the state, and residents seeing difficulty with one company in particular - Mariner - whose management company he said has had total disregard to individuals impacted by pipeline installation. He added in emergency situations state agencies are not communicating well with each other and with municipalities. He said with more pipelines on the horizon a commission would be valuable to help oversee their development.

Sen. Dinniman thanked the chair for allowing the resolution to go forward, and said they are not opposed to pipelines but to the problems caused by one single company, which he characterized as the single worst enemy of the industry because it has led to public opposition to pipelines in general.

Sen. White said if there is a problem with a single company they have the ability to deal with them individually. He suggested involving the other “good players” in the resolution is problematic. He called the measure “a great overreaction,” and said the last thing that is needed is “a bunch of zealots” being added to another layer of government involved with the industry.

“Let’s put this company out of business,” he said. Sen. Rafferty contended Mariner is based in Texas, and said if the industry itself had gotten on the company maybe things would be different. He emphasized he is not trying to stop pipelines in general, and said he would be happy to work with anyone on suggestions for revisions to the measure.

Sen. Scott Hutchinson (R-Venango) agreed there is no need for “another commission with zealots on it.”

HB 927 Rader, Jack - (PN 1080) Amends the Municipal Waste, Planning, Recycling and Waste Reduction Act, in recycling and waste reduction, stipulating that a municipality other than a county that has a population of more than 5,000 people and a population density of 500 or fewer people per square mile shall be exempt from establishing a leaf waste collection program provided that the municipality has enacted an ordinance prohibiting the burning of leaf waste. Further, a municipality that has not enacted an ordinance prohibiting the burning of leaf waste shall be subject to “large population” requirements if the municipality has a population of 10,000 or more people; or shall be subject to “small population” if the municipality has a population of more than 5,000 people but less than 10,000 people and has a population density of more than 300 people per square mile. The bill also makes editorial updates. Effective in 60 days. - The bill was reported as committed with Senators Leach, Williams, and Yudichak voting in the negative.

Rep. Jack Rader (R-Monroe) explained the bill would help townships with large areas but low population densities.

SB 917 Dinniman, Andrew - (PN 1223) Amends the Municipal Waste Planning, Recycling and Waste Reduction Act, in recycling and waste reduction, further providing for Commonwealth recycling and waste reduction. The bill establishes notwithstanding any other provision of law to the contrary, compost and compost products shall be utilized as recycled materials in projects as a best management practice for: erosion and sediment control or post-construction storm water management. It also states the department shall establish appropriate specifications for the use of compost and compost products by June 30, 2018 as a best management practice in erosion and sediment control and post-construction storm water management. Effective in 60 days. - The bill was unanimously reported as amended.

A07521 by Yaw, extends the date from June 30, 2018, to June 30, 2019, for a department deadline. The amendment was unanimously adopted.

On the bill as amended, Sen. Dinniman said the bill would take a waste material and put it towards a constructive purpose, simultaneously helping the mushroom industry.
SR 326 Vogel, Jr., Elder - (PN 1679) Resolution urging the Congress of the United States to adopt the National Park Service’s recommendations to extend the Lewis and Clark National Historic Trail to include additional sites along the Lewis and Clark Expedition’s Eastern Legacy. - The resolution was unanimously reported as committed.

SR 375 Bartolotta, Camera - (PN 1813) Resolution urging the President and Congress of the United States to enact legislation that advances the development of an Appalachian storage hub for petrochemical feedstock. - The resolution was reported as committed with Sen. Dinniman and Sen. Leach voting in the negative.

SB 1027 Rafferty, John - (PN 1435) Amends the Gas and Hazardous Liquids Pipeline Act making an editorial change and providing for duties of the Department of Environmental Protection and of pipeline operators. The bill establishes that an entity shall provide notification to each resident, municipality and other applicable party affected by the drilling of a pipeline at least five days prior to the initiation of a project. Effective in 60 days. - The bill was passed over.

HB 2154 Causer, Martin - (PN 3477) The Conventional Oil and Gas Wells Act relates to conventional wells and the development of oil, gas and coal; imposes powers and duties on the Department of Environmental Protection; and provides for preliminary provisions, for general requirements, for underground gas storage, for enforcement and remedies, for related funds, parties and activities and for miscellaneous provisions. The purposes of this act are to: (1) Permit the optimal development of the oil and gas resources of Pennsylvania consistent with the property rights of owners of the oil and gas resources and the protection of the health, safety, environment and property of the residents of this Commonwealth; (2) Protect the safety of personnel and facilities employed in the exploration, development, storage and production of natural gas or oil or the mining of coal; (3) Protect the safety and property rights of persons residing in areas where exploration, development, storage or production occurs; (4) Protect the natural resources, environmental rights, property rights and values secured by the Constitution of Pennsylvania; and (5) Provide a flexible and cost-effective way to implement and enforce the provisions of this act. Further provides the requirements of the Coal and Gas Resource Coordination Act shall apply to this act for the issuance of a permit. Effective immediately. (Prior Printer Number: 3187) - The bill was passed over.

Senate Committee OKs Bills Requiring Compensation For DRBC Fracking Ban, To Form Pipeline Commission, But NOT Bill To Weaken Conventional Drilling Standards
6/12/18

House Committee OKs Bill To Limit Eminent Domain Use On Land Protected By Conservation Easements
6/12/18

******************************************************************************

ADVOCATES RALLY FOR 100% RENEWABLE ENERGY BY 2050
By Derek Snyder, Pennsylvania Legislative Services
June 12, 2018

Hundreds of supporters held a rally this morning to promote 100 percent renewable energy in Pennsylvania by 2050. This effort is in part of a bipartisan effort illustrated in HB 2132 and SB 1140, with current support from 13 senators and 42 representatives.

Adam Garber, Deputy Director of PennEnvironment, spoke about the different vision that he had for the future, which included homes powered by solar rooftops and businesses powered by wind. Doing this will allow everyone to save money and become more energy efficient, added Garber, noting that “there’s a lot to worry about in this world, but I know if we continue to burn fossil fuels, little of that will matter.”

Rep. Chris Rabb (D-Philadelphia) thanked his fellow “tree huggers” for their support in the cause for transitioning to renewable energy. Rep. Rabb spoke about his hope that those currently working in coal mines will be able to transfer to jobs involving solar and wind energy, since this is about their future too. “We want to talk about families of the future. This is what this is about,” said Rep. Rabb, who discussed his bill for 100 percent renewable energy by 2050, even though he believes it could happen even sooner. Rep. Rabb thanked his Republican friends who have supported his bill for their love of the Earth and for believing in science. Rep. Rabb added that the legislation would establish a clean energy transition task force, a clean
energy center of excellence, and a council for clean energy workforce development to support the transition over the next 32 years. “The vast majority of scientists agree. Climate change is real,” concluded Rep. Rabb.

Pastor Inge Williams, a representative of the Lutheran Advocacy Ministry, discussed the moral obligation of people to tackle climate change. Williams talked about how those who need to be protected the most are the ones who suffer from climate change, including the ill and the elderly, farmers and orchard owners, and already low-income communities. “Our collective addiction to fossil fuels must be curtailed in order to mitigate massive human suffering,” said Williams, before adding “that suffering has already begun.”

Dr. Ruth McDermott-Levy opened in saying that “the impacts of climate change on the health of Pennsylvanians are very real.” Dr. McDermott-Levy noted that 9 percent of children (and 11 percent of adults) have asthma, 7.4 percent of people have chronic obstructive pulmonary disease, and nearly 10 percent have cardiovascular disease, all of which are influenced by the same air pollution that is related to climate change. “If we address our energy production, we address climate change and our health,” added Dr. McDermott-Levy, before addressing the resulting increase in diseases such as West Nile Virus and Lyme disease.

Anthony Clarke, a representative of People Organized to Witness Empower and Rebel, spoke about the impact that climate change has on communities of color and low-income communities. “It’s time to embrace the 100 percent renewable energy future,” said Clarke, adding that renewable energy will lead to people living safer, healthier, and longer lives. Clarke mentioned that climate change affects everybody, but that vulnerable and disadvantaged communities face a disproportionately negative impact. Clarke further discussed how access to clean and affordable energy will provide basic service and improve the livelihood of the poor. “The right of every person in Pennsylvania to have immediate access to clean, affordable, and reliable energy is non-negotiable,” said Clarke.

Todd Baylson, a representative from Solar States, discussed the benefits of solar roofing for both consumers and the economy regarding his business and overall job growth. Since 2012, the number of solar industry workers has doubled to 250,000 workers, noted Baylson. Baylson recognized that about 2 percent of power nationally is generated by solar power, but that estimates show that the number could be as high as 40 percent.

Garber gave recognition to several lawmakers and echoed his thanks for their bipartisan support of renewable energy and Rep. Rabb’s bill.

GROWING GREENER COALITION RECEIVES BIPARTISAN SUPPORT FROM LEGISLATORS
By Derek Snyder, Pennsylvania Legislative Services
June 12, 2018

Several state senators and representatives held a press conference this morning alongside the Growing Greener Coalition to support a $50,000,000 funding investment into the Growing Greener III program.

Rep. Alex Charlton (R-Delaware) began by issuing his support for Growing Greener III and urging Rep. John Maher (R-Allegheny), the Environmental Resources and Energy Committee chairman, to schedule a vote through his committee for SB 799, which was introduced by Sen. Rich Alloway (R-Franklin). “Pennsylvanians have a constitutional right to clean air, pure water, and conservation of our natural resources,” said Rep. Charlton, who expressed that scheduling the SB 799 vote would secure those continued rights for future generations. Rep. Charlton noted that Growing Greener has helped Pennsylvania’s communities in addressing critical environmental priorities, which include conserving land and water resources, restoring damaged waterways and lands, and creating prosperous and sustainable communities. Rep. Charlton urged the General Assembly to commit $50,000,000 annually to help support these priority initiatives and leverage federal matching dollars that Pennsylvania currently does not receive. Rep. Charlton made note of HB 2485, the companion bill to SB 799, which has 109 sponsors in the House, including himself.

Larry Williamson, chairman of the Growing Greener Coalition, expressed the efforts his group has been making for almost a decade to achieve a fully funded Growing Greener III program. A fully funded program would cost $300,000,000 annually to address the conservation, recreation, and preservation projects and programs needed throughout Pennsylvania, said Williamson. While a fully funded program may not be currently possible within the budget, added Williamson, the $50,000,000 down payment for this year would offer immediate support to the coalition’s programs. “With the down payment, the General Assembly will take an important step in improving the quality of life of all Pennsylvanians, especially future generations,” said Williamson.

Sen. Tom Killion (R-Delaware) recognized that the budget would not be able to include the full $300,000,000 needed to fully fund the Growing Greener III program, but encouraged others to offer bipartisan support to fund the $50,000,000 down payment investment along with his bill, SB 705. “There’s no argument, no argument at all about the success of Growing
Greener I and Growing Greener II. The problem is they're out of funds,” added Sen. Killion.

Rep. Rob Matzie (D-Beaver) opened, “safeguarding our land, our water, and natural resources is essential to maintaining a healthy and thriving economy.” Rep. Matzie noted that his focus is on three main areas of importance to Western Pennsylvania, which includes abandoned mine restoration, brownfield reclamation, and historical preservation. “Growing Greener has proved that a smart, commonsense investment in our environment can yield economic benefits and spur job growth”, said Rep. Matzie.

Sen. Tom McGarrigle (R-Delaware) pushed that “Growing Greener is one of the greatest success stories to come out of this General Assembly,” while noting the bipartisan commitment involved in creating a better environment and economy because of this program. Sen. McGarrigle discussed how there has been a decline in Growing Greener funding, even though the need for clean water, parks, trails, and other recreational opportunities continues to increase.

Rep. Hal English (R-Allegheny) highlighted that his support for Growing Greener III stems from his family's love and appreciation for Pennsylvania's outdoors and precious resources that they developed when they first moved to the Commonwealth in 1991. "We just need to preserve it, and we need to protect it, and we need to work and start by getting some funding to continue Growing Greener III," added Rep. English.

**********************************************************

House Committee Hears Testimony On Delaware, Susquehanna River Basin Commissions
6/11/18

Joint Budget & Finance Committee Water Use Fee Report Lays Groundwork For Further Discussion
6/6/18

Senate Committee OKs Bill To Authorize Alternative Energy, Water Utility Ratemaking To Encourage Conservation, Infrastructure Investment
6/6/18

Bill To Require DEP To Replace Delaware, Susquehanna River Basin Commissions Referred To House State Government Committee, Bypassing Environmental Committee

**********************************************************

PENNSYLVANIA CONSERVATIVES LAUNCH NEW COALITION FOR CLEAN ENERGY

By Jessica Richardson, Pennsylvania Legislative Services | May 24, 2018

Conservatives and business leaders announced the launch of a new coalition, Pennsylvania Clean Energy Forum (PennCEF), today to support an all-of-the-above approach to energy development.

PennCEF Executive Director Chad Forcey explained recent headlines show the concerns about the rising prices of fuel, about sources of energy, and impacts from national security to jobs in the economy. Forcey highlighted the recent passage in the House of SB 234, known as Commercial Property Assessed Clean Energy (C-PACE) that is a tool to support clean and renewable energy projects.
Forcey continued that PennCEF is a new organization in Pennsylvania that he is honored to be a part of to help conservatives come to the forefront in discussions on securing domestic, abundant, and affordable renewable energy to power the future. Clean, renewable energy is now cost-competitive with traditional sources, and prices only continue to decline as more innovative technologies continue, Forcey said. He stated national security is being linked to clean and renewable energy.

“Today we are staking our claim: conservatives will be part of the discussion going forward,” Forcey said. “We will promote smart, common sense, conservative energy solutions and we will position Pennsylvania as a continued energy leader for the sake of our economy, security, and environment.”

Forcey explained PennCEF’s goals are as follows: to provide a forum for conservatives to engage in the energy debate; to educate the public and policymakers about the vast economic security and conservation benefits of clean renewable energy; and to promote conservative support for diversified “all-of-the-above” energy solutions.

Pittsburgh Technology Council Senior Vice President for Operations and Government Affairs Brian Kennedy added he supports a domestic source of energy that is diverse and does not allow for the United States to be manipulated by people that do not share common interests. He stated terms like alternative energy will go away and opposition will be aware as advancement occurs.

“As I travel around the country I see great opportunities for Pennsylvania, great opportunities to have a great economy with clean energy jobs, clean air, and pure water that will really help our kids thrive and grow,” Mitch Hescox, president & CEO of the Evangelical Environmental Network said.

Hescox explained the network has 40,000 Pennsylvanians who have signed the Pro-Life Clean Energy Pledge which calls for 100-percent clean, renewable energy by 2030. He stated C-PACE is a good thing that is happening and allows commercial and industrial buildings to do energy efficiencies. Hescox said it is built into the property tax which allows those assessments to stay with the tax bill and have costs spread out over time. The Keystone Energy Efficiency Alliance worked a lot on the initiative, Hescox said.

Jim Seif, consultant and board member of BioChem Technology Inc. noted that PennCEF is an umbrella group that is trying to change the tone of already made arguments and get rid of the alternative energy label. He commented there is energy that works and energy that does not. The implication is not to make a government choice about energy but to provide choices and make them transparent, Seif said. He stated they need to know the real and long-term costs about energy choices.

“We need to get on with getting the debate out of ideology and into facts: what energy works best, what keeps costs lowest so the economy can thrive, and what gives real people real choices,” Seif said. “Alternative energy has to be among those.”

Forcey encouraged people to find more information at http://www.penncef.org/.

Questions were taken from the media.

**What is your view on coal?**

Forcey explained he believes coal is a significant part of the economy and the Pennsylvania energy industry, but it is important to remember there is virtually no one in the energy world that has said coal is going to be around for years into the future. He stated it is just one component and as Pennsylvania exhausts fossil fuel resources there needs to be the ability to transition to other sources of energy. Seif added he thinks coal should always have a place as long as the energy is right for the given user. He stated someone can pick a fight about environmental issues with other energy sources as well.

**Can you explain the importance of clean energy on the health of Pennsylvania children?**

Hescox explained one in three children in the United States have autism, asthma, attention-deficit hyperactivity disorder (ADHD), or severe allergies that are compounded or directly linked to how the states are using fossil fuels and petrochemicals.
He said asthma is a problem in the state because of the state’s inability to control chemicals coming off of the natural gas industry. Hescox commented they need to get aware of the damage they are doing to children’s health.

GROUPS RALLY FOR “CLEAN AIR AND A CLEAN BUDGET”
By Jeff Cox, Pennsylvania Legislative Services |
May 22, 2018

Citizens and environmental groups from across the Commonwealth gathered on the steps of the Main Capitol Building calling for “clean air and clean budget.”

Leann Leiter, Pennsylvania and Ohio Field Advocate for Earthworks, told rally participants, “We stand here today with a message to deliver to Gov. Wolf and to the legislature.” She explained the message to the governor is support for his efforts to cut methane pollution. According to Leiter, “Pennsylvanians are being harmed right now by the lack of standards and rules covering air pollution from oil and gas operations.” She stated, “Gov. Wolf you cannot act fast enough. Pennsylvania needs your leadership on this now.”

Leiter said that the message to the legislature is “to oppose any and all efforts to inject anti-environmental and anti-public health legislation into the state budget process.” She asserted, “Your responsibility is to the health of Pennsylvanians like us and not to the profits of the oil and gas industry.”

Rep. Gene DiGirolamo (R-Bucks) told the crowd, “It might be raining a little bit but this rain is certainly not going to dampen our enthusiasm, our message and our passion for protecting the environment.” Noting the video screens behind him with the message of “Protect Pennsylvanians not polluters,” he said, “That is a very, very powerful message.” Rep. DiGirolamo told participants, “Protecting our environment and protecting our children and families should not be a partisan issue.” He continued, “It should be an issue that Democrats and Republicans and Independents and everybody cares about.”

Karen Brockman, a self-described “retired grandma”, from Midway, Pennsylvania, explained that her home is located 1,500 feet from a natural gas facility. She spoke about how the facility has grown into a large industrial complex. Brockman reported her husband received a double lung transplant in the past year and discussed the impact of the facility on her family. She told the crowd, “We have to act now.” She also said, “Clean air is everyone’s right.”

Robert Routh, a staff attorney for the Clean Air Council, reported, “Pennsylvania is the second largest natural gas producing state in the country and methane, the primary component of natural gas, is a powerful climate pollutant.” He said that the Department of Environmental Protection’s draft general permits to control methane emissions from new and modified unconventional sources were published over a year ago and have been subject to two public comment periods. According to Routh, when finalized these general permits will introduce the commonwealth’s first ever methane controls for oil and gas facilities.

5/1/2018
House Committee Reports Out Local Clean Energy Financing Bill

*****************************************************

COALITION UNVEILS COMMON CONSERVATION AGENDA
May 1, 2018

A coalition of environmental organizations held a press conference this afternoon to unveil the Pennsylvania Common Conservation Agenda.

Saleem Chapman, campaign manager for Green in ‘18, explained that 25 organizations helped craft the agenda and said it is aimed at making environmental issues are a top priority for the candidates running to be Pennsylvania’s next governor. “For too long we have allowed ourselves to be divided by a false choice between a healthy environment and growing economy,” he stated. “Our speakers are here to put an end to that myth.”

Jacquelyn Bonomo, president and CEO of PennFuture, noted that Pennsylvania ranks second only to Alaska in the number of rivers and streams and emphasized the importance of clean water. "If we can protect, restore, and keep our waters
clean, we can derive so many benefits. We ask the gubernatorial candidates to embrace the common agenda and the path it puts forward to cleaning water for all,” she stated. “One-fourth, nearly 20,000 of Pennsylvania’s 86,000 miles of rivers and streams in Pennsylvania are unsafe for drinking, recreation, aquatic life, or agricultural use. Today is the moment when renewed emphasis is needed for preserving the integrity of our waterways. Clean water is something that demands leadership from all candidates.”

Bonomo highlighted policy solutions in the Conservation Agenda, including the following:

• Proposed a legislative package to address lead in drinking water that includes the establishment of dedicated state funds for lead service line replacement;
• Direct the Public Utility Commission to instruct the state’s water utility companies to inventory lead service lines in their systems and develop a long-term plan for their placement;
• Identify appropriate funding to meet watershed restoration goals.

Myron Arnowitt, state director for Clean Water Action, called for the Department of Environmental Protection (DEP) and the Department of Conservation and Natural Resources (DCNR) to be fully funded. “We need to make sure that the next governor puts these agencies at the top of the list and are properly resourced,” he stated.

Arnowitt said the agenda also called for issuing methane rules that require significant emission reductions from both new and existing oil and gas sources. “This is something we can do right now that can have a positive impact on climate change.

Pennsylvania emits one percent of greenhouse gases in the world and this is something that will protect Pennsylvanians against the harmful air pollution that comes from well and natural gas operations,” he stated. Arnowitt added that other policy considerations include an independent audit of pipeline permitting and enforcement processes carried out by DEP.

Veronica Coptis, executive director of the Center for Coalfield Justice, said the next governor should “integrate principles of environmental justice” throughout state government. “The state should be implementing environmental justice in every permitting decision and ensuring we are not creating more communities that are dealing with the risk of fossil fuel extraction,” she stated. “It’s also critical they establish an interagency working group with a focus on environmental justice; this group should promote integrated solutions for vulnerable communities through collaboration across traditional boundaries.”

Joanne Kilgour, chapter director for the Sierra Club, said the next governor should bolster the Commonwealth’s clean energy sector. “We are here today to proclaim our commitment to a future in which our environment, communities, and democracy are healthy and thriving,” she stated. “We are here today to ask that same commitment from our next governor, that he or she sees the vast possibilities of a Pennsylvania rooted in environmental rights, clean energy, and a healthy and diverse green economy,”

Nicole Faraguna, director of outreach and education for the Pennsylvania Land Trust Association, explained that Grower Greener investments have strengthened Pennsylvania’s economy while improving the lives of Pennsylvanians by addressing serious environmental concerns that could have been resolved through regulation alone. “Growing Greener has restored more than 1,600 acres of abandoned mines and improved the health and stability of miles of damaged waterways. It has protected more than 33,700 acres of family farmland and conserved more than 42,300 acres of threatened open space,” she stated. “We are asking the current and future leadership of this state to recognize the community, economic, health, and environmental benefits of these investments and to work on behalf of all Pennsylvanians to grow Pennsylvania greener.”

ADVOCACY GROUPS AND LEGISLATORS RALLY FOR CLEAN WATER IN PENNSYLVANIA
April 30, 2018
By Jessica Richardson, Pennsylvania Legislative Services

The Chesapeake Bay Commission, PennFuture, Chose Clean Water Coalition, the Coalition for the Delaware Watershed, and legislators gathered in the main rotunda for clean water advocacy day.

Marel King, Pennsylvania director of the Chesapeake Bay Commission, stated they are all joining together to fight for legislation to protect and restore local streams. She said 19,000 miles or almost a quarter of streams and rivers in Pennsylvania are impaired, meaning they are not fishable or drinkable. King asked legislators to continue to support funding for clean water programs.
Rep. Mike Sturla (D-Lancaster) explained HB 2154, repealing the requirement of returning a stream to its natural state, along with five other bills repealing regulations would harm clean water in Pennsylvania. He introduced HB 20 to help generate a fund to improve water in Pennsylvania. Rep. Sturla noted Pennsylvania has more miles of impaired streams than any other state in the nation, and the next closest state in terms of impaired streams has half of the miles Pennsylvania does.

Rep. Sturla stated an assault on the environment is not good for anyone, in particular young people in this state.

Rep. Steven McCarter (D-Montgomery) commented that two weeks ago he was supposed to read a resolution designating April 16 to April 22 as Clean Streams Week but the resolution was deemed to be controversial because of one objection. He said they cannot afford to not act on this issue as there are more than 62,000 streams covering 86,000 miles in Pennsylvania. Rep. McCarter added the ecosystems do not only provide drinking water but support recreation like sports fishing which contributed more than $30 billion of consumer spending to Pennsylvania’s economy.

Rep. McCarter continued that last year Congress voted to repeal the stream protection law and in January the Environmental Protection Agency (EPA) suspended Obama’s clean waters of the United States rule. He said the Trump Administration is actively undermining the ability of Pennsylvania to fulfill its constitution. It is making their job in Pennsylvania harder, but not impossible, Rep. McCarter said. He stated they must stop this as clean water is a basic human need and constitutional guarantee.

PennFuture President Jacquelyn Bonomo commented anyone who spends time outdoors knows Pennsylvania is a water rich state, but there is a water problem in Pennsylvania. Bonomo stated they need to remind officials, especially during budget season, that funding for clean water is not negotiable.

Too many politicians have failed to protect drinking water by failing to protect local rivers and streams, Bonomo said. She explained Pennsylvania ranks third in water violations. Bonomo urged Pennsylvania government to do that right thing and fund agencies such as the Department of Environmental Protection (DEP), Department of Conservation and Natural Resources (DCNR), and the Department of Agriculture.

Mariah Davis, field manager of Chose Clean Water Coalition, added they need dedicated funds, resources, and good programs to make Pennsylvania better for future generations.

The Coalition for the Delaware River Watershed State Policy Manager Madeline Emde added they share in one message that clean, reliable water is essential for all Pennsylvanians. The Delaware River Watershed provides clean drinking water to over 15 million people in the nation, two of the largest states being New York and Pennsylvania, Emde said. She added it provides $22 billion in annual economic activity with a third going directly to Pennsylvania.

Emde explained the Delaware River Basin Conservation Act allowed for federal funding for the Delaware River Watershed. She said they also have private investment such as the William Penn Foundation giving $42 million in funding to the Delaware Watershed Initiative. Emde explained they are at a unique place to make a lasting impact to the watershed and Pennsylvania, but it will take coordination and partnership.

PennEnvironment Clean Water Advocate Stephanie Wein continued that the Flint, Michigan, water crisis was a wakeup call to America. She commented aging infrastructure threatens drinking water due to lead exposure. Wein said they must protect children from lead in drinking water as there is no safe level for children. In a study from 2012 to 2015 Pennsylvania topped the list in number of times lead was found in a daycare or school drinking water, Wein said.

Wein noted there are no federal requirements for testing and reporting lead in drinking water in most schools, and schools that voluntarily test do not always use best practices or share the information. HB 2025 would do three things: establish regular testing in schools, make disclosure mandatory, and establish a statewide standard of five parts per billion, Wein said.

She commented the bill has 60 cosponsors and urged for support of the legislation.

Sean Jackson, associate of Clean Water Supply with American Rivers, explained Pennsylvania has some of the richest and most abundant waters in the United States which is why American Rivers has set up offices in Harrisburg. Jackson said American Rivers has protected and restored more than 150,000 miles of rivers. He noted they cannot protect rivers on their own and America Rivers believes funding for DEP and DCNR are vital. Pennsylvania receives a barely passing grade in water infrastructure according to a study by the American Society of Civil Engineers, Jackson said. He stated Pennsylvania still has much to do to bring its infrastructure to the 21st century.

King added Pennsylvania is blessed with an abundance of water and perhaps because of that they take water for granted. She said they need a comprehensive strategy that includes a dedicated water fund and creative, strategic approaches.
Water is fundamental to the lives of every Pennsylvanian, King said.

House Environmental Resources and Energy Committee
4/30/18, 12:30 p.m., Room G-50, Irvis Office Building
By Kimberly Howells, Pennsylvania Legislative Services

The committee met to consider HB 2154 Causer, Martin - (PN 3187) The Conventional Oil and Gas Wells Act relates to conventional wells and the development of oil, gas and coal; imposes powers and duties on the Department of Environmental Protection; and provides for preliminary provisions, for general requirements, for underground gas storage, for enforcement and remedies, for related funds, parties and activities and for miscellaneous provisions. The purposes of this act are: (1) Permit the optimal development of the oil and gas resources of Pennsylvania consistent with the property rights of owners of the oil and gas resources and the protection of the health, safety, environment and property of the residents of this Commonwealth; (2) Protect the safety of personnel and facilities employed in the exploration, development, storage and production of natural gas or oil or the mining of coal; (3) Protect the safety and property rights of persons residing in areas where exploration, development, storage or production occurs; (4) Protect the natural resources, environmental rights, property rights and values secured by the Constitution of Pennsylvania; and (5) Provide a flexible and cost-effective way to implement and enforce the provisions of this act. Effective immediately.- The bill was reported as committed with Rep. Becky Corbin (R-Chester) and Democrats voting in the negative.

Rep. Martin Causer (R-McKean) explained his bill deals with the conventional oil and gas industry, arguing that it should have separate regulation from the unconventional industry. The bill creates a separate Conventional Oil and Gas Act, he stated, and explained many stakeholders were involved in its creation. It is based on the law in place before Act 13, he noted, and provides for “reasonable, responsible regulation of the conventional industry, provides a blueprint for tackling the abandoned well problem... and maintains brine spreading.”

Rep. Leanne Krueger-Braneky (D-Delaware) opposed the bill, stating it lowers standards for public health, particularly regarding safe drinking water. She said the same fracking methods are used in both unconventional and conventional drilling and also raised a concern this bill would increase methane because of changes to the definition of abandoned wells. “If you make a mess, you need to clean it up,” she stated.

Rep. Kathy Rapp (R-Warren) supported the bill. She took offense to prior comments that conventional producers “do not clean up their messes” and pointed out high quality of the waters in the Allegheny National Forest. She also disagreed with claims by the Department of Environmental Protection (DEP) that they were not involved in discussions leading to this legislation. Rep. Rapp praised the work of the people working in the conventional industry and said they are taking care of the environment.

Rep. Carolyn Comitta (D-Chester) opposed the bill, remarking on the “limited involvement” of DEP in crafting the bill and the department’s significant concerns with many of the “proposed rollbacks of protections.” She was further concerned by the “apparent violation of the Pennsylvania constitution” of the bill, stating it rolls back protections to what they were prior to passage of the 1984 Oil and Gas Act.

Rep. Jeff Pyle (R-Armstrong) praised the bill and pointed out that his county has thousands of shallow wells and has been drilling and mining since the 1800s, yet it is still a beautiful area of the commonwealth. He opined the bill “does a lot of good things,” including plugging orphaned wells.

Rep. Lee James (R-Venango) supported the bill and referenced a letter from DEP raising a number of concerns, but said at least five members of DEP were in attendance “at every meeting.” He called their complaints “disingenuous.” Minority Chairman Mike Carroll (D-Luzerne) called the prospect of divorcing conventional and unconventional oversight a sound idea, however he opposed the bill because of the prospect of severe opposition from DEP and the administration. He said there is no way to “get to the finish line” without the support of the administration. Regarding well-capping, he suggested more may be able to be capped under the bill, but without additional funding only the easiest to cap will be capped. He argued additional funds would be needed to make a real effort to address the problematic wells. He concluded the end goal of separating the two industries will not be achieved with this bill.

Chairman John Maher (R-Allegheny) urged members to support the bill, remarking on his longstanding concern about “the
pre-regulatory era wells.” He pointed out no one knows how many such wells are in Pennsylvania and DEP plugged only four last year. He also discussed methane and argued “if we’re actually worried about dealing with methane,” it is time to address the thousands of abandoned wells in Pennsylvania. Chairman Maher expressed his surprise that DEP opposed the bill because it was a public process in which they participated. “They limited their input,” he exclaimed. He welcomed amendments, but noted two that have been offered and are out of order.

4/30/2018

**Republicans On House Committee OK Conventional Drilling Bill To Weaken Environmental Protections**

**DEP: Conventional Oil & Gas Bills Will Cause Great Harm To The Environment, Public**

**StateImpact**: House panel OKs bill to gut environmental standards for conventional drillers

**House Debates, Does Not Change Republican Bills Putting Politics Ahead Of Science & Law In Protecting The Environment**

**********************************************************************************

4/26/2018

**House Will Again Try To Move 5 Bills Creating New Bureaucracies To Take Permit Reviews Away From DEP, Kill Regulations By Doing Nothing**

4/25/2018

**Senate Committees Hear Short-Term Measures Like Stream Cleaning May Make Flooding Worse If Stream Characteristics Not Taken Into Account**

**********************************************************************************

CLean Water Advocates Release Study Showing Lax Penalties For Polluters

By Mike Howells, Pennsylvania Legislative Services
March 27, 2018

PennEnvironment and the Lower Susquehanna Riverkeepers today announced the release of a new report whose findings show that over a period of 21 months, industrial entities along Pennsylvania waterways released excessive amounts of pollutants into streams and rivers 633 times. In many cases, the report found, violations resulted in weak or no punishments at all.

Adam Garber, deputy director of PennEnvironment, explained the report, titled “Troubled Waters: Industrial Pollution Still Threatens America’s Waterways,” reviewed compliance data for 2016 and much of 2017, which revealed that a number of industrial plants routinely exceeded their permitted level of water pollution under the federal Clean Water Act.

Garber singled out York-based PH Glatfelter as a particularly notorious offender, dumping more than its allowed levels into the Codorus Creek on 20 occasions. Eight separate times, he said, the company released more than double its permitted amount into the creek.

“Our government officials here in Pennsylvania should be redoubling their efforts to protect and restore Pennsylvania’s waterways, rivers and streams, and drinking water sources,” he said.
Garber emphasized the knowledge exists to be able to reduce or eliminate water pollution in the state. He added that businesses should face steeper penalties for violating the provisions of the Clean Water Act.

Ted Evgeniadis, the Lower Susquehanna Riverkeeper, said his organization and others rely on the Clean Water Act and its effective enforcement to ensure the Susquehanna and its basin “stay clean for everyone.”

Evgeniadis noted that a four-mile stretch of water from the Conodoguinet Creek to the Yellow Breeches Creek has been designated “impaired for recreational use,” after evidence was found of fecal coliform bacteria.

“There is an alarm there,” he said, noting his organization continues to push for the lower Susquehanna River to be designated as impaired. Evgeniadis advised of a study being undertaken by Penn State, which the Riverkeepers will assist with, on water quality in the region.

Speaking directly to PH Glatfelter, Evgeniadis confirmed the company continues to pollute the Codorus Creek despite litigation and efforts to improve. He acknowledged there are talks of a possible sale of the plant, and said the Riverkeepers would like to be involved in any decommissioning of the site.

Evgeniadis also cited Brunner Island, a York County coal-fired power plant, as a heavy water pollution emitter along the Susquehanna. He noted there will be a public hearing in the near future as part of the plant’s application for a renewal of its National Pollutant Discharge Elimination System (NDPES) permit, for which the Riverkeepers will be assembling a contingent to attend.

Rev. Sandra Strauss, Director of Advocacy and Ecumenical Outreach for the Pennsylvania Council of Churches, remarked, “We believe that the earth is not ours, but has been given to us by God to hold in sacred trust.”

Strauss noted that in Christianity as well as other faiths, water is seen as a cleansing agent and symbol of purity and rejuvenation.

Citing the Golden Rule, Strauss called on polluters to be held to account for their activities.

Kummer: Report: PA 2nd In U.S. For Excessive Industry Discharges Into Waterways

Senate Environmental Resources and Energy Committee
3/27/18, 1:40 p.m., Senate Rules Conference Room
By Matt Hess, Pennsylvania Legislative Services

The committee met to consider HB 544 Moul, Dan - (PN 2193) Amends the act entitled “An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts, further providing for liability for landowners to recreational users. The bill encourages landowners to make land and water areas available to the public for recreational purposes by limiting their liability to recreational users and persons or property, based on acts of omission by landowners or acts or acts of omission by recreational users. Effective in 60 days. (Prior Printer Number: 710) - The bill was unanimously reported as amended.

A06212 by Yaw, clarifies that the definition of land includes all users, not just persons with disabilities, and removes language in “recreational purpose” to clarify that all included activities are specifically recreational. The amendment was unanimously adopted.

House Agriculture and Rural Affairs Committee
3/26/18, 1:00 p.m., Room 60, East Wing
By Kimberly Howells, Pennsylvania Legislative Services

The committee held an informational meeting on forest conservation easements.

Chairman Causer remarked the committee has done a lot of work on forest product issues and said today’s hearing
will include discussion on recent Pennsylvania Infrastructure Investment Authority (PENNVEST) transactions whereby PENNVEST assisted in financing transactions for the purchase of private forestlands by a private forestry company in New Hampshire. He pointed out a number of questions regarding the transaction have arisen and he is hoping to learn more about the topic and specific transfer.

Cindy Dunn, secretary of the Department of Conservation and Natural Resources (DCNR), was pleased with the committee's focus on forests and the forest product industry, which she said often is "lost in the shuffle" of the agriculture spectrum.

She agreed changes in ownership of large tracts of forestland are concerning for the department and argued that without "deliberate assistance" those lands will not remain forests forever. The large tracts were once held by paper or timber companies, but are increasingly being parcelized and divided and the department is concerned the land will not be available for timber harvests. She noted 70 percent of the forestlands are privately owned. Sec. Dunn pointed out Gov. Tom Wolf's familiarity with the industry, as a former cabinetmaker, and he tasked her with finding ways to protect the lands and industry.

To that end, a green ribbon task force was set up and it issued recommendations, including the conservation of large open forest tracts and a desire for a new model to look at conservation. Continuing, she explained PENNVEST and Lyme Timber came into the picture and discussed the possibility of securing a loan, as is done in other states. PENNVEST awarded loans totaling about $50 million to Lyme timber for the purchase of about 60,000 acres, Sec. Dunn stated, and noted that Lyme provided about $100 million of its own capital. The interest rate is one percent for 20 years, she said. As part of the project, Lyme will be donating a more than 9,000 acre easement, will spend $700,000 to address acid mine drainage, and is looking to hire people that were previously working those lands. Sec. Dunn called the arrangement "win-win" and was excited with its prospects.

Chairman Causer asked about the status of the two projects approved by PENNVEST. Sec. Dunn deferred to PENNVEST. Chairman Causer said he has heard concerns that recreation and hunting access will be curtailed and he read from documents that indicate the agreement is expected to broaden access, but those documents also talk about prohibitions from converting timberland to agriculture uses and other limitations. He wondered if this is about greater access to lands or protection of private hunt clubs. Sec. Dunn explained the department is beginning to look at the donated access lands and noted one deed will stand. For the non-deeded lands, she said, the goal is to open the lands to complete public hunting. She was not aware of any buildings on the lands. "Our goal is public hunting," she stated. Sec. Causer worried that the state is making a loan for lands that will be leased to private hunting clubs. John Norbeck, Deputy Secretary for Parks and Forestry, reiterated the goal is that the lands that have an easement for DCNR will feel like a state forestland. Chairman Causer again questioned if all 60,000 access will be open to public access. Norbeck explained DCNR is looking at the eased portion and is hoping for full public access, but cautioned this is still private property and those lands that do not have an easement will be subject to the company's decisions. Chairman Causer reiterated his concern that public money was used for lands that will not be available to the public. Norbeck argued Pennsylvania is getting good water quality, payback for having the lands in working forests, and the acid mine drainage cleanups. Chairman Causer asked if the forest conservation easement is in perpetuity. Sec. Dunn confirmed it and emphasized any lands where DCNR holds easement will be open to public hunting unless there is a deeded, noting she is only aware of one. Her staff confirmed there is one deeded reserve for recreation rights that cannot be transferred. The department will look to transition those lands that are leased to hunting clubs. Chairman Causer wondered what would happen after seven years if the option to purchase additional easements is not taken. Norbeck indicated the option would likely continue after seven years, but suggested the landowner would be better to answer the question.

Rep. Moul acknowledged that the department is focusing on water quality, noting Lyme will pay $700,000 for the cleanup, but said he was under the assumption that PENNVEST money was intended mainly for sewer projects. He asked why PENNVEST has gone down this road when there are still outstanding sewer projects. Sec. Dunn deferred to PENNVEST, but pointed out "there's nothing that cleans water better than forested land." Rep. Moul wondered if the forests would go away in the absence of the loan. Sec. Dunn confirmed that is a danger, explaining that historically the lands were owned by paper companies but due to tax and accounting law changes the lands were divested. The alternative to the Lyme sale, she said, was that lands may be broken up and sold piecemeal to owners who may not be interested in the forest product industry. She said the industry indicated this proactive approach was needed. She emphasized the strength of the forest product industry, especially in the northern tier. Rep. Moul reiterated his belief the money should be used for sewer projects.

Rep. DeLissio wondered the value of the 9,000-acre easement. Norbeck responded easements are usually valued at about a third of the sales price per acre, but said it has not been determined yet. Rep. DeLissio also wondered how many jobs were restored and whether they would be permanent. Norbeck replied the estimate is about 50 full time jobs for the workforce on the lands and noted there will be a third-party certification organization to ensure Lyme is operating in a sustainable manner. Sec. Dunn confirmed it is a working forest now. Staff added it will be 50 jobs total, but that does not count the acid mine drainage, and said production will increase. Rep. DeLissio wondered how many will be hired in relation
to the acid mine. Staff indicated Lyme will contribute $700,000 to pay for projects on three acid mine abatement systems, but could not say how many jobs that will be.

Lastly, Rep. DeLissio asked about the currently deeded lands. Staff explained about 1,000 acres have a permanent restriction for recreation hunts, which dates back to five owners to the 1970s.

Rep. Lawrence asked if there was a public opportunity to competitive bid the deal. Sec. Dunn replied Hancock had the land for sale for some time but she was not sure how they “found each other.” She added federally funded loan funds have done this in other states and indicated Lyme was likely aware of those, whereas DCNR did not know about those opportunities until the task force was convened and offered it up. Acknowledging the merit of the project, Rep. Lawrence remained troubled that a $50 million loan was not competitively bid and that the idea was raised by the private entity. Sec. Dunn mentioned a similar program the department has for farm land easements and called the opportunity for recreation “pretty significant.”

She was open to other avenues to open these opportunities that the committee may suggest. Working forestland is central to Pennsylvania’s economy and outdoor activities, she stated, and spoke of the value of this as a “tool in the toolbox.” She pointed out Hancock had pulled out the lands for a while. Rep. Lawrence reiterated his understanding of the value, but again was disappointed in the lack of public bidding or oversight of the use of funding that should be dedicated to sewer projects.

Secondly, Rep. Lawrence asked how long Lyme has to hold the ground. Sec. Dunn said Lyme can sell the lands as they wish, but the conservation easement “stays forever.” Norbeck was not aware of a time limit on ownership, but deferred to PENNVEST. Regarding bids, Norbeck paralleled to the agriculture conservation program, which is also not bid. Rep. Lawrence disagreed, pointing out there is a competitive application process in the agriculture program.

Lastly, Rep. Lawrence asked who owns the mineral rights. Sec. Dunn replied the department is looking into that, but it appears the mineral rights are severed and at this time the owners are not known. Rep. Lawrence found it “shocking” that the commonwealth has entered into a $50 million loan and does not know who owns the mineral rights.

Rep. Diamond asked for some clarifications. The department confirmed the price and size of the tract and explained timbering will occur on the easement, but the department retains recreation rights. Rep. Diamond asked the value of timbering on the 60,000 acres and “what’s in it for Lyme.” Staff explained Lyme made a decision to buy the land as part of the loan and will manage it to make money. As for how much money Lyme will make, “Well wait and see,” he said. Rep. Diamond argued the public deserves to know who will benefit and how much they will benefit on the back of the loan. Sec. Dunn mentioned a grant application for a grant to study the industry, but indicated the margin is not what it once was. Sara Nicholas, DCNR policy director, added that there is confusion about this model because it is new, but called it a public private partnership and said the department is paying one-third on the dollar and is getting permanent conservation and water quality protection.

She said the department would otherwise be paying $160 million to protect these lands. “We still get these benefits at a third of the costs,” she said, and argued this is not a frivolous use of taxpayer money. Rep. Diamond reiterated his belief the public deserves to know all sides of the partnership, including what Lyme will get out of this deal.

Rep. Keller was also concerned regarding the estimated value of the timber, citing his own experiences in selling timber. Sec. Dunn mentioned broad data about avoided costs and said keeping the land as a forest is the best thing to do for water.

Rep. Keller asked what type of timbering will take place. Staff replied the management strategy will be similar to what the Bureau of Forestry does and will meet a third-party certification. Sec. Dunn noted there are water quality elements to the certification programs.

Rep. Klunk asked that the costs per acre, projected revenues and other data be provided to the committee, whether that data be from Lyme or DCNR. Sec. Dunn agreed to do so, noting the department’s role in this “is really just beginning.” Rep. Klunk also wondered if DCNR worked with PENNVEST on the front-end of this project and “how did this all come about.” Sec. Dunn reiterated the green ribbon task force was comprised of numerous partners and brought up the model used in other states. Sec. Dunn advocated for the model. Nicholas confirmed Lyme Timber “know what they were doing when they came in,” as they were aware of similar projects in other states. Sec. Dunn added that DCNR provided data to PENNVEST about the value of forests for water quality. Rep. Klunk asked if Lyme would have purchased the land in the absence of the loan. Staff responded Lyme has used this model in 14 other locations and remarked “there’s a reason this land was for sale for 2.5 years before someone bought it.” Sec. Dunn pointed out that in the past DCNR had the resources to buy land, but it does not now nor is there enthusiasm about taking land off tax rolls.

Rep. Nelson spoke about data on stumpage value being around $1,800 to $2,400 per acre and asked about additional jobs
that will be created. Staff pointed out that not all the timber will be cut over the course of the 20-year loan and explained
the land has been under-harvested in the past ten years, so there will be a bit more volume initially to make up for that.
The jobs, he said, will include about two more foresters, logging contractors, at least two log-yards manned by at least two
people, plus other roles. Rep. Nelson called it a lean forecast for such a big project. Sec. Dunn reiterated the estimate is 50
jobs and remarked on the long-term scope of forestry. She also noted Department of Agriculture Secretary Russell
Redding is supportive of the project.

Chairman Pashinski summarized the project, noting it will continue to be a working forest, create jobs, increase
recreational opportunities, and remediate acid mine drainage. He commented there are advantages to the arrangement
and a step in the right direction. Sec. Dunn agreed and reiterated DCNR’s excitement with the project and public value of
the new model.

Chairman Pashinski wondered when loan payments are made and Sec. Dunn again deferred to PENNVEST.

Rep. Bloom asked if Lyme was able to complete the purchase without the terms of the easement being finalized. Seth
Cassell, Division Chief Forest Resource Planning Section, confirmed the department is still working on the exact terms of
the easement and public access provisions. Rep. Bloom was dismayed with the release of public funds without final terms
in place. Cassell confirmed certain provisions are to be further defined and explained Lyme cannot draw down the
PENNVEST funding until those negotiations are completed. He said DCNR is coming up with a new easement model to
apply to this project as well as any future projects in this same model. Rep. Bloom argued this is “putting the cart before the
horse.”

Rep. Zimmerman asked if any of the lands are zoned. DCNR did not know, but agreed to find out. Rep. Zimmerman
wondered how many counties and municipalities are covered. The department replied six counties, Cambria, Clinton, Elk,
Jefferson, McKean, and Potter. They agreed to get the specific municipalities.

Rep. Moul asked if anything is currently written that there will be no more new leases and the land will stay in perpetuity
open for recreational activities. Cassell replied that is the intent and the department’s position and those terms are being
negotiated. Sec. Dunn remarked, “We’re rock solid” on that position. Rep. Moul worried the deal has been made before
the terms were “locked up.” Sec. Dunn pointed out the deal with Lyme and PENNVEST is complete, but not the deal with
Lyme and DCNR. Rep. Moul said he has never gotten funds before a deal is completed. Sec. Dunn said the department is
a beneficiary of donated easement and emphasized the department is not interested in receiving land that is not open to
the public. She emphasized there are two separate deals taking place.

Rep. Tobash received clarification there will be no agriculture component, there will be recreation, and no mining, unless
the mineral rights owner wants access. Cassell explained they were working on protections for access to the mineral rights
in the easement. Sec. Dunn said the department cannot control the severed mineral rights, as is the case now under much
of the state parks already. Cassell added that the department will continue to research the mineral rights as the easements
are purchased.

Chairman Causer again said he has heard a number of questions from constituents and wondered if there are any pending
projects before PENNVEST. Sec. Dunn deferred to PENNVEST, but speculated this will generate some interest. She did
know there has been an inquiry, but knew nothing more than that.

**Brion Johnson**, executive director of PENNVEST, reviewed the history of PENNVEST in funding water quality improvement
projects totaling about $8 billion since 1988. He mentioned program innovations that allow the funding of both public
and private entities and pointed out the environmental concept has been twisted in with economic development. Since
2009, PENNVEST has supported non-point source projects, which includes the Lyme project, he said, but this was the
first opportunity to work with the lumber industry. He argued this project benefits water quality and the economics of the
industry, and confirmed PENNVEST contacted the Environmental Protection Agency (EPA) to ensure the project would
be eligible and looked at projects in other states to avoid pitfalls. He explained the law provides for the maximum interest
rates that PENNVEST can charge on a county-basis and in this case the maximum was limited to one percent based on
Cameron County’s income levels. The first half of the project was approved in October 2017, Johnson continued, and the
benefits include protection of headwaters and creation of jobs. The second half was approved in January 2018, he said. He
added that the final terms, including collateral for the loans, will occur during final negotiations between now and June. He
explained this is similar to the timeline for any project approved by the board. Johnson praised the revolving loan process
because it “feeds itself” and makes funds available for other projects moving forward and confirmed as this loan is repaid,
those funds will be available for other projects moving forward. He mentioned numerous groups in support of the project,
including conservation districts.

Chairman Causer questioned if this is the best use of public resources, if this is an eligible project, and where the funding
comes from. He answered himself, noting it comes from the Clean Water Fund, which is funded by the EPA, and the
project appears to qualify on the federal side. Looking at the PENNVEST law, Chairman Causer suggested the answer
Rep. Moul asked if any water or sewer projects have been turned down. Johnson replied they have not been, but noted a few that were deferred in 2015 and two of them came back in. He noted most of the money PENNVEST has is loan money.
and indicated those would likely have been loans. Rep. Moul urged his municipalities to be in touch with PENNVEST, which Johnson welcomed. Rep. Moul said his township is paying $400,000 a year for MS4 and said he’ll send them to PENNVEST.

Rep. Bloom returned to the application questions that Chairman Causer read and wondered if Lyme should have been answering those questions in the negative. Johnson was unsure but explained the intent is to not hold up a good project due to the process. He noted all applications are contacted within a week to make sure PENNVEST has a clear picture of the project. Rep. Bloom then wondered if any third-party advocating for the project. Johnson referred him to the support letters in the packet and confirmed he did not speak with the Wolf Administration.

Rep. James confirmed PENNVEST has a first mortgage position and letters of credit and asked if PENNVEST has asked what happens if there is a default, such as a Lyme bankruptcy. Johnson confirmed PENNVEST would first pull the bank letter of credit and he also noted PENNVEST has a lien on the revenue stream. Rep. James said he tried to find financial data on Lyme and hoped that it was provided to PENNVEST. Johnson confirmed it was provided and said he would provide what he can. Rep. James asked when payments begin. Johnson replied interest payments begin as soon as Lyme receives the funds. Some principle is deferred up front for five while they get operational, he said. Rep. James commented the one percent loan saves millions over prime rates, “which kind of takes the bloom off the rose” he commented. He wondered how the public benefits from this. Johnson said PENNVEST has a pending application for a $20 million loan for a similar project.

Rep. James asked how many resources PENNVEST has for these projects. Johnson replied “traditional projects” will take “front and center,” but if he doesn’t have them and has capacity to fund these other projects he will if it makes sense to make use of the money. Rep. James said he is hearing that there are municipalities with water and sewer projects that are not being funded. Johnson assured the committee PENNVEST has funded every project in the past two years. He mentioned $1 billion in projects were funded in 2009 and speculated that “brought the trough down a little bit.”

Rep. Nelson was concerned about the MS4 projects in the pipeline and wondered if big projects like this one will affect the smaller projects. Johnson assured members that making the larger loans ensures repayment streams and helps the long-term forecast for the program and said PENNVEST is making the investments in municipalities. He pointed out the MS4 work will occur over a period of time and believes PENNVEST will be in a position to meet those needs. He pointed out PENNVEST has limited grant money available, which most municipalities are asking for, but can do loans. He indicated this project will bring in about $5 million interest.

Rep. Fee was similarly concerned about MS4 projects and asked about Johnson’s statement that MS4 projects are being phased in. Johnson confirmed other counties are not under the same time crunch as Rep. Fee’s municipalities. He touted a project in Lancaster and praised the revolving nature of the loan fund because it can continually fund new projects as old projects pay back their loans.

Chairman Causer wanted to know more about the pending application for the $20 million project. Johnson did not know details off the top of his head, but said it is around Johnsonburg and is a smaller acreage. The applicant is a conservation group, he said, and offered to provide additional details to the committee later. He could not say when it will be on the PENNVEST agenda and indicated he cannot share the full application until the board has acted on it. Chairman Causer was disappointed that he could not see the application before it is approved. Johnson indicated he would share what he could and said he would encourage the applicant to reach out to the chairman.

Keith Klingler, president of the Pennsylvania Landowners Association, discussed the legislative intent of the act creating PENNVEST and disagreed that land acquisitions are eligible projects. He said his township was turned down by PENNVEST for sewage projects and argued this forced the township to get a loan at a higher rate and higher cost to taxpayers. He wondered how many more examples are out there, suggesting there are many. Klingler was outraged with the loan issued to Lyme, which he pointed out is not located in Pennsylvania. He wondered why Lyme was given the low interest rate called the justification of the one-percent “outrageous” and asked why a company like Lyme would be considered for a low interest loan. He argued this also took business away from private lenders and Lyme was given a clear advantage over competitors, thus manipulating the marketplace. Klingler pointed out discrepancies in the application and subsequent press releases and disagreed with the argument that some questions were answered merely in the name of completing the online application. Klingler further argued there is no legal authority to manage timber in any certain way, and argued it is “extremely misleading” to promote this as working forest. Regarding forest fragmentation, he argued there is no evidence to back up the claims that subdivision is occurring on large forest tracts and instead said forestland consolidation is occurring.

Klingler argued against the threat of “government land sprawl” and the acquisition of land by government. He was hopeful that “all involved in this Lyme Timber transaction be held accountable.”
Rep. Moul asked Klingler to repeat his testimony about denials. Klingler replied Oil Creek Township in Venango County was denied three years in a row by PENNVEST. Johnson, speaking from the audience, reiterated PENNVEST has not turned anything down since 2015. Klingler said the applications were in 2009, 2010, and 2011 and the township instead had to turn to a federal program at three percent interest. Rep. Moul concluded, “We just been lied to” by PENNVEST. Johnson returned to the microphone and reiterated that the last time PENNVEST turned anyone down was 2015, but confirmed about two-thirds to one-half were funded before that time. He said the influx of funding in 2009 allowed PENNVEST to clear a lot of a backlog and emphasized PENNVEST has not deferred since 2015. Rep. Moul inferred anyone that applies gets funding.

Johnson said that has been the case since 2015 but could not speak to if the earlier deferrals had reapplied. He pointed out PENNVEST does not have the authority to refinance loans so Oil City cannot come back with the project.

Rep. Zimmerman asked if the projects Klingler mentioned are under Clean and Green. Klingler confirmed they all are. Rep. Zimmerman concluded they would be zoned agriculture if at all. Klingler said there would not be any zoning in those rural counties and commented those tracts have not been subdivided for a reason. He said no one is clearing forested land to farm, and in fact the opposite is happening. He offered to share the information he has.

Rep. Nelson asked about Klingler’s statement that the per-acre prices were too high for timber and wondered if there were other offers. Klingler argued if the price had been brought down, a number of companies would have been interested in purchasing the land. He argued government should say out of the private marketplace, suggesting other interested sellers will raise prices and wait for government to subsidize the buyers.

Rep. Lawrence wondered about interest rates in the market. Klingler replied at least four percent. Rep. Lawrence wondered about the opportunities that a one percent loan would open up. Klingler replied it makes for an uneven playing field and no one could compete with that. He discussed an easement program at the federal level and suggested Lyme will have $60 million to play with to “get its hands on” that property. He again said there is no legal authority to make the landowner cut trees in a certain way. He said this is the largest nonpoint source loan PENNVEST has issued and called nonpoint a “totally different ballgame than point-source.”

Chairman Causer asked Klingler has any knowledge of future projects that may come before PENNVEST. Klingler knew the second application is about 25,000 acres and is in Jones and Richway townships in Elk County, as well as a little part of McKean County. He said he has received numerous calls with questions from county officials and when they get the information they are very concerned. He indicated there is a third project, as well, but did not know any specifics.

Arthur Stewart, president of the Caledonia Land Company in Warren County, opened by noting his experience as a school board member and discussed the issues facing his local school district as populations are declining and the tax base is static. He pointed out the amount of federal and state controlled land in the district limits enhancements to the tax base. A forest conservation easement, he said, is another limitation to development possibilities because the state prohibits development on that land. As a former municipal solicitor, Stewart said he saw PENNVEST money used for new water and sewage projects to serve homes and businesses that the forest conservation easement disallows. He also pointed out the Lyme transfer includes land in Warren County. As a business owner, Stewart explained his company uses professional forest consultants to manage its 10,000 acres. He discussed an easement program at the federal level and suggested Lyme will have $60 million to play with to “get its hands on” that property. He again said there is no legal authority to make the landowner cut trees in a certain way. He said this is the largest nonpoint source loan PENNVEST has issued and called nonpoint a “totally different ballgame than point-source.”

Chairman Causer asked Klingler has any knowledge of future projects that may come before PENNVEST. Klingler knew the second application is about 25,000 acres and is in Jones and Richway townships in Elk County, as well as a little part of McKean County. He said he has received numerous calls with questions from county officials and when they get the information they are very concerned. He indicated there is a third project, as well, but did not know any specifics.

Arthur Stewart, president of the Caledonia Land Company in Warren County, opened by noting his experience as a school board member and discussed the issues facing his local school district as populations are declining and the tax base is static. He pointed out the amount of federal and state controlled land in the district limits enhancements to the tax base. A forest conservation easement, he said, is another limitation to development possibilities because the state prohibits development on that land. As a former municipal solicitor, Stewart said he saw PENNVEST money used for new water and sewage projects to serve homes and businesses that the forest conservation easement disallows. He also pointed out the Lyme transfer includes land in Warren County. As a business owner, Stewart explained his company uses professional forest consultants to manage its 10,000 acres. He discussed an easement program at the federal level and suggested Lyme will have $60 million to play with to “get its hands on” that property. He again said there is no legal authority to make the landowner cut trees in a certain way. He said this is the largest nonpoint source loan PENNVEST has issued and called nonpoint a “totally different ballgame than point-source.”

Chairman Causer asked Klingler has any knowledge of future projects that may come before PENNVEST. Klingler knew the second application is about 25,000 acres and is in Jones and Richway townships in Elk County, as well as a little part of McKean County. He said he has received numerous calls with questions from county officials and when they get the information they are very concerned. He indicated there is a third project, as well, but did not know any specifics.

Arthur Stewart, president of the Caledonia Land Company in Warren County, opened by noting his experience as a school board member and discussed the issues facing his local school district as populations are declining and the tax base is static. He pointed out the amount of federal and state controlled land in the district limits enhancements to the tax base. A forest conservation easement, he said, is another limitation to development possibilities because the state prohibits development on that land. As a former municipal solicitor, Stewart said he saw PENNVEST money used for new water and sewage projects to serve homes and businesses that the forest conservation easement disallows. He also pointed out the Lyme transfer includes land in Warren County. As a business owner, Stewart explained his company uses professional forest consultants to manage its 10,000 acres. He discussed an easement program at the federal level and suggested Lyme will have $60 million to play with to “get its hands on” that property. He again said there is no legal authority to make the landowner cut trees in a certain way. He said this is the largest nonpoint source loan PENNVEST has issued and called nonpoint a “totally different ballgame than point-source.”

Chairman Causer asked Klingler has any knowledge of future projects that may come before PENNVEST. Klingler knew the second application is about 25,000 acres and is in Jones and Richway townships in Elk County, as well as a little part of McKean County. He said he has received numerous calls with questions from county officials and when they get the information they are very concerned. He indicated there is a third project, as well, but did not know any specifics.

Arthur Stewart, president of the Caledonia Land Company in Warren County, opened by noting his experience as a school board member and discussed the issues facing his local school district as populations are declining and the tax base is static. He pointed out the amount of federal and state controlled land in the district limits enhancements to the tax base. A forest conservation easement, he said, is another limitation to development possibilities because the state prohibits development on that land. As a former municipal solicitor, Stewart said he saw PENNVEST money used for new water and sewage projects to serve homes and businesses that the forest conservation easement disallows. He also pointed out the Lyme transfer includes land in Warren County. As a business owner, Stewart explained his company uses professional forest consultants to manage its 10,000 acres. He discussed an easement program at the federal level and suggested Lyme will have $60 million to play with to “get its hands on” that property. He again said there is no legal authority to make the landowner cut trees in a certain way. He said this is the largest nonpoint source loan PENNVEST has issued and called nonpoint a “totally different ballgame than point-source.”

Chairman Causer asked Klingler has any knowledge of future projects that may come before PENNVEST. Klingler knew the second application is about 25,000 acres and is in Jones and Richway townships in Elk County, as well as a little part of McKean County. He said he has received numerous calls with questions from county officials and when they get the information they are very concerned. He indicated there is a third project, as well, but did not know any specifics.

Arthur Stewart, president of the Caledonia Land Company in Warren County, opened by noting his experience as a school board member and discussed the issues facing his local school district as populations are declining and the tax base is static. He pointed out the amount of federal and state controlled land in the district limits enhancements to the tax base. A forest conservation easement, he said, is another limitation to development possibilities because the state prohibits development on that land. As a former municipal solicitor, Stewart said he saw PENNVEST money used for new water and sewage projects to serve homes and businesses that the forest conservation easement disallows. He also pointed out the Lyme transfer includes land in Warren County. As a business owner, Stewart explained his company uses professional forest consultants to manage its 10,000 acres. He discussed an easement program at the federal level and suggested Lyme will have $60 million to play with to “get its hands on” that property. He again said there is no legal authority to make the landowner cut trees in a certain way. He said this is the largest nonpoint source loan PENNVEST has issued and called nonpoint a “totally different ballgame than point-source.”

Chairman Causer asked Klingler has any knowledge of future projects that may come before PENNVEST. Klingler knew the second application is about 25,000 acres and is in Jones and Richway townships in Elk County, as well as a little part of McKean County. He said he has received numerous calls with questions from county officials and when they get the information they are very concerned. He indicated there is a third project, as well, but did not know any specifics.
this deal without state help, "and we may have missed the boat in doing the right thing for Pennsylvania citizens." He was disturbed by the lack of truthfulness in the PENNVEST application. Rep. James said he is going to dig into Hancock and was hopeful he will not find a trend in which “these guys are buying and selling the same ground on sweetheart deals like this.” Stewart replied he has been eyeing a parcel for a number of years, but it is generally overpriced and has been on the market for more than two years. He wondered about the precedent this deal has made, stating it has made it impossible to do non-government supported deals.

Rep. Nelson empathized with Caledonia's position and said it puts the banking industry in a different light because of the consequence of a grey area of government involvement in the private use of land development.

Chairman Causer wrapped up the hearing, remarking he continues to wonder if this is the best use of public resources and if it is even an eligible project under the law. He said the committee has more work to do.

Lyme Timber project summary
***************************************************************
3/22/2018

Seven domestic violence bills advance through PA Senate

The Inquirer is waiting to see if the PA House will find the strength necessary to follow the Senate’s lead and pass a bill that would take guns away from people with a history of domestic violence.

Pa. House must do its part to protect domestic abuse victims from gun violence| Editorial

The PA Senate Judiciary Committee advanced legislation that would speed the process of taking firearms away from individuals convicted of domestic assault, the Morning Call writes.

***************************************************************

Poll Finds Broad Support for Clean Energy in PA
March 21, 2018 - Andrea Sears, Public News Service (PA)

***************************************************************

3/21/2018

Senate, House Re-Write Of Oil & Gas Act For Conventional Drillers Turns Back The Clock To 1984

***************************************************************

CITIZENS STAND IN SOLIDARITY FOR SECOND AMENDMENT RIGHTS
By Jenna Wise, Pennsylvania Legislative Services Intern
March 16, 2018

Pennsylvania Patriots United hosted a Second Amendment rally on the Capitol steps Friday, consisting of numerous organizations, private citizens and guest speakers who discouraged extensive gun control.

Holly Cardasso, an administrator of Pennsylvania Patriots United, said the rally was necessary to educate pro-gun control individuals on why guns are an instrumental aspect of the nation’s security.

“There have been so many rallies in support of changing gun laws, and we wanted to hold this rally to show tell people that they have no idea what will happen [if guns are taken away],” Cardasso said.
Before introducing the first guest speaker, a member of the audience led the crowd in prayer and the singing of the National Anthem.

“We pray for our fellow citizens of Pennsylvania, safety in our schools and a return to traditional values,” she said.

The first guest speaker claimed that the US Constitution was not a contract between the 13 colonies, and was instead supposed to be a compact that gives US citizens, as well as state governments, authority over the federal government. He emphasized that many people automatically blame the American flag and constitutional amendments for the abuse of American rights.

“We live in a society with a mental problem, not a gun problem,” he said. “It’s easier for Democrats to focus on an inanimate object. They’re so quick to judge all gun owners for the actions of a few.”

He also took time to highlight other societal issues, including immigration and the struggle to create a yearly budget. The speaker asserted that politicians are great at finding “shiny penny distractions” that distract the public from the real issues facing society.

While the speeches continued, a Republican petition on Second Amendment protection circled the crowd.

Bobby Lawrence, a former Republican US Senate candidate, stressed that issues such as mass shootings cannot be fixed by adding more governmental influence.

“Every time government falls down we can’t fix it with more government,” he said.

Lawrence also shared his support for arming teachers, but asserted that he does not believe all teachers should be armed.

“Teachers don’t cease to be American citizens [in the classroom],” he said. “We need to make schools the 17th critical infrastructure protected by guns. We don’t need more government - we need more liberties and personal freedoms.”

Lawrence emphasized that the best way for Americans to protect their Second Amendment rights is to band together and vote for politicians who share their pro-firearm beliefs.

“In order for us to save this country, we need to band together and vote for people we know will protect our liberties,” he said.

Dale Kerns, a Libertarian US Senate candidate, also advocated for an extension of personal liberties. He questioned why the public finds it acceptable to protect politicians with firearms, but not children, and cited a history of Americans hurting one another before guns were in the picture.

“We have a long history of humans hurting other humans before guns,” Kerns said.

In conclusion, Kerns vowed to do everything possible to win US Senator Bob Casey’s seat in this year's election cycle, while also claiming that Sen. Casey is not a true advocate of the Second Amendment.

“Bob Casey was a Second Amendment advocate when it was good to get votes,” he said.

“Big Sarge,” a Central Pennsylvania radio DJ, condemned Democrats for not taking stronger action against gang violence in cities like Compton and Detroit, but instead taking a strong stance on gun control.

He also compared Americans to sheep and claimed that they will be destroyed without strong protection from the “wolves” of society, before corroborating Lawrence’s assertion that finding pro-gun legislators is the one of the best ways to protect the Second Amendment.

Former Juniata County Commissioner Jerry Leach described his region of the state as “God’s country,” and said the county’s residents are “firmly happy to clutch a Bible in one hand and a gun in the other.”

He asserted that going back to the root of the issue is important when trying to determine the Founding Fathers’ stances on gun control. Leach then recited a list of quotes of Founding Fathers who were in support of arming Americans – including Thomas Jefferson, James Madison and Alexander Hamilton.
Leach spoke critically of America’s education system, and claimed that today’s children are being incorrectly taught about gun control and the meaning of the Second Amendment.

“These kids are clueless because they’re not being taught correctly,” he said. “If our education system is going to twist the language, we need to correct the record for the next generation.”

Simon Grill, a Reading criminal defense attorney, opined that the best way to stop a shooter is to make sure someone is someone there to enforce school security protocol. He cited several programs in place in other states, including Texas, and mentioned the National Rifle Association (NRA)’s Student Shield Program as examples of positive preventative measures.

Grill also described Pennsylvania’s Castle Doctrine, and argued that a provision should be added to Section 505 to give school districts additional protection in emergency situations.

Education Groups Urge PA Legislators to Reject Militarization of Schools

March 16, 2018 - Andrea Sears, Public News Service (PA)

House Education Committee
3/15/18, 9:00 a.m., 140 Main Capitol
By Jessica Richardson, Matt Hess, Jenna Wise and Andre Dienner, Pennsylvania Legislative Services

The committee held a public hearing on school safety.

Chairman Hickernell stated while the shooting incident in Florida pushed school safety to the forefront, legislation was introduced prior to the event regarding school safety. He explained the hearing will take a holistic view of the issue by hearing what is done, what is effective, and what other states are doing. Chairman Hickernell added it is not a day to discuss second amendment rights, but the House Judiciary Committee will be conducting hearings on gun safety.

Chairman Roebuck added school safety is a basic right and today is a part of a necessary dialogue given recent events. He said he hopes this will be continuing dialogue moving forward.

Matthew Stem, deputy secretary for Elementary and Secondary Education, Pennsylvania Department of Education, explained student safety is at the heart of everything they do. He said his remarks speak to the role of the department and how they serve 1.74 million students. Stem stated they work to ensure parents that they can pick their children up at the end of the day healthy and well. The department provides support to schools to create conditions of a safe environment, Stem said. He explained a response plan is important but it is critically important to also have prevention. Stem stated at the core of the issue it does not happen overnight. He stressed the importance of relationships between teachers, administrators, and students to prevent tragedies.

Stem stated collaboration is important as school safety is a community issue. He said things have greatly improved as 25 years ago their efforts were not even remotely what they see today, but they must continue to do better. Stem added they work with the Pennsylvania State Police (PSP), Pennsylvania Emergency Management System (PEMA), Department of Human Services, and the Department of Health on this issue.

Douglas Burig, major, Bureau of Criminal Investigation, PSP, explained over a two year period between 2012 and 2014 all PSP first responders received updated Active Shooter Response training and all PSP cadets receive this training prior to graduation. He said one of the department’s priorities is to provide training to school district administrators and staff regarding the active shooter threat. Burig stated PSP conducted 364 presentations for thousands of attendees on this topic. He added another service PSP provides to schools and school districts is the Risk Vulnerability Assessment Team (RVAT) which consists of troopers who are specially trained and certified to provide on-site security assessments. Since January 2016, PSP has completed 147 RVAT assessments; the vast majority of those
Burig stated regular interaction and sharing of information between law enforcement and school district administrators is essential to protect schools. PSP stations conduct annual response drills and tabletop exercises with schools in their respective coverage areas to prepare for critical incidents, Burig said. He explained the Pennsylvania Criminal Intelligence Center of (PaCIC) maintains a full-time Critical Infrastructure and Key Resources (CIKR) protection unit to share threat and crime information with private and public sector entities.

PaCIC regularly sends written briefs and alerts to partners in hundreds of schools across the commonwealth, Burig said. Jeff Thomas, executive deputy director, PEMA explained their job is to coordinate state agency response with counties and local municipalities. He said part of their department under Title 35 is to notify schools. To do so the agency works with counties and municipalities to notify school districts, Thomas said. He added they recently partnered with the Department of Education on a grant program which allowed them to provide planning templates for a basic school plan for every school across Pennsylvania. Thomas stated a lot of schools took advantage of this opportunity. He commented the effort should not be organizing a document but organizing planning so that is why they provided a way to easily put together the information.

One of the best practices, such as in Philadelphia, have used the agency’s tools to create plans and now all their school officers have access to those plans on their mobile devices, Thomas said. He stated they will continue to help train people and help with planning efforts.

Chairman Roebuck commented the perception of what schools are has changed because things that start in the community are now influencing directly what happens in school. He asked for comment on that and added that it seems they no longer teach students how to manage anger. Stem replied notwithstanding the tragedies that rocked the nation schools do for the most part remain a safe haven even in areas of high crime. He said through the department they have a positive school-wide behavior support system which tier one of instruction on how to build communities in schools.

Rep. Quigley stated the subject of teachers being armed is on testimony to come and an argument is that areas covered by PSP, especially rural areas, have a longer response time. He questioned what response is taken. Burig answered PSP covers 66 percent of municipalities so troopers are spaced throughout the commonwealth and are out in patrol zones. He said it is very hard to characterize response times but they do work closely with local partners and in-school law enforcement.

The agency’s position is that trained professional police officers are better to deal with an active shooter, Burig said. Rep. Miller discussed how HB 2143 would enhance training requirements for school police. He asked for some insight into the need or value of more training for areas such as firearms training, childhood psychology, mental health, and disabilities for school police. Burig responded within law enforcement they all receive active shooter training and anybody in schools should receive training to counter this specifically. He said they do have programs to recognize behavior and understand mental health or disabilities.

Rep. Miller said there are three different classes of school security officer that do not all fall under The Municipal Police Officers› Education & Training Commission (MPOETC). He asked how increasing training for those officers that are not currently under that system will make a difference. Burig said it is a matter of the legislature to decide what is mandated in school districts.

Rep. Brown recognized Stroudsburg School District for their teambuilding activity which had them speak to 17 other students they did not know and other activities. She inquired more information on character education and if something should be done to require it more heavily. Stem replied there is an online portal that all educators rely on for resources and one area is Safe and Supportive Schools, which includes Positive Behavior Support. It works on how to build social emotional learning skills into career ready skills, Stem said.

Rep. Brown questioned in regards to bullying, is there something at the federal level as far as privacy protection that is holding school districts back from communicating with both families involved. Stem responded they invest energy in how to best address bullying because children used to be able to escape it but now it follows them home through the internet. He said school counselors invest tremendous amounts of energy specifically addressing cyber bullying and the department provides a bullying prevention toolkit.

Rep. Brown stated she will be introducing legislation requiring metal detectors at the primary entrances of schools. She inquired how many schools have metal detectors. Stem replied he does not have a specific count but they do provide grants for such equipment. These are community issues so each community works to identify specific risks and some see metal detectors as a good response and others see differently, Stem said. He cautioned against a one-size fits all
Rep. Longietti questioned if there is consideration for requesting additional resources into the grant program to make it noncompetitive. Stem stated they would not be against additional funding and would provide those resources as long as it is for school resource officers or school enforcement officers. Rep. Longietti asked if there is any thought towards outreach to school districts regarding RVAT. Burig responded they are regularly communicating with districts and community service officers. He added some schools have even given PSP offices within their buildings. Burig commented they are a big supporter of PEMA school assessment tools.

Chairman Hickernell commented $7 million goes into the grant program. He asked if the department was able to fund every application what that figure would be. Stem said he would follow-up with the answer.

Rep. Grove inquired if the active shooter training utilizes virtual training and technology, and if it is offered to local municipalities.

Burig replied they have live actors filmed to react to verbal commands and fire arms. He said they do provide it on the local level. Rep. Grove asked what weaknesses there are on the prevention side and if there are any recommendations. Burig explained within the intelligence committee they are assessing threats and looking at every incident. He said they send information not only to law enforcement but all agencies as well as having the Department of Education send it out to the schools. Stem replied one of the most important things is building relationships and internal communication. He explained there is a breakdown if someone sees something of concern and does not share it. Stem stated they fund 27 individuals to do training on see something, say something. He added they could always improve engagements in the mental health support community.

Rep. Hill questioned how difference agencies were involved, what they learned, and if there are any recommendations regarding the recent incident at Central York School District. Stem replied Central York handled it properly with the closures and leveraged appropriate communication strategy early on. He said they even did a briefing after with the community. Stem stated there needs to be transparency and communication. He explained there is a one page checklist so administrators can take it to make sure they’ve taken the appropriate steps. Burig added the PSP did assist through uniform members at the school and computer forensic examiners. He stated the local police did a great job. Thomas commented they offer allhazards plans that include violent incidents.

Rep. Hill commented the district attorney will be holding a hearing at 6:30 p.m. at Central York High School regarding social media and online safety. She inquired if that is already covered under the department’s work. Stem said they have a number of resources available but they can continue to grow the resources.

Rep. Tallman referenced the House Select Committee for School Safety Report. He inquired if the Safe Schools Advocate is only funded for Philadelphia. Stem replied yes. Rep. Tallman asked if they would fund it for all school districts. Stem said they are more interested in engaging and taking a look at all opportunities they have. Rep. Tallman said in the report there is a section on RVAT. He gave the example of how Bermudian is a concise campus, but Upper Adams buildings are scattered.

Rep. Tallman stated the report suggests doing the assessment by building and asked what resources PSP needs to make that happen. Burig responded they do hundreds of assessment and let the superintendents pick the building. He said they provide with the district with industry best practices and a lot of recommendations without even looking at each individual building. Burig explained often there are the same deficiencies in school after school.

Rep. English questioned what happens to students after they finish school because of expulsion, graduation, or dropping out as he believes 18-year-old troubled adults have abandoned files. Stem stated safety is a Pre-K to post-secondary issue and a community issue. Burig added if law enforcement is involved they are allowed to retain records and see juvenile arrests. Thomas stated from someone previously involved in first-response, those people have not found an activity that gives them a sense of purpose. He suggested that there are a lot of volunteer departments such as volunteer firefighters that help young people looking for a path to give them a purpose.

Michael Faccinetto, governing board president, Pennsylvania School Boards Association (PSBA) emphasized there is no one-size fits all solution to providing safe school environments. He said schools must address both internal and external threats. Faccinetto encouraged schools to use resources from the Department of Education, PEMA or PSP. Many schools also utilize school resource officers or school police, Faccinetto said. He explained PSBA assists school districts in complying with laws and regulations associated with emergency preparedness and effective relations with local law enforcement officials. Faccinetto stated PSBA believes school districts are vastly different throughout Pennsylvania in their security needs so the best approaches to school safety must often be determined at the local school district level.

Faccinetto explained PSBA had not taken a position on gun control and that its solutions focus strictly on school-based
safety. He suggested the following for legislative consideration: continue and increase funding for Safe Schools Targeted Grants; provide resources to ensure that school districts can enhance appropriate safety and security measures; clarify that school boards can discuss security and safety measures in executive session; encourage mental health screening in a flexible manner; increase the availability of avenues for students to report threats; and direct involved agencies to review and enhance technical assistance and resources. Facchineto added they ask that police presence in schools not be mandated by state legislation. He also stated PSBA believes if firearms are present in schools to guard against threats, they should be carried only by properly trained and certified law enforcement of security professionals.

Dolores McCraken, president, Pennsylvania State Education Association (PSEA) stated they received nearly 1,000 comments on what should be done on this issue and she will be sharing the ones that received the broadest support. A suggestion is to increase appropriations for school safety grants that can be used to provide funding for physical improvements, active shooter training programs, and school resource officers. McCraken said addressing the physical safety of school buildings was one of the most common responses they received. She suggested more safe school audits that evaluate facilities, personnel, and school climate to better understand the needs.

Another suggestion was to focus on student wellness and invest in more school counselors, school psychologists, social workers, school nurses, behavioral specialist, home and school visitors and paraprofessionals, McCraken said. She stated the ability for school employees to truly observe their students and then connect them to the kind of support they need is greatly restricted when a teacher has 30 other children in their class with no additional support. McCraken commented there aren’t enough of school psychologists, school counselors, and others working in the schools to support the behavioral and mental health needs of the students. She added Pennsylvania law does not require school districts to employ certified school counselors, school psychologists, social workers, or home and school visitors.

McCraken suggested they also establish threat assessment and crisis teams made up of law enforcement, school employed mental health professionals, teachers and support staff administrators. She stated access to a team that is dedicated to creating individualized assessments of each threat, and to recommending a course of action that involves considering a complete wellness would be an important resource for schools. McCraken encouraged the legislature to adopt a set of guidelines like the Virginia Assessment Program. She added they should work with congress to protect the Title I, II, and IV funding designed to provide health and secure learning environments; and provide a space and opportunity for school districts to work together to find customized solutions.

McCraken shared that PSEA members shared divergent thoughts spanning the gamut from expanded gun control, to arming educators. She said she respects the opinions of those who support SB 383, just as she respects the opinions of those who support stricter gun control measures. However, PSEA has a process to consider legislation and the Legislative Committee unanimously voted to oppose the legislation, McCraken said. She stated she has provided ideas that can make a difference and save lives so she asks they focus on those actions.

Brent Kessler, Business Manager Board Secretary for Central York School District and speaking on behalf of the Pennsylvania Association of School Business Officials (PASBO), emphasized that the safety and security of students and staff is a priority for PASBO members in school districts across Pennsylvania and discussed measures Central York is taking to improve school safety. “School districts need resources to enhance and improve school safety. We need additional resources to engage experts in risk assessments, to upgrade physical security, to hire additional staff, to train staff and to implement recommended safety and security strategies—to begin to implement many of the great recommendations that we are considering in Central York School District. Additional resources targeted to student supports—such as resources for additional school counselors and social workers— are critical as well,” Kessler stated. “Nearly as important as resources, school districts need flexibility. PASBO members and other school leaders represented by the associations here today are in the best position to understand the unique safety, security and other needs of their schools, students, staff, parents and communities. As a result, legislative efforts targeted at improving school safety must allow districts to proceed with those safety and security improvements, protocols and measures that are right for their individual schools and community.

Mandatory, one-size-fits-all approaches across all 500 school districts ignore the individual needs of each school and will hamper the implementation of effective safety and security programs.”

Jonathan Bauer, Principal of Upper Merion Area High School and speaking on behalf of Pennsylvania Principals Association (PPA), said he is “deeply concerned” about the safety of the students and staff in schools and emphasized that there is no greater responsibility than to provide a safe learning environment. He explained that principals have researched the issue of safety extensively with regard to the latest safety protocols, implementing best practices and highlighted the following:
- Countless interactions with local police to discuss and analyze possible threats against the school;
- Participation in “safe school” committees that include district personnel and community first responders;
- In-Service trainings conducted by county-wide safety personnel on armed intruder responses such as “Run-Hide-Fight;”
- Table-top exercises for administrative teams, designed to practice decision making in armed intruder scenarios;
The installation of two “panic” buttons in my school as part of a county-wide program for all schools which can immediately connect with 911 Emergency dispatch and police in the case of emergency.

“No one approach or one entity will resolve this issue. We need a multi-faceted approach with involvement from the school community, law enforcement, mental health professionals, and legislators. The Pennsylvania Principals Association advocates for a comprehensive approach which includes; Mitigation and Prevention, Preparedness, Response, and Recovery," Bauer stated. “There are a number of bills being floated about and while some of them have merit and deserve additional discussion, we advocate not for the silo approach here but for a comprehensive approach to school safety. We would be more than willing to have representatives from our organization serve on a special task force on school safety who are charged with bringing meaningful recommendations forward.”

Mark DiRocco, Executive Director, Pennsylvania Association of School Administrators (PASA), affirmed that the issue of school safety is a main priority for school administrators and explained that in preparation for this hearing, PASA was provided with a list of 26 bills that have been referred to the House Education Committee on school safety. He recommended a collaborative effort be initiated to study the many recommendations in these bills along with other school safety resources and develop omnibus legislation or a coordinated series of bills that would address all aspects of school safety.

“No matter what bills are finally approved by the legislature and signed into law by the governor to improve safety, school districts must have the flexibility, resources and funding necessary for the sole purpose of school security. We do not accept the notion that existing school district or state funds can simply be reallocated to the level necessary to appropriately fund the needed safety improvements for our children and educational staff members. Only with additional funds will our schools continue to have the resources they need to fulfill their mission of providing strong academic programs and services to prepare students for their future," DiRocco stated. “Pennsylvania ranked eighth of the fifty states in the 2018 Education Week Quality Counts Report, which provides a state-by-state assessment of public education. Now is not the time to put our upward trajectory at risk. We can and must address both the mission of public schools and the safety of those who study and work in them with the resources adequate to meet both goals.”

Rep. Miller asked about support for depression screenings for students. DiRocco said PASA is supportive of the idea of having a depression screening as part of the 6th and 11th grade student physical but said more details need to be ironed specifically who would pay for it. Rep. Miller inquired about adding more counselors in schools. DiRocco said PASA supports providing one guidance counselor for every 250 students as opposed to one guidance counselor for every 400 or 500 students which is now the current practice. “Those guidance counselors can make referrals to appropriate mental health agencies and parents when they see those signs in students,” he stated. “We also need more social workers. They are the connection between the school and the home. They can often go out in the home and work with parents. Both of those types of professionals are in much greater need.”

Rep. Tallman questioned how long it takes to get students through metal detectors at York City School District. Kessler said it takes 30 minutes to get 500 students through one entrance and the school has three different entrance points to accommodate the 1,500 students.

Rep. McCarter argued that there are thousands of schools that are “reaching their maximum viability” and inquired about their thoughts on redesigning buildings through the PlanCon process. Facchinetto said PlanCon resources could help schools outfit secure vestibules, install high definition cameras at entrances, and add remote card access.

Rep. McCarter asked if the panel favors arming teachers. McCraken said PSEA is not in favor of making “our school personnel to be law enforcement officers” but added the organization is not opposed to hiring school resource officers and trained security personnel who work with police departments to provide security in schools. Facchinetto echoed the sentiments of McCraken but noted that Bethlehem Area School District has eight school resource officers between the middle and high schools.

Rep. Staats inquired about the school assistance program and asked if there is a process to remove a student from the school to address issues they are having with mental health or addiction issues. Bauer said the program has been successful. “It’s one of the stronger programs that we do have and I’ve seen a lot of results that come from that and get the results they need. It’s connects our school based resources with outside resources. That goes back to the need to have those counselors and school social workers,” he stated.

Rep. Mullery emphasized the importance of “restarting PlanCon” and pointed out that many schools were constructed to be community-centered facilities. “Our schools were built to welcome people in and now we find ourselves in the position of keeping people out. Without PlanCon, we’ll just keep putting ourselves behind the eight ball,” he stated.

Rep. Mullery asked what percentage of teachers indicated a willingness to arm themselves or colleagues. McCraken said she did not have the percentages from the PSEA survey but said the National Education Association found that 82 percent
of members did not want firearms in their school. Rep. Mullery said he spoke to teachers in his district about the issue and indicated that teachers were not opposed to teachers who were formerly in the military to carry a firearm.

Rep. Quigley asked for Bauer’s opinion as to what changed in society that has led to an increase in school shootings. Bauer noted that he did not have detailed research but opined that social media has put more pressure on students. “It’s difficult to get away from it, there are upsides as well but there is a dark side of social media and when kids get steeped into it that can be a negative for them,” he stated. Bauer added that his school personnel sometimes has to work with law enforcement due to threats or fights between students on social media platforms.

Rep. Hill indicated that she has legislation that would reinstate mandate waivers that were in effect during the Rendell administration and asked how much money could that generate toward improving school safety. DiRocco said he would have to do research the issue further to identify a figure but indicated that he is in support of any mandate relief that would provide for enhanced school safety.

Rep. Brown expressed concern about the panel’s lack of willingness to reallocate funds to provide greater school security and said she is sponsoring legislation that would provide metal detectors in schools. “The concern I have is that we may use local control as an excuse not to get something significantly done that would make a difference,” she stated. Rep. Brown asked for the panel’s thoughts on having all new money proposed in the budget to be utilized to improve school safety.

Faccinetto indicated that districts across Pennsylvania are examining their budgets and are making decisions to reallocate funds toward heightening school safety. “Can districts commit that any new money is going to go to security, I don’t know because every district is a unique situation. If you are smaller district with one campus with three buildings that are all connected and have up-to-date security features than I think spending money on something that isn’t needed just to say we spent money on more security wouldn’t be the best use of the dollars,” he stated. DiRocco indicated that there is not enough money to reallocate in school districts to provide the measures that the General Assembly is considering implementing.

“There is $100 million increase being proposed. $86 million is going out to 499 school districts and $14 million is going to one district. There’s not a lot of new money there and most of those dollars will go right into the pension system,” he stated. Rep. English questioned what percentage of students is considered to be troubled or at-risk for causing harm to others. Bauer said out of around 2,000 kids in the district about ten to 20 students were of concern. “That’s approximately a half percent of one percent of the population. They had extreme behavioral issues and we get them referrals to mental health agencies or appropriate counseling agencies and work with parents to get the help they need,” he stated.

Rep. Grove asked if the panel would prefer grants for physical security upgrades to schools and something more long term and permanent for increasing personnel. Kessler responded “correct.” Rep. Grove questioned if it would be better for the state to make a bulk purchase of metal detectors rather than each district due it individually. Kessler indicated that PASBO would be open to the idea. “It would be interesting to see how that would work but I love to entertain that idea,” he stated.

Jennifer Palmer, a research analyst of the National Conference of State Legislatures, mentioned the federal Gun-Free School Zones Act that prohibits unauthorized individuals from possessing a loaded firearm in a school zone. Palmer claimed that nearly every state prohibits firearm use in close proximity to schools. She also identified 17 states that allow firearms to be carried in schools, and seven states that allow firearm possession with concealed carry permits. Palmer cited eight states that identify individuals that can carry firearms in schools. She highlighted California as a state that previously allowed districts to give permission for school officials to carry firearms. Reform acts after the 1999 shooting at Colorado’s Columbine High School and Connecticut’s Sandy Hook Elementary School in 2012, led to legislation that would have allowed more people to carry firearms in schools. Of the eight states that named qualified employees, all of the states left the decision in the hands of local school authorities who could voluntarily decide to arm teachers. Palmer asserted that in most cases, arming teachers requires additional training programs and costs for teachers. Training programs are in place in three states, with at least six more considering implementation of the programs. Palmer mentioned that individuals are usually chosen to participate in the training programs, which include lessons on emergency response, CPR and first aid, among others.

Currently, 16 states are considering legislation that would allow more people to carry weapons in K-12 schools. Lauren Sisneros, a state relations specialist of the Education Commission of the States, discussed her organization’s responsibility of compiling information from early/postsecondary education institutions, issuing unbiased advice on school safety plans, providing testimony to state legislators and collaborating with other states on safety plans. She mentioned that at least 34 states require a comprehensive safety plan for its school districts. The 16 states that do not require a plan provide grounds and technical assistance to districts. These assistance groups look at school safety as a larger policy issue, and draft recommendations and safety plans. Sisneros asserted that state statutes usually direct districts to develop safety plans, while some states require the plans to be based on a state-developed model that districts can develop into their own. She said at least 25 states require periodic emergency response drills, while 95 percent of schools perform
lockdown drills as a common practice. Six states require active shooter training, and legislation is pending in multiple states to increase the practice of emergency drills, including Pennsylvania Senate Bill 35, according to Sisneros. She also cited the use of school resource officers (SROs) as an integral part of various districts’ safety plans, with 29 states utilizing these armed officers in some capacity. In Illinois, for example, SROs are required to be certified as juvenile officers by the Illinois Law Enforcement Training Standards Board, and also receive a national certification related to school policing. Sisneros mentioned the nation’s growing awareness of bullying, and mentioned Illinois’ requirement for districts to implement policies on bullying. In Delaware, districts are required to adopt a bullying policy that was developed by the state, and in New Jersey school principals are required to report bullying incidents to parents, Sisneros said.

Rhode Island’s school safety plan, Public Law 13, allows the following:
- Formal collaborative agreements
- Annual school safety training
- Protocol for responding to threats, hostage takings, intrusions and kidnappings
- Policies for responding to acts of violence
- Policies for contacting parents
- Establishment of peer medication and conflict resolution
- Access to a students’ prior disciplinary records

Chairman Hickernell mentioned that he recently learned about Texas’s school marshal program, and wanted to know if Palmer or Sisneros were aware of this. Palmer replied that Missouri, South Dakota and Texas have similar programs. She highlighted Missouri’s policy of prohibiting teachers from serving as school marshals, and asserted that all of the programs have different names and vary in necessary requirements and responsibilities. Sisneros said Texas also has a district audit report.

Rep. Mark Gillen (R-Berks) asked the panel if they believed that a crime watch-oriented program could be successful in expanding a school’s perimeter of observation without requiring unarmed observers to intervene during acts of violence. Sisneros responded that she could take a look at the research behind observation programs and talk to her organization about its potential. She claimed that there are state policies that allow tip lines to be established for members of the community to report threats and acts of violence to the authorities, but is not aware of a program that would expand a school’s perimeter of observation.

Rep. Tallman then wanted to know the acceptance rate of these programs, of which Palmer said she is not sure.

The final panel provided recommendations to improve school safety.

**A. Stevens Krug**, American Institute of Architects (AIA), explained he has been designing schools for 35 years and has personally experienced his child having a bomb scare at his school. He said a conversation must be had on ensuring a safe environment in schools while also nurturing education and advocated for the establishment of a statewide emergency plan for the design and configuration of school buildings and security infrastructure, and the publishing of an assessment tool to use as a guideline for school districts to gauge priorities. He suggested a group to develop these assets include architects, contractors, teachers, students, and law enforcement and specifically drew on the age of Pennsylvania schools with 65 percent built before 1970 and far too many not seeing upgrades or “even the most basic safety measures.” Krug reiterated there is an important balance between designing to protect students and designing to nurture learning, but emphasized tangible steps can be taken by teaming together, also mentioning PLANCON as a potential funding source for such updates.

“AIA Pennsylvania recommends updated safety assessments that focus on school facilities in the commonwealth to gain a better understanding of the scope of work that needs to be done to secure our schools,” he closed. “Our members have the tools and resources to help collaborate with school districts and law enforcement to guide communities and safely secure their schools.”

**Mark Zilinskas**, mathematics teacher, Indiana Area High School, relayed the emotional toll and significance of school shootings, stating “As a teacher, I cannot think of anything worse than having someone come in our school building and start killing our students and not having the tools and training to make them stop.” He mentioned that most discussion at the hearing has been focused on preventative measures but specifically advocated for SB 383, which he said is necessary to train and arm school personnel to react in the time between calling law enforcement and them arriving on the scene. Zilinskas stated “the shooter must be stopped” even if law enforcement needs time to get to the scene, referencing faculty training in Ohio and his own training as something worth looking at for dealing with the time before law enforcement arrive.

**Dr. Sarah Daly**, assistant professor, St. Vincent College, presented four suggestions with an eye toward practicality, safety,
and research. Specifically, she first focused on knowing the warning signs such as pseudocommando mentality, a fascination with school shooters, and novel aggression, advocating for an anonymous tip line, community education, and extreme risk protection orders. Second, Dr. Daly urged caution against arming teachers and for thorough analysis if that discussion takes place. Third, she discussed bullying proposals and the resources needed to implement state-mandated bullying policies.

Lastly, she recommended all policy discussions include policymakers, practitioners, and researchers to ensure evidence based discussions. “This burden is not one for schools to bear alone, and we all share a responsibility to our children to consider all possible outcomes and effects,” she added.

Dr. David Helsel, superintendent, Blue Mountain School District, opined the issue is much too complex to look for a single fix and Pennsylvania districts are very diverse and a one size fits all approach is not feasible. He discussed arming teachers and personnel as his district has been arming personnel for five years through assigning district maintenance staff to dual roles through Act 235 Certification as well as district and building maintenance responsibilities. He outlined the extensive certification process, noting that the district currently has one such dual role individual. Dr. Helsel then discussed the Alert Lockdown Inform Counter Evacuate (ALICE) defense plan, which he said “empowers teachers and staff to determine whether emergency evacuation or barricading themselves into a room is the best response” and includes equipping each classroom with a five gallon bucket of river stone to arm students in case of an intruder. “We do not presently plan to train teachers as Act 235 armed security due to their role in our planned response to armed intruders... At this point, our teachers’ responsibility is to address the safety of the classroom and not engage an armed intruder directly,” he noted. Dr. Helsel recommended that school districts be empowered to make individual decisions regarding armed personnel and be able to custom fit their safety plans, also calling for a mandated safety plan as part of the Comprehensive Planning Process, mandated interagency training and cooperation, and provided grant money for expenditures to improve safety such as armed personnel, mental health assessments, cameras, and equipment to strengthen windows and doors.

Chairman Hickernell wondered about the level of support among school teachers for being armed. Zilinskas responded there are 50 teachers in his building and 15 to 20 already have concealed carry permits and would be at least interested if that opportunity existed. He also opined other buildings’ teachers have interest but some would never want to do it and it is not for everybody. Dr. Helsel agreed some staff would not be comfortable doing that in any way but others are interested in the training.

Chairman Roebuck discussed the concept of a locked vestibule for one entrance to a school building, understanding it is a good thing for someone trying to get into the school but wondered what would happen if there was an internal emergency and how students would get out. Krug explained schools are designed with emergency exiting requirements and vestibules can be designed in various ways for larger schools and you can have multiple vestibules. He elaborated the concept is in the morning the doors are open to walk right through the vestibule but during school hours, it is closed and requires entrance through the office. Chairman Roebuck wondered what would happen in the case of a fire and if everyone would have to leave through that exit, voicing confusion also on how to close off alternate entrances. Krug explained panic hardware allows exit from additional areas during an emergency but they are not open for general use.

Rep. Reese discussed Christians United in his district which partnered with a public school for an afterschool program. He wondered if research shows any benefit to tying faith-based programs to schools. Dr. Daly explained from a criminology perspective crime is less likely to occur if there is a commitment or attachment to an organization, such as a sports team or after school program, which she added can have a “profoundly deterrent effect.”

Rep. Quigley wondered if there are common themes with shooters such as severe family dysfunction or bullying, also noting his concern of lumping all mental illness together for blame. Dr. Daly replied there are millions who are subject to mental health issues and don’t commit violent acts but shooters have reported symptoms or a mental health disorder diagnosis in 25 percent of cases. She emphasized the importance of other combined social issues along with mental illness is a prevalent factor, and agreed conversations associating mental illness with shootings must be careful and viewed in the context of other things instead of lumping all mental illness together. Rep. Quigley next stated there were obviously acts of violence before the 2000s but wondered if there has been a spike since then. Dr. Daly replied it is hard to determine because things were underreported then and pointed to Columbine as a turning point in 1999, saying they are now occurring in rapid succession partly because of “making these school shooters famous.” She noted efforts to not name shooters anymore to reduce publicity and perceived reward.

Next Rep. Quigley drew on police response time and wondered if rural areas might have more support for arming personnel due to that longer wait time in those areas. Zilinskas agreed all situations are different and localities must be able to make that decision, also outlining how his district is within range of a borough police force, the State Police, and the Indiana University of Pennsylvania (IUP) police force. Rep. Quigley lastly wondered if there is a differentiation between shooters over and under the age of 21 in shooting motivation. Dr. Daly responded it is important to examine shootings in comparison between schools, workplaces, and post offices and most shooters had similarities with suicide terrorists in that
they were looking to die with a purpose.

Rep. Tallman inquired on school building design requirements related to getting a certain amount of individuals out in a certain amount of time. Krug replied he would provide more details but there is a "rapid period of time" that is accounted for in school designs as required by building codes. Rep. Tallman then described doors as vulnerable areas to be breached in the security protocol and wondered what architects are doing to make that door less likely to be breached. Krug referenced metal doors designed for exit only as one means of safety.

Rep. English asked for statistics on accidental discharge of a firearm in schools and said he was intrigued by using rocks in the classroom to arm students in case of an intruder. He wondered about non-lethal methods of protection such as rubber bullets or Tasers. Dr. Helsel mentioned they have pepper spray but a large degree of protection, even non-lethal, depends on various certifications. He also said ALICE allows such methods to arm students such as golf balls or rocks. Dr. Daly added said her research did not cover accidental discharge but pointed to studies on police officer accidental firing. Zilinskas elaborated on his training which he said was three days and included a mindset component, emergency medical, simulations, and shooting more than 1,000 rounds. Rep. English drew on his time as a Marine, voicing concern with armed school personnel being able to identify the actual shooter among other students. Zilinskas contributed his program did deal with that especially in one simulation that took place in a school building.

Rep. Grove wondered how long Ohio has had armed teachers, which Zilinskas said five years and trained over 1,300 faculty and staff, but did not have specific numbers for teachers. Rep. Grove agreed there is a problematic timeframe between when police are called and when they can arrive and wondered how many schools with armed personnel have had violent incidents. Zilinskas replied there have not been any in Ohio and on the accidental discharge in California, said that would never happen with proper training. He added if no one knows a teacher is armed, that teacher would avoid certain incidents as taught in training. Rep. Grove asked for a review of bills in the Pennsylvania legislature regarding arming personnel, noting it would not be mandatory. Zilinskas explained the bill would leave it up to the school district if passed, teachers must volunteer to the district, then they must be approved, then the teacher would get appropriate training. Rep. Grove noted the only concern of police when entering a shooter situation is to remove the shooter, as opposed to providing medical care, and wondered if Zilinskas' training improved his knowledge on what to do when police arrive to prevent confusion. Zilinskas responded yes and a good training program would include local law enforcement, adding that police are highly trained on those situations as well. On school resource officers Zilinskas added he would rather risk being shot by a cop seeking to protect than the shooter. Rep. Grove then asked about insurance concerns with arming teachers. Dr. Helsel stated that has not been addressed at his school as they do not arm teachers, but it would be an important part of the conversation. Rep. Gillen wondered what the attitude of staff generally is to using dual role individuals and arming personnel. Dr. Helsel said they have not heard anything negative and the armed personnel is clearly visible and wear a badge. He said they have become part of the culture. Rep. Gillen also noted the rock defense idea does have some efficacy to thwart students from carrying out shooting plans and wondered if there are things not revealed about emergency procedure to keep an element of surprise. Dr. Helsel concurred the stone topic is a well-known to attempt to protect students, but not all measures are advertised as a matter of secrecy.

Rep. Brown contributed 25 percent of shooters have a preexisting mental diagnosis and also social failures, and asked about volunteer opportunities in the schools and if that could help detect issues before violence occurs. Dr. Helsel said volunteers are great but it depends on their training and confidentiality is also an issue in that respect. He added the power is in positive discussions and making connections. Zilinskas added teachers spend a lot of time with students and develop that close relationship but said there are also people who volunteer from the outside. He discussed a psychologist scheduled to address the kids in his school about the importance of letting people know about issues on social media, as they are the ones who would see that first.

Written testimony was submitted by the following:
Sean McAleer, director of education, Pennsylvania Catholic Conference
Brian Krause, Hershey resident and former Pennsylvania State Police
Eloise Milligan, primary level principal, Shaler Area School District
Department of the Auditor General
Lawrence Borland, school board president, Franklin Regional School District

**************************************************************************

Fracking Report Finds Unacceptable Risks
March 16, 2018 - Andrea Sears, Public News Service (PA)
**House Appropriations Committee budget hearing with PSP (BH)**

3/7/18, 10:00 a.m., 140 Main Capitol Building
By Jeff Cox, Pennsylvania Legislative Services

Excerpts from the hearing:

Rep. Ortitay wanted to discuss the Pennsylvania Instant Checks System (PICS). He reported that system was zeroed out in the budget and this year there is a request for $932,000. Rep. Ortitay wanted to know the reason for the request for the funding. Price explained that PICS funding comes from three sources: the actual PICS fees, the gun check appropriation, and the general government operations (GGO) line item. He further explained that in the past there was surplus in some of those funds but that surplus was drawn down to fulfill certain budgetary needs from the GGO. Rep. Ortitay asked if the surplus is now gone. Price replied, “That is my understanding.” He pointed out that every five years the Legislative Budget and Finance Committee (LBFC) is tasked by law to do a survey on the adequacy of PICS fees to determine what it would require if the legislature decided that PICS should be self-supporting. According to Price, according to the most recent LBFC report $9 to $11 is where PICS would need to be in order to be self-supporting. Rep. Ortitay wanted to know if the State Police will be requesting additional funds in next year’s budget as well. Price responded that it is very difficult to predict because one particular pot of money comes from gun sales. He said that they continue to have one million PICS transactions per year. Price pointed out about 730,000 were gun purchases and the others were license to carry and evidence return checks.

Rep. Ortitay asked if the State Police tracks how many times PICS has been down since the beginning of the year. Price responded that they do. Rep. Ortitay commented he gets an alert every time PICS goes down and the National Instant Checks System (NICS) is still up. He reported it has been down seven times since January 1. Price explained that PICS actually hits NICS so among the databases PICS accesses one of them is NICS. He further explained if there is a NICS outage there is a concomitant PICS outage. Price reported that in 2017 of the 100 percent outages that people saw through PICS there were about 1,333 minutes with 62 percent the result of NICS outages and 38 percent were PICS outages. Rep. Ortitay asked if the State Police has a backup location where data is stored. Price explained that they have a continuity of operations plan.

Rep. Santora asked what information PICS loads up to NICS. Price reported that several years ago the State Police began submitting to NICS PSP’s mental health records and PICS in the largest or second largest submitter of mental health records. He noted the number is over 800,000. Rep. Santora wanted to know if that is because PICS submits more or because Pennsylvania has more issues. Price said he believes it is both. He explained Pennsylvania has a lot of mental health commitments and has a very robust collection and auditing system to ensure getting records from the counties.

According to Price, beginning in 2011 PICS began submitting mental health records to NICS. He explained some of the technical changes made to improve the reporting of information to NICS. Rep. Santora commented he has a legislative proposal to expand background checks to include gun shows and to the private sellers of long guns. He wanted to know if Pennsylvania is able to handle more background checks that they already do. Price responded they handled over one million last year and he estimates the number of long gun transactions at around 21,000 so the proposal would have minimal impact.

Rep. James wanted to know what PSP is doing to combat and prevent school shootings. Price responded that PSP’s Bureau of Training and Education offers numerous programs relative to active shooter response that is available to the public and other police entities. He added they also do risk and vulnerability assessments. Evanchick reported PSP community services officers have provided over 364 presentations for thousands of attendees on the topic and PSP has done 147 risk and vulnerability assessments since January 2016. Each community service officer is required to have a strategic plan for response to active school incidents and shootings. He said PSP conducts yearly drills and table top exercises. Col. Bulger added that PSP has a working relationship with all of the schools and local police departments.
The committee held a budget hearing with the Department of Agriculture, represented by Russell Redding, secretary, Pennsylvania Department of Agriculture who was joined by Executive Deputy Secretary Michael Smith.

Sen. Scavello asked how much in the budget is allocated for Chronic Waste Disease (CWD). Sec. Redding replied there is no appropriation at this time but estimate they have committed $1 million to the cause. Sen. Scavello questioned if they are monitoring captive deer. Sec. Redding said there are two types of permits and they monitor captive herds.

---

3/1/2018

**DEP Senate Budget Hearing: DEP Plans To Add Safe Drinking Water Program Staff Ahead Of Fee Revenue To Address Deficiencies**

DEP Budget Hearing Highlights Efficiencies, $2.5M Proposal To Improve Permit Review Time

Budget Testimony By DEP Secretary Patrick McDonnell, Improving Efficiency, Customer Service

---

**House Appropriations Committee budget hearing with Agriculture (BH)**

2/26/18, 3:00 p.m., Room 140 Main Capitol

By Kimberly Howells, Pennsylvania Legislative Services

Excerpts from the hearing:

**Note: No comments about CWD**

The committee held a budget hearing with Russell Redding, secretary of the Department of Agriculture (PDA).

Rep. Everett asked about PDA efforts towards the Chesapeake Bay Environmental Protection Agency (EPA) requirements and said he’d like to see increased funding for conservation districts and get them more involved in the process. Sec. Redding responded there is no path forward without the conservation districts and asked those that have opted out of the compliance work to reconsider that decision. Looking forward, he said funds are level for conservation districts but that will change with expectations and as he learns more about federal budgets. Rep. Everett wondered if the legislature can do anything more to enhance efforts to move forward on water quality issues. Sec. Redding responded in the affirmative and noted the important role of voluntary efforts of farms, even though it is not reflected, and urged the legislature to continue supporting and encouraging the farm community. Further, he said the department has looked at ways to recognize those farms “getting the job done,” as well as research and technology on water quality to ensure smart investments are being made.

Rep. Hahn reviewed the department's Dog Law enforcement role and asked if the department is licensing all the dogs and how the requested funding is used. Sec. Redding guessed there are 2.3 million dogs in Pennsylvania, but only about one million are licensed. He said licensing all of them would negate the need for the fee increase, but the challenge is finding all of them and thus revenues are insufficient to cover costs. Rep. Hahn wondered if door-to-door canvassing is effective and mentioned conversations about online registration. She also suggested contacting people who have previously owned dogs. Sec. Redding explained the proposal includes a modernization component that could remind owners to license dogs. He said the department does some direct outreach and works with treasurers in the counties, plus canvassing and social media efforts. He was hopeful for the fee increase and modernization effort to improve licensing. Rep. Hahn wondered if the license would be issued at the time of adoption. Sec. Redding said being able to license at the point of purchase is possible, but that does not mean it happens. He suggested that could change with the modernization legislation. Michael Smith, a deputy secretary at PDA, confirmed there is legislation to that end but pointed out the dichotomy in that a dog can be sold at six weeks, but licensure isn’t required until six months.

---

2/28/2018
Budget Hearing: Senators Recommend More Drilling In State Forests To Fund An Expanded Growing Greener Program

******************************************************************************

2/26/2018
DEP Budget Hearing Highlights Efficiencies, $2.5 Million Proposal To Improve Permit Review Times

Budget Testimony By DEP Secretary Patrick McDonnell, Improving Efficiency, Customer Service

******************************************************************************

2/23/2018
Budget Hearing: DCNR To Release Monitoring Report On State Forest Drilling By Early Summer

Budget Testimony By DCNR Secretary Cindy Adams Dunn, Celebrating 125 Years Of The State Park System

******************************************************************************

Senate Appropriations Committee budget hearing with PSP (BH)
2/22/17, 1:00 p.m., North Office Building, Hearing Room 1
By Jessica Richardson, Pennsylvania Legislative Services

Excerpts from the hearing:
Sen. Tartaglione inquired how many background checks are performed for firearms a year. Price explained they see just over one million checks a year. However, not all are firearm purchases as some can be for a license to carry or evidence return, Price said. He stated there are about 700,000 checks for firearm purchases. Sen. Tartaglione asked how many are denied. Price said they denied 15,000 last year.

Sen. Haywood stated from what he understands they do not have a background check in Pennsylvania for semi-automatic weapons. Price responded that is not correct. He explained if a firearm is purchased from a dealer a check is required. If there is a transfer of a handgun from one person to another person a check is required, except in the case of long guns, Price said. Sen. Haywood inquired if it is correct that there is no person to person background check requirement for an AR-15. Price stated that is correct. Sen. Haywood asked for clarification on the number of handgun purchases prohibited. Price said they had 15,000 denials with about 10,000 being purchases that were denied. Sen. Haywood inquired how many handgun purchase denials were based on individual transactions compared to dealer transactions. Price explained that is a hard thing to find as they would have to look at the transactions based on if there were taxable or not. Sen. Haywood questioned how it serves safety to citizens to allow person to person semi-automatic rifle transactions without background checks. Price said that is a policy question. Blocker added that is a loophole that he is aware needs additional work. Sen. Haywood asked if the commissioner is aware of what the district attorneys are suggesting in regards to independent investigations into police involved shootings. Blocker stated he is aware and has worked closely with them.

Sen. Vulakovich asked with regards to handgun sales, how they get to the point where they know the information they do not know now. Price suggested they could design the record of sale to capture more information, but they are limited to one page.
2/15/2018  
**Senate, House Kick Off Budget Hearings, DCNR Up Next Week**

---

**House Committee Republicans OK Bill To Kill Regulations By Doing Nothing**

*Posted: 09 Feb 2018 07:38 AM PST*

The [House State Government Committee](#) Tuesday amended and approved [House Bill 1237](#) (Keefer-R-York) that would allow the General Assembly to kill an economically significant final regulation from any agency by doing nothing.

---

1/25/2018

**DEP, DCNR Discuss Special Funds Use To Support Community Projects, Support Agency Environmental Missions With House Appropriations Committee**

---

**DEP Secretary McDonnell’s Testimony On Special Funds Use At House Appropriations Hearing**

---

**DCNR Secretary Dunn’s Testimony On Special Funds Use At House Appropriations Hearing**

---

1/22/2018

**PA Environmental Council: Senate Bill 977 Reduces Transparency, Gives 1 Committee Power To Delay Regulations**

---

1/5/2017

**House Bill 1959 Gives 3rd Parties Power To Review, Direct DEP To Issue Environmental Permits, Creates New Bureaucracy**

---

11/21/2017

**House Committee Hears Conflicting Views On Alternative Natural Gas, Electric Ratemaking To Encourage Conservation, Renewable Energy**

---

**AUDITOR GENERAL TO BEGIN REPORT ON REDUCING FIREARM INJURIES AND DEATHS**

By Matt Hess, Pennsylvania Legislative Services

November 15, 2017

Auditor General Eugene DePasquale held a press conference this morning to announce plans to gather stakeholders from the firearm debate in order to produce a special report that aims to curb gun violence.

“Each year there are hundreds of firearm-related deaths in Pennsylvania, including homicides, suicides and accidental discharges,” DePasquale stated. “While firearms are an emotional issue no matter where you stand, even one death is too many. I know we cannot prevent every single act of violence and we cannot make anything perfect but we can do
DePasquale highlighted the following statistics on guns:

- In 2016 there were 1,485 gun deaths in the Commonwealth with two-thirds being suicides;
- From 2005 to 2014 Pennsylvanian ranked 18th in police officers killed by a firearm;
- Approximately 35 percent of Pennsylvania households have one or more firearms;
- In 2016, 57 of the 102 victims of domestic violence who were killed were shot.

"In order to advance the conversation about reducing the number of gun deaths and injuries and improve overall gun safety I will start a report on doing just that," DePasquale said.

"I will seek ideas from all sides of the gun debate to try to find some common ground and commonsense gun safety measures that will reduce firearm deaths without legislative actions...I want to hear from all sides of the debate."

DePasquale opined Washington D.C. is an “unmitigated train wreck” incapable of addressing the issue of gun violence. "We need to find a way to do this ourselves in Pennsylvania," he stated. "As a society we must be able to find some common ground on the firearm issue to reduce gun violence while protecting the right to own firearms. It is the morally responsible thing to do."

DePasquale explained that effort will focus on the enforcement of firearm laws and regulations currently in place. "That is where I believe my jurisdiction is. After consultation with other groups we will have items for the legislature to consider but as far as an audit and review my jurisdiction is existing laws and regulations," he stated. "I am entering into this issue with an open mind and a willingness to listen to all sides of the debate. I am hopeful that open and honest discussions with all parties will enable us to fashion commonsense gun safety measures to reduce injuries and deaths from firearms."

DePasquale self-described as "center-left" on the issue of guns and acknowledged that the issue of gun control is not typically an issue associated with the Office of Auditor General. "I don’t want to be getting ready to go in the grave in 50 to 60 years and I think ‘I did nothing to try’. I don’t want that," he stated. "We’re going go at this thing and we meet with everybody and hopefully get some good ideas and put a good report on the table."

DePasquale then responded to questions from the media.

**How do you go about measuring how the current laws and regulations are being followed?**
From an auditing standpoint, it’s just like looking at any other issue. You look at the regulation and look at its effectiveness.

**When do you hope to have the report complete?**
It will be done when it is thorough and complete.

**What would make you think that once this is done that the report will be followed in any meaningful way?**
I have no guarantees; I can be pretty persuasive though.

**Are you hoping the report steers the legislature in a particular direction?**
I would say yes but there may be things that aren’t legislatively needed. There may be a gap in a regulation that is already allowed under current law so I’m opened minded about all of that. My report, or lack thereof at this point, is not stopping the legislature from requiring background checks at gun shows. I would like to think the work my team has done the last five years gives us some credibility and can be deployed in this situation.

**Why do you think you’re the right person to do something like this?**
I don’t know if I’m the right person; that will be up for other people to judge. Maybe I’ll end up as frustrated as everyone else is. All of us in public life think we’re the right person to do it but it’s really about the report we produce. At the end of the day I think the report will matter more than me.

Rep. Madeline Dean (D-Montgomery) and Rep. James Santora (R-Delaware) were also on hand in the audience for the press conference and commended and thanked DePasquale for his efforts on the issue.
Pennsylvania: Auditor general plans review of Pennsylvania's gun laws
State Auditor General Eugene DePasquale announced Wednesday that his department will review how Pennsylvania implements its gun laws to see how the state can better protect its citizens.

10/25/2017
Senate Hearing: 200 Pennsylvanians Diagnosed With Lyme Disease Every Day
Senate Environmental Committee Holds Hearing On Lead Exposure In Northeast PA

House Republican Policy Committee Hears Testimony On Proposed Delaware Watershed Drilling Ban

Senate Appropriations Committee
10/24/17, 4:10 p.m., Rules Committee Conference Room
By Jeff Cox, Pennsylvania Legislative Services
The committee met to consider SB 935 Scarnati, Joseph - (PN 1280) Amends Title 30 (Fish), in Pennsylvania Fish and Boat Commission, adding that no individual may serve as executive director of the commission for more than eight years. Effective immediately. - The bill was reported as committed with the committee Republicans voting “yes” and committee Democrats voting in the negative.

10/19/17
Agriculture Reports Nearly 1,500 Properties Infested With Spotted Lanternfly Populations In Eastern PA

10/18/17
House Finance Committee Reports Out Natural Gas Severance Tax, Minimum Royalty Bill

10/17/17
Senate Environmental Committee Makes Chesapeake Bay Funding Bill Optional

10/16/17
Bill Allowing The General Assembly To Kill A Regulation By Doing Nothing Was Reported For Referral To Another House Committee

Joint Legislative Conservation Committee
10/16/17, 12:00 p.m., 8E-A East Wing
By Kimberly Hess, Pennsylvania Legislative Services
The committee held an environmental issues forum with the Department of Conservation and Natural Resources (DCNR) on the department’s State Park Strategic Plan.

Chairman Hutchinson commented on the critical role of the Pennsylvania state park system, noting it spans 300,000 acres
and serves as a premier destination. He said each park offers something unique and combined receive 40 million visits each year. He discussed the deliberate planning needed to manage the parks while keeping their natural appeal and said DCNR is tasked with that important mission. He said the master plan will guide the system for the next 25 years and explained that creating the plan is a multi-year process, with the report due in late 2019.

Paul Zeph, Planning Division, Bureau of State Parks at DCNR, highlighted the special role of the state parks and what the department is doing to move forward for future park users. He discussed the current world class state park system, consisting of 121 parks. He reviewed the history of the parks, noting it began as areas carved out of historic or otherwise notable areas, beginning with Valley Forge and ultimately including canals, bridges, oil wells, steel mills, 18th century forests, or geologic features like boulder fields. He said all parks, regardless of why they are significant, have wonderful recreation opportunities. He cited the goal in the 1950s of ensuring a state park is within 25 miles of every Pennsylvanian and cited Project 70 and Project 500 bonds passed in the 1960s and 1970s to reach that goal. Zeph announced this goal has nearly been reached, except for a void in Armstrong County and six other areas that are “darn close” to the 25-mile goal.

Zeph reviewed the features of the parks, noting nearly 250,000 acres are open to hunting; 56 swimming beaches; 15 swimming pools; 5,600 modern campsites; 1,500 miles of trails; 58 wastewater treatment facilities; 126 drinking water treatment systems; and nearly $1 billion added to Pennsylvania’s economy each year. He pointed out that in 2009 the system was awarded a gold medal.

Turning to the strategic plan, Zeph announced that the last state plan was compiled in 1992 and said items that came from that plan include requests for more flush toilets, for example. He said a rewrite of the plan is timely in 2017 because there are seven more parks, 25,000 more acres of land, and many more facilities and visitors than in 1992. The department’s goal with the new plan, he said, is to develop broad strategies for how the Bureau of State Parks will be managed over the next 25 years that will serve as a foundation for future comprehensive planning in the parks, both at the statewide and park level. “At this stage, it is big ideas,” he emphasized. He said this process also gives the department a chance to remind people of the mission of the state parks - opportunities for healthful outdoor recreation and to serve as outdoor classrooms for environmental education while giving first consideration to the value of parks and secondly protecting the outdoor experience.

Zeph invited the public to participate in an online survey at PennsParksForAll.com, to weigh in on the plan. He noted the survey is available in Spanish and will also be conducted via telephone. Additionally, the department will survey other states and conduct internal reviews for improvements. Zeph discussed the methodology and logic behind the questions on the survey and indicated many stem from questions that are being asked without getting too detailed to ensure they are appropriate for the general public.

Offering a tentative timeline, Zeph said the public survey launched in summer 2017 and now the department is turning to “a deeper dive” with stakeholder groups. In winter-spring 2018 the department will analyze the results and draft potential recommendations, with an anticipated release of a preliminary report in the fall. Public meetings will be held in winter-spring 2019, assessments conducted following that and then a final report is expected in late 2019.

Chairman Hutchinson pointed out this is about the whole system, not individual parks, and wondered if individual parks have their own strategic plans. Zeph replied that is sorted out collectively “park by park” and said a park management plan and resource management plan are developed. Every three years, he said, senior executive staff meet with park managers to review any issues that have arisen. “We often make decisions as we go on a lot of those things rather than come up with a strategic vision” for each park, and he pointed out the individual features of each park are identified and made central to the opportunities offered at each site.

Chairman Hutchinson also asked if a mentioned online survey of minorities and youths will be random. Zeph did not think so, noting that it will be administered by Penn State through Qualtrics which will find people in the database that meet the criteria and offer the survey to them. He indicated that historically is a good system.

Responding to a question from the audience about how the bureau balances the three values of its mission statement, Zeph replied it is a challenge, but is tackled with collective minds and a focus on what is critical. “What’s the right thing to do,” he said, guides much of the decision making.

Rep. Comitta, regarding the state parks as an outdoor classroom, wondered what the department is seeing in terms of changes and how might those changes affect the strategic plan. Further, she asked if the state parks are an opportunity for
studying changes in, for example, zones of hardiness or weather changes. Zeph confirmed changes are being seen, but said they are hard to document until they’ve happened and it may be too late. He said the parks are part of a fabric of vast ecology throughout the state through which animals can move. He said discussions relate to how the park system can better support a regional thinking about climate change and any impacts that may occur and provided resilience. He indicated the bureau has not spent “a lot of energy in figuring that out,” but confirmed it is a question that may be incorporated into the plan.

John Kline, with the Federation of Sportsmen, pointed out the final report will not be out for two years and wondered when the 25-year plan will be implemented. He said his constituency is constantly concerned about hunters’ access to land and pointed out changes in administration can occur over the two years and worries the next administration’s priorities may change the progress. Zeph pointed out the 1992 plan took four years and quipped “we can do better than that.” He said the plan is to provide information on an interim basis before the final report is out and discussed the importance of engagement. “Two years in bureaucratic time is actually pretty fast,” he commented.

Rep. McCarter asked about deferred maintenance and how it compares nationally. Zeph confirmed a booklet on the survey does go into that detail and reported the bureau has a $500 million backlog in maintenance. “We have friends who help us when they can,” he said, such as the Pennsylvania Forest Foundation, “but we have a lot of big things…that we don’t get to when we should.” He indicated closures may happen in the meantime. He called it a shell game of moving money around to fix the most critical, but lamented the list is getting longer and more expensive as years go on.

Rep. Comitta pointed out the money and momentum in the 1960s and 1970s to bring the system to this point, yet many of the budgets today are “hard fought.” She asked if it is difficult to maintain the needed funding. Zeph commented his role is to figure out how to spend the money. John Hallas, director of State Parks, confirmed funding is a challenge and explained salaries are a large component of costs, particularly emphasizing the importance of seasonal staff. He remarked on the critical nature of this complement and said ensuring funding is a challenge each year. He reported that as new facilities are added, the staffing and funding associated with those parks remain tied to them. “We’re fighting for every dollar to fund those positions,” he continued, and also emphasized the importance of public safety and resource protection.

Tony Guerrieri, executive director of the committee, asked Zeph how many parks he has been to and which is the “hidden gem.” Zeph did not know how many he has visited, “but it is been a lot of them…at least half of them and maybe more like two-thirds.” He said his favorite depends what he is looking for at a given time and reported every park has a hidden gem. He encouraged people to see all parks and find the gems.

Wayne Bender with the Pennsylvania Hardwoods Council, asked about ash dying in state parks and wondered about their removal. He also asked about the use of the forest products industry and being a showcase for good forestry. Zeph replied the policy is generally not to do tree removal unless there is a safety issue. He did not think parks are large enough for demonstration areas without impacting recreation areas, but noted the adjoining state forestlands have the opportunity to do that. Hallas confirmed his bureau works closely with the Bureau of Forestry and agreed there are problems associated with the ash.

********************************************************************************************

House Environmental Committee OKs 1 Year Extension Of Recycling Fee

House Committee OKs Bills To Roll Back Environmental Standards For Mining

Renewing Recycling Fee, Illegal Dumping, Fixing E-Waste Recycling Law Key Issues At Hearing On Act 101

DEP Urges Reauthorization Of $2 Recycling Fee Before Joint Conservation Committee
House State Government Committee
6/26/17, 9:00 a.m., Shrewsbury Borough Municipal Building
By Jessica Richardson, Pennsylvania Legislative Services

The committee held a public hearing on the Susquehanna River Basin Commission (SRBC).

Rep. Hill said the committee is here because they believe the commission has overstepped its compact. She explained the Shrewsbury Borough Council shared that the commission has been requiring daily reports of the depth of each well so the borough was forced to purchase a computer monitoring system. Rep. Hill said the commission’s justification was that they now know more about the wells. She stated they are here today at the second of two hearings to finish gathering information on SRBC to craft a solution and bring SRBC back to its original intent.

Andrew Dehoff, Executive Director, Susquehanna River Basic Commission (SRBC), said the SRBC held a business meeting Friday, June 16th, and decided to not increase its application fee this year. He said more than 90 percent of fees come from large water users, and SRBC spends more money reviewing applications than what makes from fees. Dehoff said their ability to keep fees steady is due to the strong fiscal responsibility of the commission. He stated since 2010 they have implemented measures such as pay for performance, requiring employees to contribute to the first ten percent of health insurance and undertook various cost saving measures. Regarding technical programs, Dehoff said, the SRBC and Department of Environmental Protection (DEP) have two different purposes for permits. He said while the agencies do overlap, DEP takes precedence. Dehoff explained the assertion the commission does not grant waiver requests but rather denies and pockets the fees is false as the commission received 52 waiver requests and granted 50. He said the commission is committed to reviewing and changing their current rules as warranted.

Rep. Ward said salaries of the commission employees are not available to the public because they are protected under the Right to Know Law. She asked if the commission would provide the salaries of its members to the committee. Dehoff said he has previously given salaries and will again.

Rep. Ryan asked if they have a set of financial audited statements. Dehoff said the commission is required to have audits annually and can be provided when requested and the commission will provide them. Rep. Ryan asked if it includes management reports. Dehoff answered yes.

Rep. DeLissio said Shrewsbury had to re-permit two wells that have been used for over 40 years. She asked what has changed in those 40 years that created situation for changes. Dehoff answered the changes require science and data to issue permits. He explained the records from the 70s and 80s are spotty so it is a mistake the commission will not repeat. Dehoff said additional wells are being installed so they are competing for the same resource and recharge areas are being paved over. He stated a lot is unknown so they have standards to collect information. Dehoff said the commission did not handle it right in 2009 to 2010 so they have ideas on how to change things.

Rep. Hill said every other state agency publishes salaries on PennWATCH and asked if the commission would be willing to publish the information for scrutiny by taxpayers. Dehoff said it depends if they are a state agency or not. Rep. Hill said for the purposes of salaries and pensions the commission is a state agency. Dehoff said he is not familiar with PennWATCH but he is familiar with Title 71 and the purpose of pensions identifies them as a state agency so he thinks that is a fair question.

Rep. Hill asked if the SRBC is compliant with the Sunshine Act. Dehoff said they are not subject to it.

Rep. Daley asked for some examples of what happens when things are not regulated. Dehoff said there are conflicts with communities and states with each other. He explained there is also damage that exposes the cracks and fractures in the well which introduce bacteria, rust or other damage to the well. Dehoff said it has serious economic implications. He stated it is not to limit growth or usage, but regulation is to limit conflicts and the damage of water resources.

Rep. Miller said most municipalities when they have a budget situation will move money from one fund to another fund. He asked if the testifier is willing to direct the SRBC to supplement other areas in the budget where funding is needed. Dehoff said they already do that.

Thomas Shepstone, Principal, Shepstone Management Company, Inc., said river basin commissions such as the ones created for the Delaware and Susquehanna River watersheds are accumulating power for themselves over land use and economic development with metastasizing regulations and fees that are rendering state government more and more irrelevant. Shepstone said the respective compacts are similar that they are subject to the identical reservations. He stated the language is significant because it illustrates they are intended to develop water resources and ensure water supply,
not intended to be primarily regulators. Shepstone explained when they were formed it was anticipated they would work together to develop water resources. He said there is no indication of intent to give the Delaware River Basin Commission (DRBC) and SRBC control over every water resource. Shepstone said if no joint funding is involved, these river basin commissions are legislatively directed to stay out of the way. He stated they are effectively regulating water use as well as development by imposing fees on consumption to support their bureaucracies. Shepstone explained the sovereignty of the states themselves is being erased bit by bit as these river basin commissions grab more power and establish themselves as overlords over the states. He said it is time for Patrick McDonnell and the DEP to start fretting the rights of all Pennsylvania from these power-thirsty river basin commissions. Shepstone said he would like to see the legislature withhold funding from the SRBC.

Rep. Hill said two years ago she made a request to defund SRBC and funding was reduced. She said they are making the same request for this budget. Rep. Hill said the decision was made for the SRBC where 37 percent of funding comes from the state. She asked if that is happening at the DRBC as well. Shepstone said yes. He said New York has never met its share, federal government doesn’t meet its share and the other states periodically reduce their shares. Shepstone said there is no question that Pennsylvania has been taken advantage of by bureaucratic agency, and he is annoyed as he is convinced the people are not getting good representation.

Rep. DeLissio asked if the regulatory process was controlled by the states if there would be a different outcome. Shepstone answered yes. He said he thinks they have turned a corner and it is not a good corner to turn.

Rep. Dush asked for areas where Shepstone sees legislators giving up their sovereignty. Shepstone said the DRBC is trying to get land usage by saying because there are pipelines it makes it a water supply issue. He stated in the case of the DRBC for them to say any amount of water use makes it a water issues is a clear intrusion to the authority of the states.

Rep. Hill said in prior testimony the SRBC said if its appropriation was returned they would raise fees. She asked if Shepstone thought that to be true. Shepstone said he doubts it because the commission has $40 million in reserves that they don’t need. He explained in the case of the DRBC they went to special interest groups to ask them to lobby to get them money.

Rep. Daley asked for any comment on the commissions being a good way of going about conflict. She explained her understanding is the compacts help when there are multiple states disputing. Shepstone said it is a perfect example of why they were formed. He said the policy was about dealing with water resource planning and trying to avoid court disputes. Shepstone stated the DRBC went off on a different mission. Rep. Daley asked if she was off-track in stating that water management is more complicated today because the natural gas industry was not to the extent it is today. Shepstone said it assumes there is a problem with natural gas drilling. He said the natural gas industry withdraws water but so do golf courses.

Shepstone said they need to stop targeting industries.

Rep. Keefer inquired what Shepstone’s experience is with fines and if there is any consistency. Rep. Keefer said when she was doing research it was all over the board and didn’t seem to pertain to water or administrative errors. Shepstone answered he did some analysis and it was all over the map. He said it seems like a fine is imposed initially to say the commission did something then it is modified based on facts.

Pete Ramsey, President, Pennsylvania Turfgrass Council, said he is representing the golf course community. He said they are the collective smallest group of consumptive users and do not compare to the amount of water the natural gas industry uses. Ramsey said in the last two weeks he has received several letters and emails from those grateful for these hearings, but refusing to participate in fear of retribution. He stated they are victims abiding by the law. Ramsey said the certified letters always include the threat of civil penalties. He explained no other organization compares to this. Ramsey said if his facility was moved to the DRBC the cost for a ten year docket to be reapproved is $1,600 compared to $23,600; consumptive use is eight cents compared to 33 cents; and the annual monitoring fee is $300 compared to $1,150. Ramsey stated the annual cost of operating for DRBC is $1,270 while for SRBC it is $6,023. He said they are left with a self-governing commission who answers no one, operates under a false narrative about storage and water quality, have an unprecedented operating procedure and fee schedule with plaintiffs who are too scared to testify. Ramsey said he would argue that the commission has exchanged its moral compass for a monetary one.

Rep. Ryan said he is most concerned about the sovereignty issue. Rep. Ryan asked who the governing body is and what the extent of the Army Corps of Engineers is. Ramsey said he has only dealt with the DEP and SRBC.

Rep. DeLissio asked for further comment on the plaintiffs who are scared to testify. Ramsey said he considers himself and other users to be plaintiffs in this issue. He explained a lot of people who would like to tell their story but they are concerned if they do as they go through the permitting process it could muddy the waters. Rep. DeLissio said it is the concern that there could be someone with the upper hand in the process. Ramsey said in defense of the commission he
does not know of a direct conflict with the commission, but they have been dealing with the issue and it is a long term relationship of difficulties.

Rep. DeLissio asked if there is an advisory group made up of the council on the commission. Ramsey said there is not. He stated he has asked the commission to sit down and meet with his council and they did. Ramsey said they are willing to meet with consumptive users on an individual basis but he does not believe it has affected any change.

Rep. Miller asked for Ramsey to repeat his testimony on how they get charged with withdrawal of water and evaporation. Ramsey explained it was part of his first testimony. He said there are different types of withdrawals like groundwater withdrawal, service water withdrawals and consumptive use. Ramsey said if it is a certain date the well is grandfathered in. However, Ramsey said, there is sometimes payment for evaporation of water through heating and cooling. He stated they are almost paying three times for the same gallon of water. Rep. Miller asked if there is a rainstorm do they get any credit. Ramsey answered no.

Rep. Moul asked if when Ramsey was low on rainfall has the SRBC said they are going to supply you with water because they are charging an insurance policy for a drought. Ramsey said no, there is only one entity that can put water on his facility and they all know who it is.

Richard Buchanan, President, Shrewsbury Borough Council, said he has never seen anything more abusive to taxpayers that what is seen with the SRBC. Buchanan said the community of fewer than 4,000 people is forced to spend money. He said they had to increase the rate three times. Buchanan explained to meet the requirement of the commission to find the depth of the water they spent around $150,000. He stated they do not care about the depth of the water on a daily basis as they have been using the wells for over 40 years. Buchanan said he would like to know what they do with the data and what the value of it is as they are making taxpayers pay to fund that. Buchanan explained they draw 100 percent of their water from wells and they have nothing to do with the Susquehanna River as far as water usage. He said another factor is it cost the community $142,000 to permit two wells and they have another five wells to go through. Buchanan explained how they forced the council to go through the process and basically ignored the data. He said the commission received the data yet still cut back the water allocation. Buchanan said when he attended a previous meeting of the SRBC they spent thirty minutes just talking about fines. He stated from 2006 to 2014 the commission’s budget increased by 62 percent. Buchanan said the point is the committee has been hoodwinked because someone sold to the legislature that they can have the SRBC do the work and allow municipalities to pay for it. He stated municipalities are paying more than their fair share. Buchanan said the SRBC clearly operates under the premise of guilty until proven innocent. He said they are willing to speak up and not sit back when they see this abuse.

Rep. Dush said there seems to be a lack of the ability for the local government to actually get information back. Rep. Dush asked if the council has made any attempts to get information or has the commission told how to obtain records. Buchanan said he was able to get information from 2006 and 2014.

Rep. Hill inquired for more comments on what were all the requirements and cost to the municipal water bill. Buchanan said the council had to raise the rates three times in several years. He said they want to build a reserve to replace waterlines but they keep losing what they thought they were budgeting because of the demands of the SRBC. Buchanan said he has full respect for cleaning the bay and the river but he thinks it is about the big picture.

Rep. DeLissio asked for an idea of what the average water bill was several years ago and what it is today. She also inquired if the bill was monthly or quarterly. Buchanan said he could not give a direct answer. He said is there is so much interest on saving the bay or getting clean water to the Susquehanna River there is no emphasis on water usage. Buchanan explained the people who use more water in the community pay more per gallon than those using less.

Rep. Moul asked about the grandfathered wells. Buchanan said the legislature has allowed SRBC to write their own regulations and they are self-serving. He explained the SRBC would not allow them to increase the well because the community has two wells that are grandfathered. Buchanan said they previously had 32 private wells in the borough but the SRBC required a letter of certain diameter ratings to be sent about wells though there were no more private wells.

Donald Geistwhite, Authority Treasurer, Middlesex Township Municipal Authority, said Peter Lusardi, authority chairman for Middlesex Township Municipal authority was unable to attend. He said to this day they continue to conduct a monitoring program for a privately owned spring feeder, which discharges into the Letort Spring Run. Geistwhite said with their testimony they have included documents and logical information that shows this is a waste of good rate payer’s money and should be eliminated immediately. He explained their authority continues to spend money for engineering services to the tune of $10,000 a year and an additional expense of roughly $20,000 for an employee’s wages and travel to and from the site to ensure that the data being collected is not compromised due to debris affecting the overflow measurements of the spring.
Geistwhite said the authority had one of the most extensive monitoring programs every seen by their hydrogeologist. He said a total of 13 groundwater public wells were installed with data-loggers. Geistwhite stated they realize the Letort Stream is considered a High Quality Cold Water Fishery, but to require seven stream monitoring points is overkill. He explained the hydrogeologist indicted that it was improbable that well drawdown would impact the spring flow due to the distance and the geology of the area. Geistwhite said high costs were incurred to re-build the Rousek Springs dam, for the Authority to properly monitor this location which was over $45,000. He said the SRBC invalidated their 72 hour drawdown test, due to the re-charge of their discharge water, raising the levels in the Rousek Spring. Another point, Geistwhite said, was they have great concerns with the SRBC using the expertise of an outside consultant. He said the final point is how much money this has cost the rate payers of Middlesex Township. To date, including the costs of re-construction of the dam, engineering costs to submit the monitoring reports for Rousek Springs the Authority has spent $177,879.35, Geistwhite said. He explained this does not include the $20,000 per year in employee costs.

Rep. Bloom asked if spending $300,000 helped in any way protect the environment. Geistwhite said no. Rory Morrison, Authority Manager, Middlesex Township Municipal Authority, said the only benefit is the data collection.

Rep. Tallman asked if they were talking the same as the Water Crest Farm. Morrison said no. Rep. Tallman asked where it is in relation. Geistwhite said it is just east of the boundary of the Carlisle barracks. He said the spring is privately owned and is confused as to why it was picked for monitoring. Geistwhite said the amount of money they had to pay to improve a private spring so it meets testing requirements is unreal. He said they have to check to make sure the monitoring system is not damaged as a family lives there. The authority had to pay another $1,000 so the fish did not get out of the spring, Geistwhite said. He stated there seems to be no oversight of the SRBC.

Rep. DeLissio asked about the $20,000 wages annually for an employee to check the site and asked what is involved. Morrison said it is about eight miles from the municipal building. He said the employee checks it twice a day and takes information from the data-logger. Morrison explained there is constantly debris like leaves or sometimes kids throw their toys in there so it stops the flow so they need to download that information and take measurements. He explained the employee is spending two hours out of his day going to the well. Rep. DeLissio asked if the $20,000 is in addition to the $300,000. Morrison said it is in addition.

Jim Eshleman, Chairman, Municipal Authority of East Hempfield Township, directed the committee to the back of the third page of his testimony. He said the first column shows the nine wells, and the community’s well capacity for well number five was 6.6 million gallons per day. Eshleman explained they went through the process and the result of the capacity on well five plus the other five sources was 2.5 million gallons being reduced to 2.2 million gallons per day. Overall, he stated, they had a 68 percent reduction in capacity. Eshleman said it goes way beyond cost and fees. He said there is not a meter that tells them when to turn off one well and go on to the next. Eshleman said wells are connected and they have no control over the user. He explained the last page shows the science the commission uses when the wells are being regulated. Eshleman stated his understanding is there is a drainage basin and the commission compares that to a bathtub so the community has five or six wells within the bathtub. Eshleman said the only recharge for the bathtub is rainfall. He stated it does not represent the reality. Eshleman said the bathtub theory does not work. He explained the situation East Hempfield faced. They had an application fee of $17,600 and were told to give pumping data, Eshleman said. He explained grandfather statue and had to be included in the application. Eshleman said the community has nine wells and the springs are all tied into a network of pump houses, storage tanks and a distribution system that is a live operating system. Eshleman said he thought they were just submitting historical data but if they did not pump as much as the historical data the difference would be taken away.

Overall, the SRBC reduced capacity by 68 percent; the docket contained 22 standard and special conditions imposing various requirements on the Authority and required proceeding with an operational testing and monitoring plan.

Rep. Ryan asked if it is reasonable that the contour map is not indicative of the ground underneath that the SRBC is using and could lead to bad science. Eshleman answered that typography to him would determine the size of the bathtub. He said there is more water than the average rainfall. Rep. Ryan said it reinforces his point. Eshleman said if there is more water in the bathtub then the commission will change the dimensions of the bathtub so that the next well has to be built further away.

Matt Battersby, Solicitor, East Berlin Area Joint Authority, said East Berlin decided to add one additional well to its supply of water wells. He said DEP reviewed all test data and engineering reports submitted on behalf of East Berlin and granted the necessary permits. Battersby said SRBC demanded additional aquifer testing via video step test, test plan, pumping tests and address comments submitted by the SRBC. The total additional engineering costs, over and above what East Berlin spend in pumping and test results given to DEP was $155,050, Battersby said. He said they also paid SRBC $12,960 just to have SRBC read the aquifer test results and plans submitted to them. Battersby said the SRBC could have obtained most of the information they requested from DEP, but instead chose to demand additional testing from East Berlin. He stated East Berlin’s municipal authority supplies water to just over 700 customers. Battersby said East Berlin and other small towns throughout the SRBC area of operation are caught up in the “system” of never-ending tests, reviews,
planning reports and attendant fees. East Berlin was forced to borrow money from PennVEST in part to pay for the additional costs and fees generated by SRBC, said Battersby. He stated to date it appears that the federal government has chosen not to fund SRBC with annual contributions. Battersby stated since the overwhelming majority of the Susquehanna River and the SRBC jurisdiction falls with the boundaries of Pennsylvania, the majority of penalties, fines and fees are also paid by Pennsylvania citizens. He said only the legislature has the power to tax, and only the legislature can delegate or transfer that power. Battersby said he believes this are of concern should also be explored by the legislature. He stated pursuant to the Fifth Amendment of the United States Constitution, the government cannot take private property without rendering "just compensation" to the owner of that property. If groundwater is property right, Battersby said, then how can residents who are supplied water via a Public Utility Company or Municipal Water Authority are forced to bear tax burdens place upon them by SRBC.

Rep. Tallman said many members of the House said they were giving up their state sovereignty when debating in 1968 the joining of SRBC.

Rep. Miller stated earlier Dehoff said there is no duplication of testing but Battersby said it is the opposite. Battersby said SRBC could have received the information from the DEP, but they wanted independent data so it required extra pumping of the water to get extra data.

Rep. DeLissio asked for clarification and if Battersby is saying the dollars charged by the SRBC to municipalities is a tax. Battersby said looking at the legislative data in 1968 to 1969 the legislature was questioning the power of sovereignty and questioning the power to tax on consumption. Battersby said the commission calls it a fee but it does not matter what it is called because they are being taxed on consumption. He explained if the government charges money and if it is not paid there are fees and fines, it is a tax. Battersby said if it was a fee there would be another option.

Rep. Moul said the testimony touched on something from a court case in 1889 that says water under a person's land is their water and they can do what they want with it. He asked if Battersby thought someone had the right to charge for the use of something on a person's land, such as the commission with water. Rep. Moul further asked if a federal or state compact supersede a Supreme Court decision. Battersby said not when it comes to groundwater. He explained there might be a revolution if someone goes to every individual landowner and farmer in the Susquehanna River Basin and charged them.

Rep. Dush asked if Battersby feels SRBC was taking property away and if they should be compensating the owners. Battersby answered yes. He explained suppose he is a farmer and when property right is taken, as a farmer he can no longer farm. Battersby said it is similar as SRBC has regulations on water which he contends is a property right. Rep. Ryan said he agrees.

Chairman Metcalfe thanked the testifiers and members for their time. He said he is planning an informational meeting with the members of the committee sometime in the next several weeks to have the members assess the situation.

*****************************************************************************************

House State Government Committee
6/20/17, 9:00 a.m., G-50 Irvis Office Building
By Jessica Richardson, Pennsylvania Legislative Services

The committee held a public hearing on state government regulations and potential solutions to improving oversight and relieving regulatory burdens.

Larry Schweiger, President and CEO, PennFuture, said he believes the committee is grossly missing the mark. He explained citizens want the government and oversight to protect their air, water and lands and opined that promise would still pass today if legislation was brought forward. He stated they must now protect public health by regulating methane pollution, which when released into the environment traps heat. Schweiger said the methane molecule is 84 times more potent than carbon monoxide in trapping heat. He stated methane emissions reported under the federal resources performance standards by drillers and compressor station owners have seen a 28 percent increase of methane leakage from 2013 to 2014. Any time emissions are rising faster than productions, voluntary efforts to cut are not working, Schweiger said. He explained Pennsylvania is the second most gas producing state. Schweiger said the discussion at the previous hearing and the recently passed SB 561, which is now in the committee, would allow for a legislative veto of regulations. He said he believes it is dangerous and unconstitutional. Schweiger said the legislature should be looking to strengthen the rules and make it more streamlined, not add more barriers. Witnessing the cuts made to the Department of Environmental Protection (DEP), the underfunded agency is unable to protect things such as drinking water, Schweiger
said. He stated the budget cuts should be the center of the hearing. Schweiger said they must learn from past mistakes as the failure to properly regulate coal, oil and gas has had profound consequences for generations. He explained more than a hundred years has changed the ground water hydrology. Schweiger said a dozen of abandoned coal mines have affected more than 10,000 miles and contaminated more than 3,000 miles of streams. He stated mine drainage continues to be the most extensive water pollution affecting the watersheds of Pennsylvania. Recent studies by United States Geologic Survey summarize an estimated cost of restoring damage watersheds at about $5 billion to $15 billion, Schweiger said. He explained the average cost to plug a well is $25,000. Schweiger said the state must empower its regulatory agency to protect the public health.

Rep. Dush said the testimony presented says legislative veto is unconstitutional. He asked how it is unconstitutional if the legislators are sovereign. Schweiger answered the way he reads the constitution, giving legislators the power to block government action should not be undertaken. Rep. Dush asked if the 12 percent increase in methane is because of an increase in reporting. Schweiger said there is an increase in production overall and the numbers are reported by the producers.

Rep. McCarter asked what the impact is in terms of water sources in Pennsylvania. Schweiger explained when he was a child he could not fish because of the contaminated stream. He said he saw the economies in places impacted by mine drainage had consequences such as difficulty of employment and trouble attracting new businesses. Rep. McCarter asked who should be involved in and who writes regulation. Schweiger answered there are experts in the department, and it is a very vigorous process that takes place.

Rep. Knowles said he has a history in coal mines and believes there have been improvements. He asked for a comment on why the testimony does not mention the improvements. Schweiger said modern day coal is doing what it should have done all along, but the problem is the legacy.

Rep. Dean said HB 218 cuts the DEP by $10 million and asked the long term underfunding means to clean water. Schweiger said the department has been under siege for years. He said the public won’t be protected. For example, Schweiger explained, in Pittsburgh they have a serious lead issue as lead pipes are now exposing children to lead which can lower IQ by four points and lead to learning disabilities.

**Carl Carlson,** Director of Government Affairs, Range Resources-Appalachia, LLC and Board of Directors of the Pennsylvania Independent Oil and Gas Association (PIOGA), said Pennsylvania is in fierce competition with other states and Canada to be the low-cost producer of natural gas. He said actions by the DEP are severely impeding the effort. Carlson said regulatory certainty is an essential component of business growth in any industry, but is particularly important in the oil and gas industry due to the short cycle times of the well development process. He explained with drilling times now averaging less than two weeks per well, there is a constant need for new well permits and erosion and sedimentation control permits to construct new drilling pads and gathering pipelines. Carlson stated when permits required in Pennsylvania cannot be obtained in a timely manner, operators that have drilling opportunities in other states where they hold permits will allocate capital to those areas. He said companies that invested heavily in Pennsylvania’s shale gas industry understand that return on their investments is predicted on safe and environmentally responsible conduct. Carlson said the discussion is about regulatory certainty, an absolute and undeniable requirement for capital investment. Carlson explained Erosion and Sediment Control General Permit (ESCGP-2) in the department’s southwest district office of oil and gas permit review times have averaged 263 days, and the northwest district office has review times about 30 percent shorter but still excessive. Carlson said only the eastern district office has maintained relatively constant at about 90 days, even though all district offices have seen a reduction in permit application volume since 2014. Carlson said for a Well Permit, despite the clear 45 day statutory time limit for the department to issue well permits, both district offices issuing permits are regularly exceeding that threshold.

Carlson explained the GP-5 Air Permit review times are six months or more even though the Pennsylvania’s Air Pollution Control Act requires the department to take action within 30 days of the receipt of the application. He said the greatest concern is that they will not be able to get permits in a timely manner.

Rep. Saccone said Pennsylvania is said to have the toughest regulations, he asked for comment on that. Carlson said Pennsylvania has robust regulations and he thinks there are a lot are ineffective in protecting the environment. Carlson explained his comments are on the crisis of permit time which is driving billions of dollars out of Pennsylvania. Jennifer Hoffman, Vice President EHS and Regulatory, Huntley and Huntley Energy Exploration, said she agrees. Hoffman explained she has led teams in different states and Pennsylvania has a complex regulatory environment. She said the permitting issues are substantial and directly related to the complexity of regulations and general permits.

Rep. Solomon asked what the reasons the department cites for these delays are. Hoffman said apparently a lack of staff and that there are inconsistencies from consultants that are filling out permit applications. Carlson said drilling activity has dropped but permit time has increased. Rep. Solomon asked how many jobs have been lost as well as money because of the delays. Carlson said it is difficult to answer but some companies have budget processes that follow the same path so if
permits are not at hand they cannot spend that money.

Rep. Ryan asked for comment on any potential way to remediate 3,000 wells. Carlson said he spent time looking at the issue and the department has done a good job of qualifying the water issue. Rep. Ryan asked if they would be in factor of a regulatory process that is built onto the permit process based on the complexity of the application. Carlson said the general permit concept is that permits can be complex with a lot of reporting requirements but the application is simple and the process is short. Kevin Moody Esquire, General Counsel and Vice President Government Affairs, Pennsylvania Independent Oil and Gas Association, said they support the goals of the legislation mentioned earlier about looking at the regulations. Moody said there needs to be a judicial component to enforce agencies to comply.

George Bedwick, Commissioner, Independent Regulatory Review Commission (IRRC), said the 1970s to the 1980s was a period when the General Assembly began taking steps to enhance its role as an independent and coequal branch of government. He stated the original act permitted IRRC to bar publication of a regulation, one chamber of the legislature to block publication of a regulation and did not require presentment of such a resolution to the governor for approval. Bedwick said the constitutionality of the act was challenged in DER v. Jubelirer, but the case was determined moot by the Supreme Court because the Regulatory Review Act was amended to both chambers. He stated IRRC can play an important role in protecting the health, safety and welfare of Pennsylvanians and advancing the economy. Bedwick said the IRRC is not a rubber stamp for agency regulations. He explained over the past six years they have submitted comments to the agencies on proposed regulations which have resulted in approximately 84 percent of the regulations they reviewed. Bedwick said they apply criteria established by the legislature to each regulation including statutory authority and legislative intent; the protection of public health, safety and welfare; feasibility; clarity and reasonableness; and impacts on small businesses. Rep. Dush asked for a breakdown of the commonwealth court’s decisions on constitutionality. Bedwick said he does not have the information in front of him but it cited separation of powers and referred to federal cases. He said his belief was that legislature could act but it had to act as a whole.

Rep. DeLissio asked if there is a process in regulatory review where any citizen can ask IRRC to review something on the books and offer recommendation. Bedwick said the regulation has to be in existence for three years. David Sumner, IRRC executive director, said exe order 1996:1 provides agencies of an ongoing basis to conduct a review on regulations they enforce to see if they are still relevant and make Pennsylvania less competitive. He said there are also provisions that allow anyone to petition the agency to amend, review or recommend regulation.

Rep. McCarter asked how IRRC sees something like SB 561 impacting the role it plays in input and decisions. Bedwick said they do not take positions on legislation, but the one concern he has is whether it would lengthen the process for review.

Paul Brahim, Chairman and CEO, BPU Investment Management Inc., quoted Justice Woodruff and said the three simple words fidelity, diligence and prudence are all that they need to simplify the regulatory morass that mires the industry today. Brahim said virtually all financial services can be delivered to consumers through all three industry channels—securities, insurance and banking. Financial Industry Regulatory Authority (FINRA) recognizes 174 professional designations, most of which have no accredited education providers or experience requirements, Brahim explained. He said the fragmented system can be confusing to consumers, providers, arbitrators and triers of facts. Brahim said in matters of substantial loss occurred in a client’s account, the aggrieved parties all believed the adviser and the firm were looking out for the best interest. He said as a side not under FINRA arbitration rules, arbitrators are not required to publish an opinion so little is learned from each decision that might shape future behavior. Brahim explained rules based systems attempt to drive behavior through disclosure, disclaimer, record-keeping, compliance and examination. He stated principles based systems drive behavior through standardized, accredited education, experience requirements, on-going continuing education and ethics training. Brahim said the financial services industry is rules based which has resulted in bad outcomes. He said he believes the law should establish and uphold principles based system for those that provide financial services to consumers.

Chairman Metcalfe asked a lot of what the testimony referred to is federal regulation so what does the state regulatory environment have to do. Brahim answered it goes to the heart of the matter. He said attorneys and accountants have national exams that are regulated at the state level. He said federal people say it is a state matter meanwhile there is a list of laws at the federal level. He said he believes that each state should move to a system that is principles based, based on fidelity, diligence and prudence.

Rep. Solomon asked what regulations at the state level are burdensome. Brahim said it is the regulations that do not exist. He explained if a real estate investor has fewer than 35 investors they are under the radar in respect to regulation so the reaction of regulators when there are problems in these folks that are under the radar the response is more regulations for people who fly in the radar. He said he would propose a registry for all real estate and private equity offerings so bad actors can be tracked.
Rep. McCarter said the element of regulation that Brahim is talking about at the state level is something they need to look at carefully. He asked how do they move in that direction and what is the best way to proceed to guarantee financial security.

Brahim said he believes the Pennsylvania legislature should work with broad standards for financial planners to come together on a method in which the state can administer continuing education.

James Broughel, PhD, Research Fellow Mercatus Center at George Mason University, said a cap on state regulation levels can empower the Pennsylvania General Assembly with more control over regulation while preserving the role that agency expertise plays in the crafting of regulatory policy. Broughel said a cap looks like the budget process as the legislature sets the initial level of the cap then in subsequent periods the legislature has the ability to revisit the level of the cap. He stated a regulatory cap can also induce a culture change at agencies because it alters regulators’ incentives. A cap on regulation levels forces more careful consideration of both new and existing regulations, Broughel explained. He said a regulatory cap should not be a partisan issue as similar polices have been introduced in Canada and United Kingdom without partisan rancor. Broughel stated the first step toward imposing a regulatory cap is to determine what the appropriate measure of regulation should be in Pennsylvania. He said the legislature can also set a target for reducing the level of regulation from the baseline level. Broughel suggested there be an oversight body to help institutionalize the regulatory cap because it is important to bring about culture change at agencies.

Rep. DeLissio said the idea that a cap concept improves quality is simply a premise. Broughel said it could improve quality because it requires them to constantly look back. Rep. DeLissio asked if any other states have tried this. Broughel answered Texas has recently passed a law along this line and it has been considered in other states like Virginia. Rep. DeLissio said Colorado limits the number of bills it can introduce in a legislative session to five because it can look at what they are doing.

Chairman Metcalfe said Rep. Kerry Benninghoff (R-Centre) and Rep. Donna Oberlander (R-Clarion) are in the audience. He said he has spoken with Rep. Benninghoff about this. Rep. Benninghoff said he would like to see the written testimony because they are looking at something similar to that.

David Taylor, President, Pennsylvania Manufacturers’ Association (PMA), said manufacturing is the engine that drives Pennsylvania. He said because the manufacturing sector adds the most value, leaders should consider how their decisions affect the industry. Taylor said PMA’s mission is competitiveness. He stated the overall cost, complexity and time burden of complaints with state regulations is a key factor that they consider coequal with taxes, lawsuit abuse, state spending restraint and preparing a skilled workforce. Improving Pennsylvania’s regulatory scheme and reducing the burden of compliance is a pro-growth action the general assembly can take today without lowering collections to the Treasury, which makes today’s discussion of these bills especially timely. Taylor explained. He said no one is saying that there should be no regulations or that complying with necessary regulations should be without cost. Taylor explained the most helpful way of thinking about regulatory burden is to consider it a hidden tax on growth and that keeping the burden within reasonable limits will require a deliberate, ongoing conscious effort. He said because compliance itself is the public good that results from regulation, the commonwealth should be a partner in compliance. Taylor stated regulations should be based on sound science, proven effective and subjected to an independent cost and benefit analysis. He said existing regulations should undergo systematic review, and state government needs to show restraint by recognizing the law of diminishing returns. Taylor suggested the general assembly reclaim powers that have been assumed by the regulatory agencies of the executive branch by requiring legislative approval of the costliest and most consequential new regulations. Taylor also addressed that he had taken offense at PennFuture calling his company polluters.

Rep. Roae said the federal government is currently reviewing federal regulations. He asked if this should be done at the state level. Taylor said yes they need to rationalize burdens placed on compliance so they can be competitive. Rep. Roae asked if all regulations should go through IRRC. Taylor answered yes.

Rep. McCarter said PennFuture’s testimony had not referenced PMA as polluters and is not sure where that came from. Taylor said he was testifying in front of Rep. Sturla’s committee in Rep. Dean’s district. Rep. McCarter said 30 percent of all jobs will not be with us coming up in 15 years. He asked as part of that how do they go forward so they do not fight over every single regulation needed on a new business. Taylor said it goes back to setting priorities and having a regulatory system that is tuned to changes.

Rep. Ward said she has gotten complaints from businesses that delayed permit processes have been an impediment. She asked for comment on the matter. Taylor said there has to be a balance as there are responsibilities on the regulated community and the regulated agencies. He said an energy permit can be obtained in one day in Texas and three days in Oklahoma, but it takes nine months in Pennsylvania.

Chairman Metcalfe asked if Taylor was familiar with a previous law stating a 45 day statutory requirement. Taylor said he is aware but what is happening does not meet that requirement.
Rep. Dush said it seems like regulators have gone towards trying to justify their jobs and asked for an example on the manufacturing side. Taylor said an example is looking at coal and mercury. He explained mercury is dangerous in a large amount but it is also a natural occurring element so depending where it is on the sliding scale, if you try to chase the last molecule of mercury unless the DEP would have to outlaw of volcanoes and earthquakes there is going to be a problem. Taylor said it is about establishing what is reasonable. He explained when they make it too burdensome and push manufacturers to the breaking point the activity goes to permissive jurisdictions with low standards and as a result there is a net increase in emissions globally.

Chairman Bradford said if they are going to talk about how to do regulation in a meaningful way they have to rely on science.

He asked how they accomplish that. Taylor said transparency is key and accountability going both ways is important as regulatory powers are imperious. Taylor stated the culture change needs to start at the top and there needs to be mechanisms in place where review is occurring so it is expected to rely on provable science and independent expertise. Chairman Bradford said sometimes they have a difficult job to go home and say that this is something that needs done to have progress. Chairman Bradford asked if the organization has taken a position on cuts of the regulations and are understanding that it is hard. Taylor answered the general point is valid, but he does know the secretary has great discretion and internally they have not devoted money to its purpose. He compared it to how tax revenues are used for Motor License Fund that can only be used for highway purposes.

Chairman Metcalfe said what he would present is that there is a law on the books about reviewing an application within 45 days in submission and that is not occurring. He said the fact that the law is not being applied is the fact he leaves the committee with.

Written testimony was submitted by
- Darrin Youker, Director of State Government Affairs, Pennsylvania Farm Bureau.

**************************************************************

FONTANA AND HARPER JOIN ENVIRONMENTAL RALLY
By Aaron Rider, Pennsylvania Legislative Services | June 20, 2017

As a part of PennEnvironment’s rally for “bipartisan clean energy solutions,” Sen. Wayne Fontana (D-Allegheny) and Rep. Kate Harper (R-Montgomery) addressed the public on bills they said will bring Pennsylvania forward as a clean energy leader.

PennEnvironment Deputy Director Adam Garber said, “With hundreds calling for clean energy solutions that cut pollution, protect our health, and save consumers money, it’s time for legislators to act.” Contrary to President Donald Trump’s declaration that his decision to pull America out of the Paris Accord is for the benefit of places like Pittsburgh, Garber opined that Pennsylvania is “being watched” by the whole world and that Pittsburghers and other residents recognize that the state should look inward for solutions. Among these solutions, he said, are bills to institute a property-assessed clean energy program and a solar energy initiative as in SB 404. Although “Paris exploded,” Garber said Pennsylvanians will respond by cutting power plant fossil fuel emissions or continue to stay in the past.

Sen. Fontana said President Trump is “living in the past” in terms of energy policy but he nonetheless invited the chief executive to visit Pittsburgh to learn from its leaders how the city is a “modern and diversified city” rather than the smoggy old city of popular imagination; one that looks to a future economy built upon strong uses of clean energy and technology instead of “catering to distorted rhetoric.”

Garber said that the next speaker shows that “clean energy is bipartisan.”

Rep. Harper stated that SB 234, for which she said she will soon introduce companion House legislation, will assist Pennsylvanians retrofit old buildings and bring them into compliance with helpful new clean energy standards.

Garber closed the press conference with the remark that while “it’s too easy in this building to focus on the here and now,” state legislators should focus in the important trust citizens have placed in them for environmental protection.

*******************************************************************************
Joint Legislative Conservation Committee
6/13/17, 9:00 a.m., 8E-B East Wing
By Jessica Richardson, Pennsylvania Legislative Services

The committee held a public hearing to discuss and review Act 101 of 1988, the Municipal Waste Planning, Recycling and Waste Reduction Act.

Chairman Hutchinson said the topic of the hearing is one of the most recognizable laws, which established municipal recycling. He said the hearing provides an opportunity to look closely at the act as the recycling fee approaches its sunset in 2020.

George Hartenstein, Acting Deputy Secretary for Waste, Air, Radiation and Remediation of Pennsylvania Department of Environmental Protection (DEP), said the department appreciates the current efforts of the General Assembly to eliminate the January 1, 2020, sunset date of the $2 per ton recycling fee provided under the Act. He said it will allow the department to continue supporting successful recycling and planning programs implemented by local governments, without interruption. Hartenstein explained that in 1988, Pennsylvania had about 1,500 local municipal dumps, many which had reached capacity, had no clear local government responsibility for planning, and had overlapping authority for waste disposal planning. He stated that every county has since developed plans and has adequate disposal capacity for municipal waste generated within its boundaries. Hartenstein said about 90 percent of the Commonwealth's population has access to some type of recycling. He explained most of these mandatory and voluntary programs collect more than three of the eight materials required to be collected by Act 101. Hartenstein said that in 2015 alone, Pennsylvania recycled more than 10.3 million tons of materials. Hartenstein said the department thinks illegal dumping continues to be a significant problem across the Commonwealth in both urban and rural areas and discussed the need to ensure every Pennsylvanian has access to waste disposal and recycling in order to reduce illegal dumping. He said the department also thinks the $2 per ton disposal fee established by Act 101 was an essential tool in developing waste and recycling programs and will continue to be an important asset in the future. He said the committee and the department need to assess the present value of the fee and reevaluate how the revenue generated should be used to stimulate advancements in integrated waste and recycling programs. Recycling Fund revenue has decreased from $47.1 million in 2003 and has leveled out to $38 million over the last three years, Hartenstein said. He explained that based on the current cost of living index, the $2 per ton fee established in 1988, adjusted for inflation, is currently worth $0.97. Hartenstein said the committee may want to consider a Statewide Waste Composition Study that can be completed to identify and focus resources on what the waste stream looks like now; expand the mandatory recycling requirements; modify the list of materials communities are required to recycle; expand the role and utility of county plans to effect integrated waste management principles; expand and support the responsibilities of county recycling coordinators to include functions that facilitate integrated waste management programs; incentivize private sector investment in designing recyclable containers and products; provide incentives for manufacturing and commercial entities who implement their own recycling programs in the Commonwealth to facilitate the capture of more materials; and renew focus on waste reduction programs.

Chairman Hutchinson asked who would be the proper people to do a statewide waste composition study. He said he is curious what it would look like and who would do it. Hartenstein said years ago they used a grant to have a third party do a survey to find what materials were being generated in households and what materials were being recycled. Sen. Yudichak said his county is one that has struggled with recycling and asked what the department does to encourage it. Sen. Yudichak also asked if a COG (council of government) can be the conduit for recycling. Hartenstein said the department tries to spread out money generated by the fees for the recycling fund to allow as many municipalities and localities to participate as possible. He said the department has discussed how it can try to promote convenient centers where people can come in and deposit their recyclables. However, he said, there is a problem with people also wanting to drop off their waste. Hartenstein said he is not sure of the details if the department is limited to municipalities and counties or if it can expand.

Rep. McCarter asked if there is an estimate of cost on illegal dumping that is taking place. Hartenstein answered he does not know the answer but other testifiers may have a figure. Rep. McCarter responded that illegal dumping is taking up a lot of valuable time.

Barbara Baker, Board of Directors of Professional Recyclers of Pennsylvania, said the association has strategies including offering an annual conference as well as workshops, tours, and webinars throughout the state to keep constituents informed on the latest trends, effective practices in recycling and certificate programs. Baker explained Pennsylvania businesses and industries generate at least 20 million tons of municipal solid waste each year. She said Pennsylvania has 46 active landfills and six resource recovery facilities to manage this municipal waste. Baker stated 11.6 million residents, 94 percent of the state’s population, have access to convenient means of recycling and 79 percent have access through roughly 1,050 curbside pick-up programs. The funding needed to cover all these residents and facilities is found from the recycle fee in Act 101, Baker said. She said the recycling funds provide grants for local collection programs, public education, materials processing and composting facilities, and for equipment and technical training. Baker said the association strongly seeks support for SB 646. She said SB 646 aims to amend the Municipal Waste Planning, Recycling, and Waste Reduction Act by reauthorizing the recycling fee and repealing the sunset. Baker stated once the sunset has
been eliminated, the goal is to update Act 101 by making universal access to convenient and affordable trash disposal and recycling a reality. Baker explained that an elimination of the funds from the recycling fee would have serious implications such as Recycling Hotline, Recycling Market Center, and Technical Assistance programs will lose funding; funding for Department of General Services (DGS), Pennsylvania Department of Economic and Community Development (DCED), and Pennsylvania Department of Transportation (PennDot) will expire in 2020; Pennsylvania counties have received over $1 million each year to provide funding for County Recycling Coordinators and more than $2 million each year to fund planning; and municipalities and counties have received more than $19 million towards recycling programs and education and more than $16 million in recycling performance grants each year. Baker said recycling is a benefit because it conserves natural resources, prevents pollution, saves energy, reduces greenhouse gas emissions and helps sustain the environment for future generations.

Rep. Quinn asked if there are other states that have private sector recycling such as profit recycling of cars, boats and clothing. Baker said she is aware of no other states. Rep. Quinn explained there are three components of clothing recycling: the good stuff that goes to stores, the bulk that goes to third world countries and tattered cloth that is sold as rags.

Sen. Yudichak said he appreciates the investment the association has made. He asked if there are enough tools in Act 101 to encourage recycling of glass, because it is a material that can be recycled indefinitely and maintain its quality. Baker said glass was more commonly used in 1988 but plastics have surpassed that. She said one program she mentioned is the Pennsylvania Recycling Market Center that is working with private industry to make sure that there are markets for glass. Sen. Yudichak said Ohio has developed a new strategy which is a volunteer program for bars, restaurants and other establishments to recycle glass. He asked if it would be useful and possible to do in Pennsylvania. Baker said yes, it may be. Sen. Yudichak asked for more information to see if it was possible.

Rep. Dush said there is a problem in rural areas with recycling electronics. He asked what are some challenges and what will help overcome. Baker said there is legislation to revise that needs to be worked on, but there is education that can be provided to citizens. She said it would be helpful to have a few drop-off locations all over the state.

Tim O’Donnell, President of the Pennsylvania Waste Industries Association (PWIA), said that each year, the municipal solid waste collection, transportation, and disposal industry adds $4.2 billion in economic value to the Pennsylvania economy. He said the industry accounts for nearly 26,000 jobs and $680 million in employee earnings. O’Donnell explained that last year, 17.6 million tons of waste was disposed of at Pennsylvania landfills, 87 percent of which was handled by the private sector solid waste industry. He stated these facilities contributed approximately $250 million to state and local revenues through various taxes and fees, including the $2 per ton fee to support recycling, $4.25 per ton fee to support Growing Greener grants and an average of $3.53 per ton fee in host municipality payments. O’Donnell said today, three decades since the passage of Act 101, Pennsylvania’s private solid waste industry responsibly operates the vast majority of municipal waste disposal facilities in the state. He stated the industry has developed safe and reliable waste disposal capacity while fully complying with and often exceeding rigorous regulatory safeguards. O’Donnell said DEP has acknowledged that Pennsylvania’s privately owned and operated landfills are highly regulated, well run, state-of-the-art facilities that effectively manage state and regional waste. He said to reflect this evolution of Pennsylvania’s recycling and waste management industry, the members of PWIA believe that Act 101 requires an update. O’Donnell offered suggestions that an update to Act 101 should eliminate the outmoded mandate on counties to conduct planning for future waste disposal capacity, require all municipal waste collection providers to also offer curbside recycling services and allow appropriate flexibility in managing waste and recyclables, such as encouraging the use of flexible “single stream” recycling and the deposit of leaf waste into facilities equipped to generate energy.

Tony Guerrieri, executive director of the Joint Legislative Conservation Committee, asked for thoughts on if the threshold should be increased. O’Donnell said the industry is more interested in all providers allowing recycling, no matter what size. Rep. Quinn asked if there are any members or those also recycling for profit that are getting state grants to assist with their work. O’Donnell said typically the grants are going to municipalities, but there may be cases to help with technology. Rep. Quinn asked if there was any knowledge about bins that become rusty or ruined. O’Donnell answered the way he would address it is to have the municipalities mandate the containers. He said the larger the container, the more people will recycle. He explained it would be a contracting issue.

Rep. McCarter asked what the impact of glass would be under single stream. O’Donnell said televisions are an issue because they do not have the tools to pull out something that large. Rep. McCarter asked if there are any thoughts on what do to in crisis with glass. O’Donnell responded that the additional comments in his testimony have a solution that allows the private sector to charge for service of recycling televisions. He explained the problem is there is no economic incentive for private sectors to do that. Richard Bapst, Vice President of Pennsylvania Independent Waste Haulers Association, said Act 101 should be revised to clearly prohibit continued unauthorized governmental competition with the private sector. He said an example is the Northern Tier Solid Waste Authority (NTSWA) where they are a direct market participant in waste recycling collection and disposal that compete with private sectors or municipalities. Bapst said they have also received grant money to gain significant market share in the waste removal business. He explained the
Chairman Hutchinson said personally regarding electronics disposal ban he is in agreement. He suggests there are things that do not work well on the backend and those things need some investigation. Chairman Hutchinson said to clarify the record, NTSWA owns the landfill and does the hauling.

Elam Herr, Assistant Executive Director of Pennsylvania State Association of Township Supervisors, said the cost to run the programs has passed the revenue. He said looking at the statistics there are more municipalities that are not mandated to recycle than those that are recycling. Herr said they do not need to put up obstacles such as expanding the number of items because if the market is there, the items will be picked up. Herr said one of the challenges facing municipal recycling programs at this time is electronics recycling. He stated the Covered Devices Recycling Act of 2010 banned many electronic devices from landfills in 2013, but that is not working. He said there are trailers filled with devices with no willing recycler to be found so there will be more illegal dumping if something is not done. Herr said he worked closely to create Act 101 and is willing to help again. He explained Act 101 has been acting to fulfill. Herr said an example is his township mandated the collection of recyclables in a single steam, and Lancaster County has a hazardous waste collection site.

Chairman Hutchinson said part of him thinks the grants should be about startups as if municipalities grow to the point of starting recycling, as a fee or grant program from the state to help with initial capital cost is crucial for those communities.

He said, on the other hand, if municipalities are successful and are performing well then maybe they should get extra incentive. Chairman Hutchinson asked for thoughts on how it should go. Herr said funds from the state make the system work more easily. Herr explained money is needed for that, but there is a second issue of performance grants. He said recycling doesn't financially cover all the cost for the municipalities for what they have to do.

Chairman Hutchinson said something he truly believes in is on one hand Act 101 is an example of government working, but he agrees that changes going forward should really be done through statute and not by changing regulations or policy directives without the full participation of elected folks and stakeholders. He said when all of them come together, they can come up with a more accepted program than if it is done through the policy directives of folks in the administrative branch. Herr said he has worked on a number of bills in the past and he agrees with the chairman on Act 101. He said he commends the people who worked on the act and put it here.

Lisa Schaefer, Director of Government Affairs of County Commissioners Association of Pennsylvania, said that in part of discussion in the late 80s, counties asked for responsibility for developing plans for the county solid waste management plans. She said for the association’s key elements that ended up happening were responsibility for developing plans for the county, mandatory curbside recycling programs in municipalities of a certain size and programs for others.

Schaefer said they looked for stable funding, state participation and development of education efforts. She stated the group agrees Act 101 has been a success, but they need a statute that takes into account what has changed over the past 30 years. Schaefer said there are many rural areas that struggle with availability to recycle but also in urban areas there are specialty items that have become a problem. She said they want to make sure Act 101 allows flexibility to solve the problems. Schaefer explained they believe the overall planning approval process under Act 101 should be reviewed, and continue to support their management role in solid waste and recycling but that plans can be developed efficiently. Schaefer stated they also support SB 646. She said there are items that can be reviewed but top priority is on reauthorizing the sunset fee. Schaefer said working with DEP does allow counties to negotiate fees with waste haulers, but there is no guarantee about longevity of that funding. She said they have been working with the General Assembly to address issues and look forward to continuing to do so.

Chairman Hutchinson said counties play a key fee role in solid waste. He asked if there is any scenario where counties should have a bigger role than they currently have. Schaefer said she believes counties should have a leadership role, but where they consider expanding their role is up to the county and some have stepped up already. Schaefer said she thinks there is a point of discussion that is needed relation to the new goals of recycling.

Guerrieri asked if there is any consideration for increasing the $2 fee. Schaefer answered they would support increasing the fee because the source of funding has been used for various things over time as well.

Robert Bylone, Executive Director of Pennsylvania Recycling Markets Center, said the Environmental Protection Agency
reports that between 2000 and 2012 the weight of newsprint available nationally for recycling decreased by seven million tons. He said in plastics, during the last 22 years, Coca-Cola has decreased the amount of plastic in each of their bottles by 60 percent. Bylone explained this means a one ton bale of PET plastic holds 10,460 more 16-ounce bottles. He stated this means as packaging volume increases while density decreases, to get the same amount of recycling weight, new collection vehicle technologies, convenience centers, and processing advancements such as robotic sorting are going to be adaptive investments. Bylone said as any commodity, these prepared resources fluctuate in indexed value. He stated that during the last decade of the Act 101 recycling fee, those collecting, processing, and using recycled materials experienced both record high and low return on commodities. A typical one ton bale of cardboard ranged in value from $80 to $160 per ton. Bylone said the center has observed commodity fluctuation and impact in other areas of the Pennsylvania economy, with commodities such as forestry products, grains, shale gas, and coal. He said as these natural commodities are processed into end-use, maximized return is a direct function of source quality, and there is no difference with recyclables baled into material-specific commodities. Bylone explained the majority of Act 101 funding has been used to support public recycling program implementation, with a smaller portion used for private investment. He said with commodities extraction forming the basis of the industry, critical materials processing and manufacturing supply chain links need to be supported to reduce material return risk. Bylone said Pennsylvania Recycling Markets Center provides linkage, technology evaluation and commercialization strategy between those involved with recycling and those involved with end use of recycled materials. He said they also provide technical, business growth support to a manufacturer who uses recycled glass to produce share-free grit abrasives and water filtration media. Bylone said given the challenges of a commodities marketplace, one of the significant green collar job business attractants to Pennsylvania is that the Act 101 Recycling Fund exists and has long-term continuity. He explained this provides a would-be investor, entrepreneur, or lender a prospectus that manufacturing feedstock risk is mitigated in Pennsylvania which many other states do not presently leverage.

Guerrieri asked if there is any consideration for measuring recyclables by volume instead of weight. Bylone said there would be considerations but there would be problems. He explained some changes could be how much manufacturing and processing capacity is there and whether each material is in surplus. He said when looking at how to adjust, there are means to still work with weight base value. Guerrieri asked if there is an example of per ton cost for different materials and how the bottom is dropped out. Bylone answered in terms of cardboard there is fluctuation of value. He said some materials have come up on the commodities market but they are not as robust. Bylone said glass typically tends to be a cost to many programs but given the magnitude of business such as wineries it would be a far cry to say glass is out of the waste stream. He said domestic prices are buffered by prices seen internationally. Guerrieri asked for thoughts on bottle deposit legislation. Bylone said it would be hard to enact it because there are significant concerns from the bottle manufacturing industry as well as the packing industry.

Rep. Comitta asked about the reauthorization process and how it could be improved to support the continuity of the green collar jobs. She also asked for thoughts on what would be a beneficial review. Bylone said much of the funds over time have been used for infrastructure and collection while a small portion goes to the private sector. He said it should be considered to use funds at the private sector and consider convenient centers. Bylone stated as far as a long term review of the act, his concern is making a statement to the manufacturing community that this committee has bolstered continuance of the recycling fund. Bylone also noted that Sen. Richard Alloway (R-Franklin) has been working on an electronic recycling bill.

Shannon Reiter, President of Keep Pennsylvania Beautiful and Michele Nestor, President of Nestor Resources Inc. submitted written testimony.
In Rep. Moul’s home county of Adams, he relayed, the small borough of East Berlin received invoices from the SRBC for regulating “proven” wells that are more than 40 years old in some cases. Rep. Moul said that he did not understand this, and that it was also beyond the understanding of his senator, Sen. Richard Alloway (R-Franklin), and East Berlin’s representative, Rep. Will Tallman (R-Adams). In response to the East Berlin question, Sen. Alloway called a meeting with the SRBC to “drill down to the bottom of this commission.” Rep. Moul told how he “recognized their arrogance” at the meeting and was “shocked” by their high salaries too. He announced, “This is a situation of extreme gravity and abuse of authority that must be dealt with” that “made the hair on the back of my neck stand up.”

Regarding specifics, at the meeting with the SRBC, Rep. Moul said he asked the acting secretary’s alternate if the SRBC needs more fees when they have more than $40 million available. “A very meek no” was her answer, and he said his follow-up was not answered: “then why did you ‘rubber-stamp’ an increase in funds and regulations?” Rep. Moul said that he was “taken aback” by how many municipalities and companies have complaints about SRBC overreach, and that he thus thought it would be a “snap” to get many testifiers. “Much to my chagrin,” he concluded, the vast majority are scared of retribution from the SRBC in the form of onerous fines.

Rep. Moul quoted a letter from the owner of small golf course somewhere in central Pennsylvania, who declined to personally appear for “fear of retaliation.” That owner told Rep. Moul that he was being forced to pay a total of $33,800 for a well renewal, a sum beyond his ability to pay.

Andrew Dehoff, SRBC Executive Director, began with a short overview of SRBC’s non-regulatory work. He said this has included the following achievements and projects: seeing Clearfield and Indiana counties hosting successful trout populations for the first time in years; addressing a sinkhole problem with locals in Cumberland County; assisting Lancaster County in developing its water-programming plan; and creating a flood-staging plan for Swatara Creek from its origin in Schuylkill County through Dauphin County to the Susquehanna. As far as regulatory roles, he termed the SRBC as being designated to defer to the states and to “fill holes,” avoiding duplication and waste. Dehoff said the SRBC’s particular regulatory concerns stem from three items, all of which are on fairly large scales: movement of water in and out of the basin; the withdrawal of water from a ground source; and the consumption of water.

Replying to Rep. Moul, Dehoff “wished to correct” his statement about groundwater; he said the authority is spelled out in the compact, which mandates the SRBC to provide “sustainable and reliable” water to communities even in times of drought, and without conflict. “The quality doesn’t matter if nothing comes out when you turn on the tap,” he stated. Additionally, he said there are misperceptions about groundwater and he let the members know that people have to be licensed geologists to work at Dehoff said challenges to SRBC have included natural gas industry demands, which were, in his telling, addressed with rule changes. More broadly, he described how SRBC funding has suffered because of the post-2008 “tough economic situation,” which has required the increase in “fees from the community.” But, he stated, municipal fees have remained balanced. The third challenge, he continued, is that systems rely on wells with unknown character. Lastly, another challenge in Dehoff’s opinion is that between 2013 and now, there has been a near complete turnover in SRBC management. However, Dehoff quoted Albert Einstein’s adage that, “In the middle of difficulty lies opportunity.”

Closing, Dehoff updated the committee quickly on the status SRBC’s comprehensive plan and a variety of work with communities to improve their water supply situations. He said that his commission employs “conscientious and dedicated” public servants and that SRBC is committed to better partner with local communities.

Rep. Hill said there is a general consensus on the committee that the questions. She first asked if the Independent Fiscal Office (IFO) performs any type of review of the SRBC. Dehoff said no. Is the SRBC subject to Pennsylvania Right-To-Know laws, she asked next. No, answered Dehoff, but general has oversight over the SRBC. That authority would come from the federal government, responded Dehoff. “So,” said Rep. Hill, “Pennsylvania has no authority to audit SRBC’s use of final funds.” Dehoff denied this, saying that Pennsylvania, by virtue of being a partner in the compact, can review the use of funds from the state. So, asked Rep. Hill, would Pennsylvania be able to review fines assessed on Pennsylvania businesses and municipalities? “Yes, you can request anything you like,” Dehoff told her. “Are reserve funds auditable,” wondered Rep. Hill. Dehoff said yes. Rep. Hill inquired if SRBC is subject to the Federal Energy Regulatory Commission. Dehoff answered negatively. Rep. Hill then asked, “Who, ultimately, are you responsible to when you seek to impose regulations?” Dehoff said that four jurisdictions - Pennsylvania, Maryland, New York, and the federal government must agree; three governors and their legal counsel as well as the federal government, and that all of this is even before the review of public comment.

Chairman Metcalfe cut Rep. Hill off from further questioning, but credited her and Dehoff for going through this series of questions and answers “like a machine gun.”

Rep. Daley said that after 2008, Pennsylvania’s annual contribution declined strongly. “Are you seeing declines from the other states and the federal government,” she wondered of Dehoff. He told her that Pennsylvania, it was agreed, would
Rep. Daley lastly wanted to know about the impact of HB 218, the budget passed by House. The budget adopted by the House would mean a 50 percent cut in Pennsylvania’s funding for SRBC, Dehoff responded.

Rep. Saccone wanted to know if it is true that SRBC does not regulate small users. Dehoff confirmed that it is true and said also that many municipalities are so small they do not need SRBC regulation. He went on to say that one of SRBC’s public services is to offer consultations to municipalities so that they can reduce their water usage to the point where the SRBC does not need to regulate them. Rep. Saccone then asked if the $50,000 was reduced in his first month because a near complete turnover in management was an opportunity to consolidate positions.

Rep. DeLissio asked what the SRBC reserve fund roughly totals at present. Dehoff said there are two; a general fund or “rainy day fund” for application fees and other exigencies, and a sustainable water resource fund. Both currently total around about $8 million in his estimation. Dehoff told Rep. DeLissio that the purpose of the latter is to maintain a system of water quality monitors to help entities that are responsible for regulating water quality by giving them information. “To be completely forthcoming,” he said, a water management fund is accrued by consumptive use fees for water that is taken but not returned - by industries like power plants. The unique role of SRBC, stated Dehoff, is to mitigate the effects of this consumption during droughts. Any of these mitigation projects could cost millions of dollars, like, he mentioned, a recent reservoir project in Clearfield County.

Rep. Miller inquired if municipal discounts Dehoff mentioned will exacerbate the commission’s fiscal situation. Dehoff said Pennsylvania’s funds allow these discounts and that they have been offered before and are not new. Moving on, Rep. Miller said that while the SRBC’s mandate does not involve water quality, it is taking one on. He asked why the SRBC is taking on a role that is not in its compact. Dehoff rejoined that water quality regulation is not a part of the compact, but that duties related to it are explicitly spelled out in the document. Also, he reminded the committee, it is cheaper to collect clean water as opposed to dirty water.

In relation to water designated for the natural gas industry, Rep. McCarter asked if 33 million gallons of water a day is to be used. Dehoff said that that is the long-term SRBC projection. McCarter asked what the timeframe is for sustainability projections. Dehoff said they are focused on water sourcing and that the peak was about to 10-12 million gallons. Referring specifically to basin concerns, Dehoff indicated the SRBC’s focus is on directing the industry towards using the Susquehanna River itself rather than the smaller streams in the Susquehanna’s drainage. To encourage this, he stated, the commission makes an effort to turn around permits more quickly for river sites and to impose restrictions on the use of small streams.

Rep. McCarter asked how much of a conflict arises from the sustainability issue. Dehoff said that if the system appears able to handle a large amount of withdrawals then the gas industry is “just another customer.”

Rep. Tallman asked if Dehoff has been to the community of Woolrich. Dehoff said no. Rep. Tallman informed him that it is a very small town in Clinton County where his mother’s family holds a reunion and where the Woolrich clothing company makes its wares. SRBC, he said, is going to charge the local water operator more than $100,000, probably causing it to go bankrupt. Dehoff said no determination has been made about the situation but that the operator at the time 20 years ago should have sought SRBC approval but did not.

Regarding limited funds for SRBC, Rep. Keefer asked who should be paying water usage fees. Dehoff said that SRBC thinks water users should be responsible for paying for review as opposed to basic taxpayers.

Kyle Gallagher, plant operator for Appalachian Utilities Inc. of Lock Haven, outlined a brief summary of his company’s apparent plight. He said Appalachian Utilities is a small, privately-owned public water company with 33 miles of line and that it serves approximately 1,000 customers, ranging from commercial users to homeowners, in rural Clinton County. It has, per Gallagher, always reliably submitted monthly reports to the Department of Environmental Protection (DEP) and Public Utility Commission (PUC) and now has fallen under a third regulator, the SRBC.

Gallagher told the members that his customers are primarily rural and low-income people, so Appalachian has tried to keep rates at a level that is manageable for them. In the face of what is, in his view, over-regulation, though, the company was compelled to ask the PUC for a rate increase. The process hurt the company, said Gallagher, because it cost more than $200,000 in attorney costs. The linchpin of Appalachian’s problems was when the SRBC informed them in 2016 that they contribute more than 37 percent since the state holds most of the basin’s land area. However, he added, “Our annual budget far exceeds what we receive.” Per Dehoff, the federal government gives them grants but has met its fair funding share only once in twenty years, while Maryland and New York have stayed relatively steady. Rep. Daley queried if the increased fees imposed by the SRBC are uniform across all three states. They are, he answered, although the fee schedule includes a provision that if a member does not meet its funding obligation, the SRBC reserves the right to raise its fees correspondingly.
had been out of compliance since 1996; Gallagher cited a three-page letter from SRBC to that effect, and told the committee that it was the only piece of correspondence they had received from SRBC in 20 years. “What have they been doing for 20 years,” he asked.

Responding to one point by Dehoff, Gallagher opined that the term, “Discount for a municipality” is misleading because it neglects to inform the public that a 40 percent increase for a private business is possible. “It's not a discount; it’s robbery,” he stated. However, he closed on this topic, “I won’t contradict the other statements that I find to be bogus.”

Returning to his story, Gallagher said that DEP required aquifer testing, which was done. After 20 years of not hearing from them, Appalachian, he shared, received from the SRBC in 2016 a notice of violation with the threat of a $1.8 million fine that grows by $1,000 per day. He said there are no or very few clear answers from SRBC and that another $65,000 fee is “just” for SRBC. “We don’t have $65,000 sitting in an account so we’re not sure what we’re going to do,” he complained. Professional geologists hired by his company, told Gallagher, indicated that costs for a new well or new land could cost far more than Appalachian can afford. “We feel that we’re completely under attack with nowhere to turn,” he said. “Given this testimony, we feel they will retaliate against us.” He mentioned that two neighboring water system companies declined to testify for fear of retribution and he branded the entire situation a “reoccurring downward spiral” that will cause Appalachian to ask PUC for a rate increase, causing Clinton County users to suffer. “It's impossible,” Gallagher uttered with a sigh. Referring again to Dehoff’s testimony, Gallagher said, “Pennsylvania is paying for everything so obviously Maryland and New York are okay with an increase for Pennsylvania.” Like Rep. Moul, he also criticized SRBC for having large balances and not reporting salary information.

Concluding on a few brief points, Gallagher explained that Appalachian will not apply for a waiver because “they will deny it on a technicality following this testimony,” costing Appalachian more than $15,000 in application fees for nothing gained. He pointed out also that well pump tests are more than $30,000 apiece, that SRBC collects “money for no services,” and that it claims to have not known about Appalachian until 2016 despite having approved another company to take water from Appalachian’s system several years before that.

Chairman Metcalfe asked if the DEP had ever notified him of SRBC’s “supposed” oversight. Gallagher said no but that DEP had worked “very closely” with Appalachian.

Rep. Wheeland queried how many of Appalachian’s customers can expect to run out of water during a normal year. Gallagher said his experience is an average of probably once for four or five hours, and that it is very rare. What should a customer budget for next year considering SRBC’s new challenges, Rep. Wheeland asked. Gallagher said the answer is extremely difficult to answer but that he expects a rate increase of 50 or 100 percent to cover “never-ending” fees. Rep. Wheeland asked if Gallagher’s part of the state is growing. Gallagher said their average growth is about 5 to 10 accounts per year.

Rep. Wheeland lastly wanted to know if the coverage can be spread over new accounts. “Impossible,” replied Gallagher. Pete Ramsey, president of the Pennsylvania Turfgrass Council and grounds services supervisor at Messiah College, said he is representing the golf course industry as well as athletic managers and other turfgrass users and testified on their behalf. As consumptive users with approved dockets, he stated of the original SRBC agreement, the golf course industry would be exempt from fees and the SRBC would build storage for the users. SRBC, though, admitted this was never done, stated Ramsey. Subsequently, he told how consumptive users have faced more onerous burdens; he stated that the dockets are expiring and the new re-approvals are only good for 15 years, and that while every facility is unique, all are subject to the same fee structures. “We are paying three times for the same gallon of water,” Ramsey related. “Golf is no longer in its heyday,” he said, but still can contribute $1.1 billion unless its existence is crushed by the SRBC’s compliance burdens; he said this threat is “criminal,” especially since his industry is “collectively the smallest group of consumptive users within the basin.”

Ramsey said that the golf courses of Pennsylvania could simply decide to sell off their courses for conversion into more suburban-style, low-density housing. But this, in his opinion, would cause the carbon footprint to “skyrocket” and waste the expertise and experience of an industry that has “highly-trained and motivated agricultural professionals.” Ramsey related that DEP sat down with them in 2002’s drought emergency to gain knowledge about how implement plans. “We are not looking for a free pass when it comes to water,” he declared. “We all believe in monitoring and regulation. We just want something that is reasonable and not redundant.” The SRBC, he concluded, requires more money and more compliance efforts than any other regulatory body, including the federal Environmental Protection Agency.

Chairman Metcalfe, in relation to an evaporation issue, asked if Ramsey has to buy the water and then pay for its evaporation.

“It’s confusing to me too,” said Ramsey in affirmation. Chairman Metcalfe exclaimed, “It’s ludicrous.” Ramsey said it applies to irrigation as well. “Thank you for exposing the ludicrous nature of what’s going on,” replied Chairman Metcalfe.
Rep. Moul inquired if there is a charge for water when it is pumped. “You’re charged when that water is pumped from a well,” answered Ramsey. “So if you pump it into a pond, you pay for it to be pumped into the pond and then you get charged for evaporation.” Do you get credit for rain, asked Rep. Moul. Ramsey responded, “No.” Rep. Moul opined, “So there is no way for the SRBC to take into account the fact that you’re basically just cycling the water.” Some of that water, said Ramsey, will evaporate but they are not “carbon hogs” and, in fact, “We barely try to keep the grass alive.” Rep. Moul said that the business will die out if they do not use water on the fairways. Ramsey told him this was true and said a facility in Huntingdon County went out of business because it could not afford to water its course.

Rep. Keefer asked how many ponds Ramsey has. He answered one. Rep. Keefer asked if he gets credit for storage water. He said no. She asked how much evaporation costs him. He said the pond predates regulation and so is exempt. At Messiah College, he is not exempt for evaporation.

Rep. McCarter asked if the regulations apply equally to public and private courses. Ramsey said yes. Ed Albright, chairman of the Bloomfield Borough Water Authority in Perry County, and Michael Scheffey, the plant operator for the authority, testified last. Albright said the borough has four wells but not all are high producers. As a result, he said, DEP required them to build a new well, which “got them into trouble with SRBC,” which, in the opinion of the testifiers, was slow to respond to them and imposed onerous burdens, which culminated with the authority accepting a consent order for failure to heed regulations. “They came back on us pretty hard,” Albright said, and he affixed to this the information that an ensuing waiver application was submitted at a cost of more than $3,000 and that payment for their geological services cost them more than $21,000. Another application, he continued, will cost $4,600 with another $10-15,000 for geological review. Since SRBC only meets twice a year, small water authorities have to project well in advance to “get anything done,” Albright said. All in all, the authority, per Albright, has had to expend in excess of $200,000 before their new well has even gone online. He told how Bloomfield Authority has a grant from the federal government but their small, older community may struggle to pay the fees.

Chairman Metcalfe asked if the SRBC had been involved with the authority until six years after the authority contacted them. Scheffey said they were involved in 1990 and 2001 but that the SRBC did not reply for six years about the new well. When Bloomfield submitted a new system, he said that got their interest. Chairman Metcalfe asked if DEP had already approved the wells. Scheffey said yes and that they were already part of a public water system and that Bloomfield simply bought them. Chairman Metcalfe said it was “baffling” that the SRBC did not communicate with them before stepping in. He indicated appears they are duplicating services.

Rep. Miller asked if SRBC really only meets twice a year. Albright said yes. Rep. Miller asked when the DEP approved the wells. The two testifiers said two wells were approved in the 1970s and another two in 1992 and 2001. Rep. Miller queried what percentage increase has been faced by ratepayers. Scheffey said the first two were ten percent each for a storage tank and the last three were five percent each.

Rep. McCarter asked what the average monthly bill for customers of the authority is. Scheffey paused and explained the question was difficult to answer because the rates are not monthly. He estimated that an average bill for a residence would be $124 per quarter, one for a large commercial user around $7,500 per quarter, and one for a “Mom and Pop” commercial user about $90 per quarter.

Rep. Moul said it must have been a “red flag” to the SRBC when Bloomfield purchased extant water systems, and that this generated demands for testing and new maintenance. Albright said he asked for a waiver, which is supposed to come back in September. Rep. Moul opined that their waiver may not be granted now that they openly criticized the SRBC. He asked what fees will be required if the waiver does not go through. Albright said there would be 72-hour pump test costing more than $50,000. Rep. Moul wondered why it was so expensive. Albright said the water is pumped into a creek, and that the task necessitates using a quarter-mile hose fit for firefighting-levels of water discharge. Rep. Moul asked how many gallons of water are pumped during such a test. Over a million, said Scheffey. “Good thing you didn’t pump it out of a pond; that would have cost you a fortune,” sarcastically answered Rep. Moul. Albright said DEP compels them to do a test that involves pumping even more water down a stream for a long length of time and that he wishes they could receive SRBC credit for entering this water into the basin. Rep. Moul replied, “My bet is you’re gonna end up on the losing end of that deal.”

Rep. Wheeland asked if the two men know of any recourse against the SRBC in court. Albright said that the borough of Bloomfield is a small municipality without the funds to fight SRBC or DEP.

Chairman Metcalfe informed the committee that there will be another hearing in two weeks in Shrewsbury, York County, to talk more about the SRBC. It is “concerning,” he pronounced, that the SRBC is apparently not subject under the Independent Regulatory Review Act or any other state or federal regulatory act.
House Agriculture and Rural Affairs Committee  
6/12/17, 12:30 p.m., G-50 Irvis Office Building  
By Andre Dienner, Pennsylvania Legislative Services

The committee met to consider legislation.

HB 1494 Rapp, Kathy - (PN 1904) Amends the Conservation and Natural Resources Act, in Department of Conservation and Natural Resources, further providing for contracts and agreements. The bill establishes that the commonwealth may enter into Federal cooperative agreements between the Governor or the Governor’s designee and participating Federal agencies for the purposes of harvesting and selling timber, engaging in activities which promote artificial and natural forest regeneration and other activities to restore or improve the health of forests and watersheds and forested habitats upon Federal land within this Commonwealth. Effective in 60 days. - The bill was unanimously reported as committed.

Chairman Martin Causer (R-McKean) offered background on the bill, explaining the 2014 Federal Farm Bill authorized states to enter into such agreements to provide for forest management.

Rep. Kathy Rapp (R-Warren), prime sponsor of the bill, referenced a 500,000 acre area in the Allegheny National Forest where an agreement was made to harvest 54 million board feet of timber for township and school revenue. She further stated not even half of the agreed to amount has since been produced, and maintained the bill would allow the governor to enter into agreements with the U.S. Forest Service to carry out the promised timber cut and facilitate other industries depending on sufficient timber supply.

Chairman Causer agreed the bill is important for the entire state.

Rep. Christopher Rabb (D-Philadelphia) wondered why the agreement was not fulfilled. Rep. Rapp drew on efforts by activist groups opposed to timber harvests as well as a lack of staff for the forest service. She mentioned the forest already has large portions of designated wilderness areas and “timber harvest is vital to the area, and not just to the area but to the forest itself” due to the life cycle of trees in the forest.

Rep. David Zimmerman (R-Lancaster) agreed the bill is important, particularly for cabinetry and other woodworking professions in Lancaster County.

Rep. Brandon Neuman (D-Washington) queried as to what type of payment was established in the agreement and how much was projected. Rep. Rapp described the payment as similar to payment in lieu of taxes as designated in the established formula.

HB 944 Keller, Mark - (PN 1767) Amends the Public School Code, in terms and courses of study, further providing for agricultural education and providing for makeup, powers, and duties of the Commission for Agricultural Education Excellence, responsible for developing a statewide plan for agricultural education and coordinating the implementation of related agricultural education programming with the Department of Agriculture and the Department of Education. Effective in 60 days. - The bill was unanimously reported as amended.

A01761 by Causer, is a technical amendment. The amendment was unanimously adopted.

Rep. Mark Keller (R-Perry) thanked the committee and all parties involved for their work. He demonstrated the National FFA Organization requested additional guidance and acknowledgement of an agriculture science course would “give them actual points so we will have more districts throughout the commonwealth maybe be more interested in the approach of having the ag science teachers involved.” Rep. Keller added FFA is no longer simply about “tilling the ground” and students need guidance for pursuing careers in auxiliary fields.

Minority Chairman Eddie Pashinski (D-Luzerne) complimented Rep. Keller for presenting the “great and timely bill.” Rep. Neuman established the bill and FFA will both play a critical role in preparing youth for a global job market and ensuring an adequate food supply.

Chairman Pashinski asked why those who are retiring or leaving through attrition are not being replaced. Committee staff indicated the most recent retirement was in February but it is unclear if they will be replaced. However, staff added recent actions show they have no plans fill the positions. Chairman Pashinski maintained “a lack of appropriate leadership” has created the shortfall situation and should be further pursued.
The committee held its monthly environmental issues forum, receiving an overview on the status of pollinators in Pennsylvania.

Tony Guerrieri, executive director of the Joint Legislative Conservation Committee, began with a brief overview of honeybees and other pollinators. He explained that some of Pennsylvania’s most valuable fruit crops including apples, blueberries, and cherries are over 90 percent dependent on natural pollination. He said that over the last decade there has been a staggering decline in the global pollinator population, with beekeepers in the United States reporting annual colony losses as high as 42 percent each year. This poses a significant threat to the global food supply, he said.

Dr. Harland Patch, research scientist and lecturer at Penn State, offered information on current pollinator trends in Pennsylvania and potential solutions for reversing the decline. He said that as bees are in decline causing a lot of challenges for beekeepers, the demand for pollinated fruits and vegetables is going up. The problems are not the same all over the country, he remarked. Patch pointed out in some places there is very poor survivorship and other places survivorship is very high. The problems are very geographically specific and researchers are trying to figure out why that is, he said, noting Pennsylvania, due to things like a diversity of agricultural products, is faring better than some other places.

Patch said a bulk of the problems are occurring in the central valley of California, with its large almond crop, or in the upper Midwest where the crops are mostly corn and soy bean.

Patch explained there are many reasons why bees are in decline, but he cited pesticides, poor nutrition, parasites, and pathogens as the main causes. He emphasized Pennsylvania is a very special place for pollinators due to the high level of crop diversity within the state and the fact that most farms in Pennsylvania are relatively small with mixed landscapes. These are great places for bees to live because there is lots of “edge,” he said.

Putting this into perspective, Patch used orchards in Biglerville as an example. In these areas, there can be as many as 236 species of bees on a single orchard. He compared this to Great Britain where there are 260 species of bees in the entire country meaning on a single orchard in the state there can be as many kinds of bees as in all of Great Britain. Patch said it is important that these landscapes are managed properly to maintain pollinator richness and abundance throughout the state.

Highlighting what is being done to preserve and protect pollinators in Pennsylvania, Patch discussed the Pennsylvania Pollinator Protection Plan, also known as the P4. Patch said the plan is part of an overall national strategy to promote pollinator health and aims to create a living web-based document with Pennsylvania-specific information, resources, and programs relating to pollinators by July 2017.

Charles Vorisek, owner of Vorisek’s Backyard Bee Farm and past president of the Pennsylvania State Beekeepers Association, offered the industry’s perspective. He said there are a lot of people coming into beekeeping in Pennsylvania, with 800 newly registered beekeepers in 2016.

He noted there are 4,500 registered beekeepers throughout the state and over 60,000 colonies, an increase over past years. Most beekeepers have less than 10 hives, with around one percent being commercial beekeepers, he said. Vorisek explained that urban areas are the fastest growing sites for beekeeping. He said it doesn’t take much of a platform to set up, with many beekeepers using gardens, balconies, or vacant lots.

Outlining the details of the Pennsylvania Bee Law, Vorisek said it is required for beekeepers to be registered with the state and that they are inspected annually for things like pesticides, parasites, and pathogens. He cited the Varroa Mite that began to spread in the 1990s as the biggest challenge to beekeepers.

To combat the Varroa Mite, Vorisek said beekeepers initially used chemical solutions. However, because the chemicals began to remain in the wax and the mites were building up a resistance to them they no longer were effective. He said beekeepers are now trying more work and are more time and temperature sensitive.

Vorisek said the Pennsylvania State Beekeepers Association along with Penn State and Purdue University is researching genetic resistance as a long term solution. This would lead to honeybees that are able to clean themselves and check for mites on their own.

He noted the next challenge facing beekeepers is antibiotic restrictions for treating American Foulbrood (AFB). The bee inspection program was originally started to control AFB and Vorisek said in his opinion the disease could set beekeepers
Vorisek said most townships and municipalities within the state do not mention honeybees in their local codes, despite the fact that beekeepers have been keeping bees in their localities for years with or without regulatory code. As a result, Vorisek said the Pennsylvania Apiary Advisory Board created best management practices for keeping bees in Pennsylvania that is based after laws in West Virginia, Tennessee, and Florida.

Sharing the importance of beekeepers, Vorisek noted that most use their own money without any insurance to cover their losses. He said this year’s survey will show a 52 percent loss across the state costing $4,000,000 to replace 60,000 lost colonies.

Following the presentation, the meeting was opened up for questions. Executive Director Guerrieri began by asking the going rate for farmers interested in renting a hive. Vorisek said it varies with the crop and time of year, but said the average cost in south-central Pennsylvania is around $82.

The next question asked the definition of a beekeeper in order to be registered. Vorisek said anyone who keeps bees, regardless of how many hives they have, is required by law to register with the Pennsylvania Department of Agriculture. The current registration fee is $10 for two years of registration.

Rep. Comitta asked if there are any nonprofit organizations that help to give grants or provide assistance in any way to the beekeepers. Vorisek said there is not any insurance to cover beekeepers. Patch said many commercial beekeepers are looking to get out of the business because it is getting so difficult to sustain.

An audience member asked if the P4 makes any specific recommendations for state or federal protection status. Patch said there are no plans to address that specifically, but it is something that could potentially be discussed with the Pennsylvania Department of Agriculture.

The final question came from Sen. Stefano who asked if researchers have found a link between the neonicotinoid pesticides and the collapse of the colonies. Patch said these are pesticides that came into use mostly in the 1990s that are based essentially on natural nicotine. They are highly toxic to insects making them highly effective. He cited a study done in Sweden that found that the bumblebee colonies and solitary bees were greatly affected by these pesticides, but the honeybees have a buffering effect making it very hard to see the effects in a honeybee colony. Overall, he said the neonicotinoid pesticides are toxic to bees, but it depends on where they are and it’s usually caused by synergistic interactions with other things.

Senate Republican Policy and Senate Environmental Resources and Energy Committees
5/24/17, 10:00 a.m., Room 8E-B East Wing
By Andre Dienner, Pennsylvania Legislative Services

The committees held a public hearing on the Marcellus Shale industry.

Chairman Argall indicated the hearing is to collect information on both the benefits and challenges facing the Marcellus Shale industry, which he described as a "game changer."

Chairman Yaw agreed the gas industry is a game changer but said it is still misunderstood. He elaborated by demonstrating four counties in his district produce 50 percent of Pennsylvania’s Marcellus Shale. "It is a big deal in Pennsylvania and when you say game changer, the game has already changed and I think fortunately to some extent it has changed slowly. And when things happen slowly people really don't recognize it the same way."

Dave Spigelmyer, president, Marcellus Shale Coalition, offered insight into the “tremendous opportunities associated with natural gas production in Pennsylvania.” His comments focused on the mass quantity and underutilization of natural gas in Pennsylvania and he specifically voiced complaints with permitting delays and the Wolf administration’s approach to lowering wait times. “A few short years ago, Pennsylvania produced only a quarter of its own natural gas needs, ranking 15th in the nation for production,” Spigelmyer observed. “Today, because of the human ingenuity associated with horizontal directional drilling, the ability to recover natural gas from our vast home-grown reserves has transformed the Commonwealth into a national energy player, and it has put the United States on the world map as a major energy-producing nation, rivaling countries on which much of the world has traditionally relied for finite energy resources. Pennsylvania is now the second largest natural gas producer in the US, producing nearly 20 percent of the nation’s natural gas needs.” He also explained the benefits of domestic energy production which he attributed to a decrease of more than
50 percent in electric prices and 60 to 70 percent for end-use customers natural gas prices, resulting in savings of more than $1,200 per household. "In Pennsylvania alone, well over $10 billion in private investment capital is being spent on new or converted natural-gas fired electric generation facilities, representing close to 15,000 megawatts online by 2020. This private investment is not being borne by taxpayers or ratepayers but rather by strategic investment decisions that places the risk squarely on shareholders."

Moving to economic growth through pro-energy policies, Spigelmyer outlined how for manufacturers currently operating in Pennsylvania, the influx of a low-cost, local energy supply has enabled them to expand and grow their business. "It is clear we are at a pivotal moment in Pennsylvania," he emphasized. "We have an unprecedented opportunity to leverage our indigenous energy resources to create a manufacturing resurgence and that could drive our economy, provide job opportunities and establish a stable tax base for generations. Just as Pennsylvania defied the imagination by becoming a leader in energy production, so too can we knock the rust off the belt and once again become the nation’s manufacturing epicenter."

Spigelmyer concluded by addressing constraints on pipeline capacity and permitting challenges at the Department of Environmental Protection (DEP). "For a simple earth disturbance permit that per DEP’s own policy should take less than a month to issue, some regional offices of the department take in excess of a year to process," he complained. "It is important to note that, in some regions of the Commonwealth, permitting timelines are manageable. This clearly suggests that permit applicants can meet permitting standards when they are applied fairly and consistently. However, unpredictability and uncertainty, as we see in some quarters of Pennsylvania, discourages investment and drives capital dollars elsewhere."

He thanked the committee for addressing the issue and voiced hope for continued collaboration to "resolve some of the outstanding problems that are impeding full realization of our energy and economic potential and develop free-market policies that encourage continued growth of the natural gas industry and the immeasurable downstream opportunities.”

Thad Hill, president and CEO, Calpine Corporation, offered a similar outlook on the prospects of industry reliability and production and also took issue with the delayed permitting process. He highlighted the size and scope of Calpine’s work, but noted “despite our size, Calpine’s fleet is the cleanest among the major players in America’s independent power generation sector.” He continued, "My key message today is that the market-driven competitive electric sector here in Pennsylvania is on a path to transition from one supported by older, less efficient and more costly power plants to one supported by newer, more efficient, less expensive and cleaner natural gas plants. There is significant new investment occurring in the mid-Atlantic power and gas markets, especially here in the Commonwealth. There are currently seven projects under construction in the Commonwealth representing an approximate $7 billion investment… These investments are being made due to the game-changing discovery of Marcellus and Utica shale gas, the existence of a competitive market with a set of rules, and a commitment by the stakeholders to seeing the market function.”

Hill then walked through the history of the 1996 Pennsylvania Electricity Generation Customer Choice and Competition Act, ultimately quoting Public Utility Commission Chairman Gladys Brown by stating “For two decades, Pennsylvania has stood on the national forefront of electric competition, putting the power of choice in the hands of consumers and giving them greater control of their electric bills…As a result of this historic legislation, millions of electricity customers have made choices and saved money, purchased renewable products and explored innovative new offers and plans.” He finished by touting the benefits of free market policies and calling on the Wolf administration to improve the permitting process. "While consumers are now reaping the benefits of restructured electricity markets, we see challenges on the horizon that could threaten the foundation of competitive markets. Due to various policy goals and pressure from incumbent generators, state policymakers have been increasing their efforts to impact the generation makeup in their respective states by offering subsidies to certain preferred types of generation resources. While these policy goals may be well intended, they nevertheless are having a significant, negative impact on the wholesale electricity markets, competitive retail markets, and ultimately the cost the consumer has to bear.”

Chairman Yaw commented the industry has engrained itself so slowly and efficiently that people don’t realize it, as regular people don't look how their lights stay on. He equated the issue to people not caring about farming but relying on grocery stores for food, and on pipelines, said “we are trying to deal with the permitting issues.” Chairman Yaw stated the industry can “find a way to deal with environmental issues” but not a time delay. Spigelmyer agreed, and highlighted progress across the country with pipelines providing resources for manufacturing. "Many people don’t realize that in 2008, delivered prices of natural gas were over $12 per thousand cubic feet… today its less than half of that in every single utility across the commonwealth because of what’s taken place,” Spigelmyer clarified.

Chairman Yaw then stated 50 percent of Pennsylvania houses don’t have access to natural gas and indicated accessibility must be increased. Hill agreed and noted plants are still getting even more efficient at a now 65 percent efficiency rate. He also reiterated that natural gas continues to get cheaper and cleaner and voiced hope that people realize that. Chairman Yaw said people do not, and commended the industry for decreasing times to drill wells to under 10 days.

Sen. Reschenthaler commented on subsidies towards alternate energy, specifically with efforts to "bail out" nuclear energy
resulting in punitive taxes on oil and gas. Hill said cheap and affordable electricity is the goal and direct money from the state towards fields does not encourage investment. He further explained nuclear plant profits vary but some are making “plenty of money” with upgrades continuing to come from ratepayers. “It distorts the market,” he added, “I think it drives off competition and investment that would otherwise occur.”

Sen. Reschenthaler referenced “borderline punitive” regulations regarding permitting and asked how the legislature can bring relief. Spigelmyer said the lack of predictability in turnaround times cost the industry jobs as investments were diverted due to a slow permitting process. He indicated predictability is critical to ensuring investment and growth, and demonstrated the industry is no longer in a battle with Ohio and West Virginia but rather is competing globally. “We need to act like we’re the number two producer of natural gas and have predictability and certainty for folks that are trying to permit facilities,” Spigelmyer summarized.

Sen. Wagner asked about the $500 million propane cracking plant that chose Texas over Pennsylvania due to permitting issues and how many individuals would have been employed. Spigelmyer it would have created 6,000 jobs to build and 600 permanent as the “tip of the spear.” Sen. Wagner further voiced support for increasing accommodation for the “breathtaking” results and savings from Marcellus Shale in Pennsylvania. He opined not enough people hear of the benefits of natural gas and estimated $4.8 billion in savings annually from the sector, and clarified wind energy is 70 percent subsidized and solar is subsidized at 50 percent.

Moving to DEP, Sen. Wagner said the recently appointed secretary will not change a whole lot as most in-house employees are still the same and permits will continue to be delayed. “We don’t have an administration that is business friendly… this is the single greatest opportunity for us but we’re living in the stone ages,” he observed. Spigelmyer noted a DEP pilot project in place to work on permits and shorten waiting times, which he said could save jobs.

Sen. McGarrigle interjected it is sad to think of losing good paying jobs due to Pennsylvania not doing their job. He stated 200 days for a permit review is “unacceptable” and asked how to improve the situation and help the industry. Spigelmyer referenced increased permit fees which were intended to allow for more permit inspectors throughout the state, but said the industry is not getting what they pay for. He commented that the industry already has extreme oversight from the state but needs timeframe certainty and predictable turnaround times to encourage growth, and emphasized 217 days to a year is unreasonable.

Chairman Yudichak voiced appreciation for the contributions of the industry and outlined his pro-business approach. On the permit process, he opined the new DEP Secretary is doing a good job of bringing professionalism back to the department by streamlining the pipeline permit process and asked if the industry has been part of the discussion. Spigelmyer observed backing gas up at primary interconnect points drives prices down, and hoped the new secretary is willing to cooperate to modernize the infrastructure. Chairman Yudichak asked if the industry has looked at cuts to DEP staff and how it affects turnaround times. Spigelmyer responded that while the industry has “tripled the size of DEP,” the $6.45 million in permit fees and $9 million in compliance fines have not yielded additional positive results.

Chairman Yudichak then moved to electric generation policy and tax credits, stating that a diverse portfolio of energy sectors creates a strong industry. He admitted he does have concern for nuclear and doesn’t want to only favor one method, but a diverse portfolio is desirable. He asked if the market would ever drive one energy method to 100 percent of the market. Hill mentioned natural gas is currently at 33 percent of the market, but that nothing would ever be driven up to 100 percent. On allowing the market to work efficiently, he reiterated discontent with federal tax credits but said they will expire soon.

Sen. Bartolotta opined fossil fuels and natural gas are important and voiced hope the new DEP secretary would address permitting issues and e-permitting as discussion have been ongoing on the administrative issues. She asked for opinions on SB 402, which she stated would expedite the permitting process. Spigelmyer agreed a predictable timeframe is critical and applauded Bartolotta for holding discussions to attempt to return the industry to the central region. He indicated he appreciates the legislation and will continue to work with the legislature on the specific bill. Sen. Bartolotta added it is also a regional issue for permitting as well as an issue with reviewers reengineering. Spigelmyer agreed reengineering is a problem. Sen. Bartolotta asked if the administration is aware of the severity of the issue. Spigelmyer said they are aware but have not fully addressed the problem. Sen. Bartolotta then inquired as to deregulation and its impacts. Hill said the point of such action was to level the playing field and encourage investments in a stable and predictable market structure. “That’s what encourages investment,” he finished. “If in fact the rules start to change and certain assets get goodies that other certain types of power plants don’t, you will stop that investment.”

Sen. Laughlin agreed Pennsylvania cannot afford to drag its feet any longer as plants are heading elsewhere. He thanked the panel and said his office is actively seeking investment in the sector.

Chairman Yaw agreed, saying the Senate knows the issue must be dealt with.
**House Democratic Policy Committee**

*5/22/17, 10:00 a.m., 418 Main Capitol*  
By Kimberly Hess, Pennsylvania Legislative Services

The committee held a public hearing on a Marcellus Shale severance tax.

Dennis Davin, secretary, Department of Community and Economic Development (DCED), stated "a fair severance tax is a core component of responsible sale development - and it is as important to the long-term growth of the natural gas industry as the pipeline networks and downstream economic development." He highlighted the "massive resource" of the Marcellus Shale and said production is “prolific.” Sec. Davin estimated that by 2025, 75 percent of natural gas from the Marcellus and Utica shales will be exported and help fuel the world and argued that to benefit from that “profound role” Pennsylvania should have a fair severance tax. He discussed the need to develop and fund large pipeline infrastructure projects, but pointed out that developers oppose a severance tax while “inking lucrative contracts for the sale of natural gas.” Speaking to the current low cost environment, Sec. Davin argued that the lack of pipeline infrastructure has bottlenecked the resource and said completion of the proposed projects will ultimately result in higher realized gas prices for Marcellus producers. He further debunked suggestions that the current impact fee is an effective severance tax, pointing out that Texas collected more than $12 billion in severance taxes whereas Pennsylvania collected $1 billion in impact fees over the 2008-2016 period. He also argued that as other states and nations compete for Pennsylvania’s natural gas supply, it is possible that costs associated with the use of Marcellus natural gas can be borne in any number of ways. The secretary also discussed efforts to promote and expand uses of natural gas to maximize economic development opportunities.

Sec. Davin concluded, "Pennsylvania is at the epicenter of an energy revolution. We can shape our own destiny by ensuring that our natural resources are taxed fairly and appropriately, and used to support Keystone job creation and growth, accomplished through an in-state use and/or manufacture of the natural gas and natural gas liquids."

Rep. Bizzarro mentioned a recent investment loss in the southeast region of the state and asked what DCED and the Department of Environmental Protection (DEP) are doing to ensure permits are issued in a more timely fashion. Patrick McDonnell, acting secretary of DEP, replied he and Sec. Davin have established regular contact and highlighted efforts to address permit issues through an increase in IT resources, meetings with the regulated industry, and using electronic permitting and other systems to improve. He conceded these efforts will not be a “silver bullet,” but was committed to continual improvement.

Rep. Markosek mentioned budgetary cuts to DEP and said “it does concern me.” He particularly was concerned about getting permits down in an expedited manner, as well as how the environmental will be affected, because so much of the department is personnel driven. He also asked for a “snapshot of where we are with all the pipeline building in Pennsylvania.”

Sec. McDonnell referenced Mariner East II, Atlantic Sunrise, and Penn East, which are at various stages in the process. He confirmed Marine is west-east, Atlantic Sunrise is northcentral-southeast, and Penn East is along the eastern side and into New Jersey. He also pointed out that Mariner East II will be operating almost entirely within the right-of-way of the existing Mariner East I. Rep. Markosek commented that building the pipelines is a major part of moving forward.

Rep. Daley found the comparison to Texas’ revenue interesting and asked about a statement that in Texas both parties can agree a purchaser will pay the natural gas taxes. She asked if it is the producers objected to the severance tax. Sec. Davin confirmed this, but noted a number of groups oppose it. He called it a fair comparison to look at Texas, but could not say if it is the same producers in each state, though noted that many big producers do business in both states. He further argued that this is an opportunity to do something that is fair and added that Pennsylvania is unique in the fact that it is advocating for investment to follow the activity in the commonwealth, such as the shale cracker plant being built. “We want to really develop all the other ongoing and opportunities we think we can as a result of this,” but with the understanding a lot of the natural gas will be exported.

Rep. McCarter referenced a chart in the testimony regarding the Texas severance tax and Pennsylvania impact fee, and asked why Pennsylvania has been in a downward trend. Sec. Davin replied that is related to the lack of pipeline infrastructure.

He argued that once the pipelines underdevelopment are completed, the activity will ramp up and said Pennsylvania should take advantage of that now and look for opportunities for development. Rep. McCarter questioned how the administration will deal with increased production at a time when the Paris Accord is calling for less. Sec. McDonnell explained the department is working through its next version of the action plan, but said natural gas has traditionally functioned as a bridge fuel to get to the endpoints. He mentioned other uses, such as hydrogen vehicles, and said natural gas is a commodity and it will move.
Rep. Bizzarro pointed out Texas provides capital recovery costs and allowances for post recovery costs and asked if the administration would support that. Sec. Davin did not know, but said he would find out.

Gladys Brown, chairman, Public Utility Commission (PUC), noted the commission is agnostic about policies like a severance tax and provided an overview and update of the commission’s role regarding Act 13. She provided a history of Act 13, which directed the commission to calculate, collect, and distribute an impact fee. Brown noted that for 2015, the commission collected $187 million from 81 producers, which was distributed to about 1,500 unique entities. She referenced a performance audit of the commission’s Act 13 administration, which found the PUC accurately collected and applied the fee in accordance with Act 13. Further, the commission is working to enhance training per the recommendations of the audit.

Brown also discussed a Commonwealth Court decision from March 2017, which referred the commission’s order in the proceeding involving Snyder Brothers, Inc. She explained the issue related to the interpretation of a definition for a certain subset of stripper wells, because the commission found the definition ambiguous. The court disagreed and found that wells which do not produce more than 90,000 CF per day in any one month meet the definition and are therefore exempt.

The commission has filed a petition of allowance of appeal with the Pennsylvania Supreme Court, which is pending. The commission has also offered a legislative remedy, embodied in HB 1283, which revised the definition of stripper wells.

Matthew Knittel, director, Independent Fiscal Office (IFO), walked the committee through a production report released this morning. He reported that in the first quarter of 2017 production volume is up 1.8 percent for horizontal wells, the number of producing wells is up, and spud but not producing wells is falling as they are brought online and producing. Further, he explained most of the increased in production was from wells that were spud in 2016, but there is a drop off in production for those spud prior to 2015 which is as expected. Knittel also reported tabulations across counties, stating the top four account for two-thirds of production and most counties reported an increase in production. He confirmed Pennsylvania ranks second nationally in production, behind Texas, and its growth rate is 9.4 percent. Knittel also reviewed natural gas spot prices and noted the trend has been oversupply and low prices, but since October 2016 there has been an increase in spot prices and the latest read is $2.80/mmbtu and it appears to be holding.

Rep. Snyder was pleased the PUC is appealing the Commonwealth Court decision, which she said could have a devastating impact. She called the issue extremely important.

Rep. Pashinski looked at the chart of annual trends and received confirmation it is in “trillions.” Knittel said he would supply a market value on that.

Jim Welty, vice president of government affairs, Marcellus Shale Coalition, disagreed with arguments that Pennsylvania should have a severance tax because it is the only state that does not have one. He argued Pennsylvania does pay a severance tax, but it is called an impact fee, and that is paid on top of all the other taxes the industry pays. “The impact fee is a tax,” he stated, that he argued is equivalent to a nine percent severance tax. He argued the industry supports counties and the environment through the tax. Further, he argued it can be detrimental for a state to focus reliance on a severance tax, which can fluctuate. Regarding comparisons with Texas, Welty argued it is an unfair comparison because Texas is much more prolific, has a longer history of production, and has significant infrastructure that is “second to none.” He also looked at differences in the overall tax structures between the two states, calling Texas more business friendly in its structure, and said Pennsylvania’s regulatory structure presents barriers and unpredictability.

Todd Stager, associate vice president, Pennoni, a multidiscipline engineering consulting firm that provides engineering services to the oil and gas industry. He related the boom in the early years of development, but there was a downturn in workload in 2015 and revenues are now one percent of what they were in 2014. Stager lamented the “notorious” reputation of the high costs to operate in Pennsylvania and said depressed market prices plus regulatory problems in Pennsylvania have caused companies to invest elsewhere. He pointed to the lengthy permit process at DEP plus new air quality general permits the department is imposing on the industry. Stager objected to a new severance tax, stating Pennsylvania already pays a gas tax in the form of the impact fee and instead said the state should focus on making the commonwealth more competitive.

Kevin Sunday, director of government affairs, Pennsylvania Chamber of Business and Industry, testified “the serious fiscal and economic conditions facing this state demand our attention and collaboration,” but argued that higher energy taxes will not solve the state’s budget woes or encourage investment from businesses. He pointed out that only five other states collect more business taxes than Pennsylvania. He argued Pennsylvania’s tax climate will be worsened with a severance tax and the tax will reverse the current downward trend in electric and gas utility costs. Sunday urged the committee to concentrate on policies that will encourage job creation and drive economic growth.
Rep. Pashinski remarked on the need to find a balance on profits and taxes in the industry. Referencing production volume, asked the value of the five trillion cubic feet extracted from Pennsylvania. Welty explained value is volume multiplied by the price, but the problem is that the price is discounted more in Pennsylvania than anywhere else. He called for a discussion on how to get Pennsylvania competitive and growing, which requires infrastructure. He said Pennsylvania is received 53 percent of what everyone else receives for the same gas. The answer, he said, is the $1.31 price multiplied by five trillion.

Rep. Pashinski asked the lifespan of the gas under Pennsylvania. Welty suggested it is probably more than 100 years, but said Pennsylvania is not realizing the full potential because it does not have the policies needed to tap into the full resource.

Rep. Pashinski asked what percentage of companies are paying corporate net income tax (CNI) as opposed to the personal income tax (PIT). Welty did not have that data, but related how losses are calculated in and the effect of the recent depressed market. Rep. Pashinski argued that such comparisons would help clear up a lot of issues, stating he would like to see the profit margins. “We’re just looking for balance,” he emphasized. Welty replied “the bottom line” is Pennsylvania natural gas tax producers are paying those taxes and this discussion is about paying a tax on top of those taxes. Rep. Pashinski said “we have to see what the top number is.”

Rep. Costa noted references to the DEP permitting process and asked why it is so long. Sunday responded one of the major reasons is that the six regional offices inconsistently interpret regulations and further the central office frequently changes interpretations. He also mentioned a high turnover rate at the department. He was encouraged by the work of Sec. McDonnell. Rep. Costa asked what a reasonable amount of time would be. Sunday replied that depends on the complexity of the permit, but said general permits or permit by rule could bring the time down. He did not want to see a process that goes so fast it could not be defended. He suggested an erosion control permit should take about two weeks. Welty pointed out “these are permits that are stamped by professional engineers,” and argued they should be turned around “pretty quickly.” He said second-guessing engineers by bureaucrats is challenging.

Rep. Daley was pleased to hear DEP is actively working on IT, noting she sits on the Appropriations Committee and it is helpful to hear about the impacts on the industry. Further, she said her constituents are concerned about pipeline safety, but argued pipelines have a safer record than trains. She asked who can talk about safety of pipelines to assuage concerns.

Welty agreed pipelines are the safest method for transportation. He said the companies try to meet with stakeholders and communities to reach an understanding on the process. He pointed out pipelines are not new.

Speaking to combined reporting, Rep. Daley questioned whether the state knows who pays the CNI. She noted there are many potential taxes a company could pay, but they do not necessarily pay all the taxes. Welty discussed the restrictive net operating loss provisions and said companies are not making income yet. He said 2012 data showed billions paid by the industry in corporate taxes, but that will be lower now because of the net operating loss provisions. Sunday said combined reporting can consume a lot of resources and becomes case-by-case tax analysis. He did not think that is a fair direction to move in. Rep. Daley remarked on the need to find solutions to the budget problems that are fair and do not drive businesses out.

Rep. Markosek commented that part of the permit issue is manpower. He further agreed the industry does pay taxes, recalling the history that led to the impact fee, but said the issue is regarding the level of that taxation. Rep. Markosek also spoke about the coalition process to address transportation infrastructure through an increase in fuel taxes. He commented, “The entire budget is an infrastructure problem” now and said this is another time for another coalition to get together and find a solution. Welty pointed out that the Bureau of Oil and Gas at DEP does not receive General Fund dollars, but is funded by the industry, including $6 million each year from the impact fee as well as revenue from wellpad fees. He acknowledged Rep. Markosek’s concerns, but said the discussion needs to be about long term policies to avoid this situation in the future.

Rep. Markosek remarked on his desire for broad-based action, but indicated that is not an option. He welcomed further conversations.

Rep. McCarter also spoke about the many great needs in the budget, such as sewer and water projects. He also disagreed that the state has not acted to try to bring manufacturing jobs back, but said the attempts have not led to that and pointed to the growth of new industries including Marcellus drilling. Looking at the need for revenue and to balance environmental needs, he said that is part of the permitting process and public discourse. “It is not just one sided,” he said, and thus all these elements play together. He suggested working together will achieve balance to issue permits in a timely manner while protecting the environment. He reiterated that business taxation has been reduced in Pennsylvania and said that is being picked up by individuals. Sunday responded, “Nobody looks at Pennsylvania and goes ‘now, there’s a low tax state.'” He also indicated new industries will not choose to innovate in Pennsylvania if the government takes the stance of looking
at how it can wring more money out of new industries. He also pointed out Pennsylvanians are aging. Rep. McCarter said the conversation needs to continue, but “the reality is” in Pennsylvania there has to be a better balance in terms of corporate contribution to society.

Rep. Snyder lamented that Act 13 wasn’t an “impact tax” from the get-go. She noted she voted against a severance tax and asked about the governor’s proposals to lower the CNI and close the Delaware Loophole, which she said makes more sense. Sunday noted the language has not been introduced but said it includes combined reporting “which is a nonstarter.” Chairman Sturla pointed out that while only five states have more business taxes, there are also only five states with more population, thus he does not buy that as a reason why Pennsylvania is a high-tax state. He noted Pennsylvania has a low PIT, which a lot of businesses pay. Chairman Sturla then referenced Texas property taxes, which include above ground and below ground delineations, whereas Pennsylvania does not tax what is under the ground. He wondered if Pennsylvania should have a property assessment that recognizes the value that is under the ground. Sunday responded in the negative because the two are separable. Chairman Sturla proposed taxing mineral rights. Welty said the true value of gas does not come until it is downstream. Chairman Sturla questioned if it should be taxed when it comes out. Sunday disagreed and said the gas needs to get to the market and said that’s where revenue streams can be increased. He pointed out this is taxed in the manufacturing process. Chairman Sturla responded that a multinational corporation will claim to be based in Delaware and not pay taxes. Sunday indicated that’s a big conversation about tax policy. Chairman Sturla was open to conversations, but argued it needs to be taxed at some point in the process because currently the state gives away the resource and gets nothing for it. Welty disagreed with the approach of needing to get money from it when it comes out; it is not the commonwealth’s property, he argued, it is the individual that owns the right. Chairman Sturla questioned how the commonwealth exists if it never gets the tax off it. Welty spoke about the need to develop policies that lead to the use of that product in Pennsylvania. Chairman Sturla said he would support a structure whereby if the gas is used in Pennsylvania, it would not be subject to severance tax. But when it is taken out of Pennsylvania and the commonwealth does not get a portion, he argued, then that means sales and PIT taxes should also be eliminated. “That’s not how the world operates, though,” he said. He opined it is “nuts” to let the gas go overseas without Pennsylvania getting anything. Sunday pointed out the many professionals involved in getting the gas to that point, and questioned why we wouldn’t send gas to allies.

Chairman Sturla agreed, but said they should not get it for free. He also related an example of a property owner who lives in Florida and is thus paying income taxes in that state, and Pennsylvania receives no benefit from the gas’s extraction. He argued Pennsylvania should be able to realize some benefit from it. Welty responded Pennsylvania does benefit because they companies pay taxes. Chairman Sturla asked for proof showing the companies pay the CNI.

Continuing, Chairman Sturla recalled the origin of the Marcellus Shale industry and said the original documents were modeled on an expected severance tax. He argued the industry can profit at $2 and a five percent tax. Welty replied that does not matter when companies are receiving better pricing in other states. Chairman Sturla agreed the gas is trapped without pipelines and thus Pennsylvanians are benefiting from low prices, but argued that the day they are completed Pennsylvanians will see higher gas prices. Welty agreed the hope is that prices will rise when infrastructure is built. The chairman returned to his point that in other states that infrastructure is taxed and questioned if Pennsylvania should tax the value of the pipeline. Sunday called that a “terrible idea,” but did not know which states do. Welty disagreed with an approach that increases the cost of doing business in Pennsylvania. Chairman Sturla referenced HB 1054, which proposes a sliding fee that would have a higher fee as prices increase and would help those areas impacted by infrastructure. He wondered if the distribution of the impact fee should be reconsidered. Welty said it is predictable and reliable and should not be changed, or opportunities will be lost. Chairman Sturla noted the lack of support for the impact fee, though it was “the only thing we could get,” and asked if Pennsylvania is stuck with it. Welty disagreed that it lacked support. Chairman Sturla praised the industry, but did not think the gas should be given away.

Rob Altenburg, director, PennFuture Energy Center, testified a Pennsylvania is the only state that does not have a severance tax and said such a tax “is a common-sense application of ‘the polluter pays’ principle.” He also pointed out significant subsidies already benefit fossil fuels, such as permit exemptions or costs, like health care expenses, borne by Pennsylvanians. Altenburg cited a PennFuture study which found that $3.2 billion in annual subsidies are provided each year by Pennsylvania to fossil fuels. He argued that tax subsidies benefit natural gas companies whereas rebate programs like the PA Sunshine program are on-again, off-again and makes it difficult for businesses to cope as the incentives may be gone by the time employees are trained and hired. He conceded this, too, is a subsidy, but one that is “far more expensive and longer lasting” because its funds are never exhausted. Speaking to the constitutional protections for the environment, Altenburg concluded, “Pennsylvania’s ongoing failure to ensure adequate funding for environmental protections is a breach of that fiduciary responsibility. An extraction tax on natural gas could go a long way to correcting this error.”

Thomas Au, conservation chair, Sierra Club - PA Chapter, cited the recommendations of a 2011 report from the Citizens Marcellus Shale Commission, which included enactment of an extraction tax, assessment of gas reserves for property taxes, and eliminating exemption for natural gas on gross receipts tax. He cited increasing production and said tax reform is needed because the natural resources of the commonwealth belong to all Pennsylvanians, governments subsidize
energy development in many ways, and there are long term consequences from gas well drilling. Au supported legislation which would:
• Compensate agencies and municipalities for performing their duty to protect residents form nuisances arising from gas well drilling and production
• Adequately compensate the public for all the external costs of this industry
• Provide funding to compensate for long term environmental damage, while also protecting the state’s natural resources

Rep. McCarter noted the Mariner East II project is geared to transport gas to the southeast and down the Delaware River and asked if there has been any report on the potential impacts of that, both environmental and on national security. Altenburg confirmed security is a huge issue and said he could get copies of reports about it. He was not aware that hearings are part of the process. Au noted Mariner East is not part of the Federal Energy Regulatory Commission’s process because it is a liquid pipeline. Rep. McCarter asked about support for a severance tax. Altenburg replied it would be sufficiently used for environmental protections and discussed the difficulties in DEP to meet enforcement needs and permit timelines.

Chairman Sturla said he believes Pennsylvania should be drilling for natural gas and asked the panelists if they agree that it is part of a transition from coal and oil to solar and wind and that will take decades. Au disagreed with the suggestion, remarking on the potency of methane and also with the amount of leakage involved in producing natural gas. He said that leakage is not being addressed and the industry is resisting efforts to that end. “Unless the leakage problem is solved, we couldn’t support developing natural gas,” he said. Altenburg agreed natural gas is part of the mix, but said the question is how much it should be subsidized. He mentioned supply constraints that have led to problems on the electrical grid and said putting more gas on the grid will increase reliability concerns. He discussed the potential of rooftop solar and noted successes in other states in clean renewable generation.

Written testimony was submitted by Associated Petroleum Institute - Pennsylvania.

Senate Environmental Committee OKs Bills Extending Recycling Fee, Creating Lead Task Force

The committee met to consider legislation.

SB 144 Yaw, Gene - (PN 96) Amends Pennsylvania Sewage Facilities Act authorizing the inclusion of alternative systems in the site planning process. Effective in 60 days. - The bill was unanimously reported as committed.

Chairman Gene Yaw (R-Lycoming) said the Department of Environmental Protection (DEP) is neutral on the bill and PennFuture supports it. He opined the legislation is “really necessary.”

SB 497 Vogel, Jr., Elder - (PN 497) Amends the Solid Waste Management Act clarifying language under definitions. Adds “sizing, shaping or sorting of discarded material” under the term processing and adds “iron and steel slag” under residual waste if used onsite as a waste processing liming agent or managed as an item of commercial value. Effective in 60 days. - The bill was unanimously reported as amended.

A00937 by Vogel, was said to be technical by removing processing language from definitions at the request of DEP. The amendment was unanimously adopted.

On the bill as amended, Sen. Andy Dinniman (D-Chester) noted the support of the steel industry, but asked how the bill assists the industry. Sen. Elder Vogel (R-Beaver) explained this provides another means to use the material instead of sending it to a landfill; for example, he said it can be used by the Department of Transportation (PennDOT) as a road material.

Sen. Camera Bartolotta (R-Washington) noted PennDOT has said they can use it as an aggregate, but not for fill. She wished that in the future the department will also use it for fill.
SB 646 Killion, Thomas - (PN 734) Amends the Municipal Waste Planning, Recycling and Waste Reduction Act, in recycling fee, repealing the sunset on the fee and repealing provisions transferring funds to the Solid Waste Abatement Fund. Effective in 60 days. - The bill was unanimously reported as committed.

SR 33 Yudichak, John - (PN 481) Resolution establishing a two-member Senate task force on lead exposure and the hazards of lead poisoning. Provides the President pro tempore shall appoint one member and the Minority Leader shall appoint one member. Directs the Joint State Government Commission to establish an advisory committee to the task force and provides for its membership. Requires the commission, working with the advisory committee to conduct a comprehensive review and analysis of laws, regulations, policies and procedures of the Commonwealth and other states regarding an assessment of lead exposure as a public health concern. Further provides for the content of review and analysis. Also requires the commission to issue a report of the task force’s findings and recommendations to the Senate within 18 months of the adoption of the resolution. - The resolution was unanimously reported as amended.

Minority Chairman John Yudichak (D-Luzerne) noted similar legislation was moved out of the Senate last year, except that proposal included the House. This, however, is a Senate resolution solely.

A00985 by Yudichak, clarifies the membership to ensure all stakeholders are represented. The amendment was unanimously adopted.

Sen. Scott Martin (R-Lancaster) asked if there will be participation by local entities. Chairman Yudichak confirmed there will be a county or municipal official on the advisory committee.

Sen. Dinniman asked what the end result is hoped to be. Chairman Yudichak said the task force will assess the efforts of state agencies and school districts and also look at housing stock. He indicated the report will offer recommendations on how to improve efforts in terms of lead remediation.

******************************************************************************

HUMAN SOCIETY OF THE UNITED STATES HOLDS RALLY FOR PA HUMANE LOBBY DAY
By Jessica Richardson, PLS Intern
April 24, 2017

The Pennsylvania Humane Society of the United States (HSUS) today rallied on the Capitol steps in support of legislation against animal cruelty.

Pennsylvania State Director Kristen Tullo credited Lancaster County District Attorney Craig Stedman for his leadership and collaboration after the Libre’s Law case, noting he has worked closely on HB 1238. He has instituted animal cruelty training for police officers and implemented an animal cruelty tip line for animals and citizens, according to Tullo.

Stedman said when he saw the condition of Libre he knew that charges needed to be filed.

“There are countless other animals that do not have a voice in our halls of justice and cannot speak for themselves,” Stedman said.

Stedman explained it is a problem with laws and training. He said animal cruelty cases need to be treated more professionally and fairly. Stedman said he assigned a coordinator for animal cruelty cases in his county. He explained police officers wear so many hats but are not provided with training in animal cruelty.

“If we are putting increased burden on police officers then we should give them proper training,” Stedman said.

Stedman provided over four days of training for 150 officers through the HSUS. The training came out with great remarks, Stedman said. He stressed there is a correlation between animal abuse and violence towards people.

“Protecting animals is protecting the community and all the people in it,” Stedman said.

Stedman explained HB 1238 increases penalties for animal cruelty and gives district attorneys the ability to give input and background checks to humane society officers.

Sen. Richard Alloway (R-Franklin) received Libre’s Hero of the Year Award due to his help with building a connection between the HSUS and the general assembly, according to Tullo. Sen. Alloway was surprised with an appearance of students from Chambersburg Senior High School. Sen. Alloway thanked the members of the House of Representatives for their continued work on the bill.
“This day is about the dogs, animals and our pets,” Sen. Alloway said. “Libre is my hero.”

Tullo thanked Sen. Andrew Dinniman (D-Chester) for also introducing a bill that protects people and pets of domestic violence as well as a senate version of the Keeping Pets Out of Harm bill. Rep. Todd Stephens (R-Montgomery) also won an award for his work on introducing HB 1238, Tullo said. Rep. Stephens said there is still a lot of work but the presence today is a huge step in the right direction.

“I’m hoping 48 hours from now we will be celebrating the bill leaving the House and moving over to the Senate,” Rep. Stephens said.


Rep. Bizzarro received Humane Legislator of the Year for his introduction of HB 869 and for driving effective change for animals, according to Tullo. Tullo said the representative also has connected HSUS with local city government to establish a puppy bill ordinance in Erie.

“Keep pushing, keep being the voice for the voiceless,” Rep. Bizzarro said.

Rep. Bizzarro thanked HSUS and advocates. He said today is about the animals and HB 1238 needs to be passed. “I would like to give my personal gratitude because without you the Libres and Cordelias would remain voiceless,” Tullo said.

Also in attendance were Rep. Leanne Krueger-Braneky (D-Delaware), Sen. Mike Regan (R-Cumberland), Rep. Frank Farry (R-Bucks), Rep. Eddie Pashinski (D-Luzerne), Rep. Marty Flynn (D-Lackawanna) and Rep. Christopher Sainato (D-Lawrence).

**************************************************************************************************************

Joint Legislative Conservation Committee
3/20/17, 12:00 p.m., Room 8E-A, East Wing
By Mike Howells, Pennsylvania Legislative Services

The committee held its monthly Environmental Issues Forum, receiving an overview of the coal waste refuse to energy industry.

Chairman Hutchinson offered a brief overview of the legacy of Pennsylvania’s coal refuse, also known as boney piles, among other terms. He explained work of the refuse to energy industry and how the legislature, led by Sen. Don White (R-Indiana) and himself, last year established a tax credit program within the Tax Code to help recover some of the rising costs that have hampered the industry in recent years. He said those who support coal waste power plants hope the tax credit program is maintained for years to come.

George Ellis, executive director of the Appalachian Region Independent Power Producers Association (ARIPPA), offered his perspective on the economic and environmental benefits of coal waste to energy. He said it generated 1,419 megawatts overall in 2015, and explained coal waste to energy plants play a crucial role in environmental remediation by removing abandoned coal refuse piles from the landscape, reclaiming the underlying land and restoring impacted water sources. He pointed out wherever it is located in the state, coal waste eventually drains into one of several water basins. He pointed out coal waste to energy is designated as a Tier 2 alternative fuel source in Pennsylvania.

Ellis said the nascence of the technology can be traced to the 1970s, following the country’s oil embargo crisis, when an effort was made to expand the number of energy sources available. He said the industry matured in the late 1980s with 14 of 18 existing plants nationwide now located in Pennsylvania. He attributed the state’s pre-eminence in this regard to its legacy of coal mining. He noted the refuse piles all generally date to before 1977, when regulations were promulgated that largely halted their growth.

Outlining the benefits of refuse to energy, Ellis said the industry has burned as fuel more than 200 million tons of coal waste, restored more than 1,200 miles of streams, and represents a combined total value to the state of $780 million year according to Econsult.

He said the biggest single environmental benefit from the industry is water restoration, and the sector’s activities in that area equate to $16 million in water cleanup a year.
Ellis outlined the state’s current coal refuse inventory, according to the Department of Environmental Protection. He said there are 740 piles throughout coal fields with 52 actually on fire. All told he said the piles cover 10,000 acres and comprise at least 300 million tons of refuse. He said estimates vary as to how much remains, and the total ranges from 300 million to 1.5 billion tons more.

He told members if that remainder is not removed by the industry, it will probably not be removed by anyone. He said it is too costly for the estate to remediate.

Discussing impediments to the industry, Ellis said wholesale electricity prices are low, as is demand, which makes the cost of environmental remediation exceed the selling price of the electricity they generate. He said the shortfall comes to $5 per megawatt hour. He credited the legislature for enacting a tax credit last year to help the industry continue its work, and said he was assured last week by the Department of Economic Development (DCED) officials that the tax credit applications would be approved within a week.

Ellis remarked the proposal in the Wolf budget that would consolidate 19 tax programs, including theirs, and cut them by $100 million overall, is troubling. He said there is concern that the formula, as yet unavailable, would be subjective and the metrics for determining it would not include environmental improvement, putting theirs at a significant disadvantage.

Sean Lane, Executive Vice President for Government Affairs, General Counsel and Secretary, Olympus Power, offered the industry’s perspective of what the coal waste to energy industry does. He noted Olympus operates four coal refuse plants in Pennsylvania, and said coal refuse is a unique kind of power plant.

Lane explained coal refuse to energy is effectively an environmental remediation business that sells electricity to pay for itself. He said positive impacts are felt immediately by residents. “There’s nothing theoretical about a coal refuse pile,” he remarked.

Lane said no one really knows how big the problem is. He suggested there is probably about two billion cubic yards split evenly between the state’s anthracite and bituminous regions, not all of it recoverable.

Outlining challenges facing Olympus and the industry as a whole, Lane said that as a wholesale generator as opposed to a rate-based electric utility, the broad availability of shale gas has made things difficult in terms of pricing, while regulatory challenges have driven compliance costs up.

Further, Lane said the Pennsylvania, Jersey, Maryland Power Pool (PJM) is not a true neutral market, and instead has put its eggs in the basket of natural gas, to the detriment of alternatives such as hydroelectric, nuclear and coal.

Chairman Hutchinson asked what an “ideal” number would be in terms of tax credits for the industry. Ellis replied that the original number proposed, based on plants operating continually, was $45 million.

Senate Local Government Committee
3/28/17, 9:30 a.m., Room 8E-A East Wing
By Andreas Dienner, Pennsylvania Legislative Services
Video: (click here)
The committee met to consider legislation.

SB 5 Langerholc, Wayne (F) - (PN 470) Amends Title 53 (Municipalities Generally), in preemptions, providing for regulation of firearms and ammunition. The provisions of section 2962(g) (relating to limitation on municipal powers) and Title 18 section 6120(a) (relating to limitation on the regulation of firearms and ammunition) shall preempt and supersede any local ordinance or rule insofar as the local ordinance or rule is inconsistent with the provisions of section 2962(g) or Title 18 section 6120(a). The bill provides for relief to a person adversely affected. Effective in 60 days. - The bill was reported as committed with Minority Chairman John Blake (D-Lackawanna), and Senators Vincent Hughes (D-Philadelphia) and Judy Schwank (D-Berks) voting in the negative.

Sen. Wayne Langerholc (R-Cambria) explained the bill prevents municipalities from imposing ordinances pertaining to firearms and ammunition that are more restrictive than state law and provides those adversely affected by local regulations with the option to sue the municipality. He opined the bill is about uniformity.

Chairman Blake encouraged a no vote and indicated the governor has stated he will veto the bill if passed.

Sen. Schwank asked if anyone has been arrested as a result of the varying ordinances. Sen. Langerholc indicated there have been issues stemming from other violations committed and said he would provide further data. Sen. Schwank opined
the legislation is aimed at addressing a problem that does not actually exist. Sen. Langerholc responded by saying municipalities should not be superseding state law on firearm issues. He noted that the bill has a 60-day span before its effective date, giving municipalities time to revoke any ordinances in violation. Sen. Schwank concluded saying that seems like bullying to threaten municipalities with potential lawsuits. In response, Sen. Langerholc offered a hypothetical situation where a municipality would attempt to create its own crimes code varying from state provisions and said a unique firearms ordinance is similar in nature.

Sen. James Brewster (D-Allegheny) drew on his experience as the McKeesport mayor to voice support for the bill, stating that additional gun laws do not solve the problem as homicide incidents mostly involve illegally acquired firearms. He also said local ordinances can already be challenged by member organizations in court.

Sen. John Eichelberger (R-Blair) highlighted cases where individuals were cited to the tune of $50,000 in legal costs and reiterated that municipal law should not override state law when it comes to firearms.

Sen. Scott Martin (R-Lancaster) agreed, saying that laws not agreed with should be removed or changed by working with representatives in Harrisburg rather than local legislation.

A00528 by Hughes, removes the provisions of the bill regarding nullification of existing local ordinances regarding firearms and ammunition and adds language to make it clear that ordinances existing prior to the effective date of the bill would remain valid and not subjected to the provisions of the bill. The amendment was distributed.

A00530 by Hughes, removes membership organizations from the definition of “person adversely affected.” The amendment was distributed.

A00534 by Hughes, provides an exception to the municipal prohibition of local ordinances regarding firearms or ammunition to allow municipalities to enact local ordinances to prohibit the possession of firearms and ammunition on municipal owned property, which includes, but is not limited to, municipal buildings, libraries and parks. The amendment was distributed.

A00537 by Hughes, replaces the definition of “person adversely affected” with: a person who has resided in the political subdivision for no less than 12 months and is subject to any manner of regulation alleged to be promulgated or enforced in violation. The amendment was distributed.

Chairman Blake explained that Sen. Hughes had planned to offer four amendments but will be presenting them if the bill comes to the floor. He also noted various local government organizations that have voiced opposition to the bill, and indicated there is already a pathway for individuals to take citations to court if they have standing to do so.

****************************

2/28/2014

DCNR Budget Testimony Outlines Economic Benefits Of Recreation, Accomplishments

Drilling On DCNR Lands, Privatization Topics Discussed At House DCNR Budget Hearing

House DEP Budget Hearing Focuses On Safe Drinking Water, Permitting, Pipelines, Chesapeake Bay

DEP Budget Testimony Acknowledges Staff Deficiencies, Steps To Improve Permit Reviews

*************************************************************

Senator Environmental Resources and Energy Committee
2/6/17, 1:47 p.m., Hearing Room #1, North Office Building
By Aaron Rider, Pennsylvania Legislative Services

The committee held a public hearing on the impact of pharmaceuticals on Pennsylvania waterways.

Chairman Gene Yaw (R-Lycoming) opened the meeting by opining that everyone is contributing to pharmaceuticals in the water. John Arway, Executive Director of the Pennsylvania Fish and Boat Commission, testified broadly about the issue of
pharmaceuticals in waterways with specific reference to smallmouth bass in the Susquehanna River. Pharmaceuticals, are, he stated, entering waterways in low but meaningful doses through treated wastewater releases of personally ingested and processed chemicals as well as landfill leachates processed in sewage facilities. Arway also stated that the chemicals enter the water in the form of agricultural runoff from wastewater bio-solids used in farming. Fish, he said, are found to suffer from hormonal-modifying endocrine disrupting chemicals (EDCs) exposure “everywhere” in Pennsylvania as a result of these doses. Among the significant effects of EDCs, Arway said, scientists have discovered that between 90 and 100 percent of male smallmouth bass in the Susquehanna are suffering from an intersex condition where they develop female egg cells in their testis. Simultaneously, female bass are being found with abnormal proteins in their blood. To fix the problem, Arway recommended the implementation of two ideas: first, the installation of drug take-back boxes that will allow unused drugs to be incinerated rather than sent to landfills and, second, a relatively new kind of nitrifying sludge treatment that was, he said, successfully used in Canada to drastically improve wastewater treatment of EDCs.

Minority Chairman John Yudichak (D-Luzerne) asked if a migration pathway theory is being constructed by scientists to better understand how pharmaceuticals enter the waterways. Arway replied that the question would be better asked of upcoming testifier Dana Aunkst, Deputy Secretary for the Office of Water Programs for the Department of Environmental Protection (DEP).

Sen. Kim Ward (R-Westmoreland) queried as to how many people actually bring unused drugs to the drug take-back boxes.

Arway said that Geisinger Medical, which runs the program, would have an estimate, but that more people should certainly be using the boxes.

Dr. John Peterson Myers, CEO/Chief Scientist of Environmental Health Sciences, began his testimony by responding to Arway’s point about a Canadian wastewater treatment plant. This plant, he said, was exorbitantly expensive at more than $320 million. However, he said, Dr. Terry Collins of Carnegie Mellon University has developed an exciting and affordable technology to vastly improve wastewater treatment of pharmaceuticals. “If you do nothing else, have Terry Collins come here to tell you about what his technology does.” Moving on with his presentation, Myers stated that EDCs affect all Chesapeake Basin residents. For one thing, EDCs, he said, have very negative inter-generational implants on DNA in species at extremely low doses. Myers emphasized the good news, though, that scientific knowledge of the whole issue is improving. Also, the medical community is “getting on board” and consumers are beginning to demand more safety in pharmaceuticals. He stated that an economic demand by consumers for safer products, aided by the increased knowledge of chemists, may eventually work to reduce the problem. “If we both pursue the policy options and we arm consumers with knowledge about this, and give chemists the tools to make safer materials, we’re gonna have healthier people and healthier fish.”

Chairman Yaw commented that the whole problem is “almost bigger than I can fathom.” Myers replied, “It is a big problem, but we have to start somewhere. We have to start with the science.” He elaborated that science is providing public actors with a set of steps they can take to begin mitigating pharmaceuticals and EDCs in waterways.

Chairman Yudichak asked if it would be more cost effective to change the drugs themselves to make them safer. Myers answered that there is not one single answer, but that providing chemists with an economic incentive to make safer drugs is vital. “Right now, it’s never been their problem to figure out the consequences of their chemistry genius on people and fish.” Creating such an economic incentive would, in Myers’s opinion, be more effective than “fighting regulatory battle after regulatory battle. Those go on forever.”

The specifics of how drugs enter the waterways were explained in detail by Dr. Emma J. Rosi, Associate Scientist with Cary Institute of Ecosystem Studies. There are, she said, more than 1,467 pharmaceuticals in the United States, as well as thousands of personal care products such as insect repellents. These enter waterways directly from manufacturing facilities along streams, through personal use, through septic tanks, and by the application of bio-solids to farm fields. She said this is a “diffuse problem happening wherever there are people.” When various drugs enter rivers and creeks, they affect, said Rosi, algae, bacteria, and insects, causing the growth of toxic algal blooms and negative impacts upon insects. “Rivers now have a mix of drug ‘cocktails’,” she said. Rosi stated that, to solve the problem, society should collectively reduce use of drugs when possible. Also, private and public actors must encourage proper disposal of unused drugs and the growth of better private septic tank technology, and, finally, upgrade wastewater treatment infrastructure. The latter, she said, is “failing” badly across the country.

Chairman Yaw commented that the Conowingo Dam on the Susquehanna River was built in 1928, and opined that the sediment around it must contain dangerous compounds. “It’s almost a frightening thought as to what’s there.” Rosi answered that while she did not know the specifics of the Conowingo Dam situation, in general, “there’s a legacy of past use” found in such places where persistent chemicals like the anti-bacterial compound triclosan linger.

Deputy Director Dana Aunkst testified to provide information on DEP’s work so far to establish the extent of pharmaceuticals and personal care products in Pennsylvania’s waters. He said DEP studies have found that areas
downstream of wastewater treatment facilities are where drugs are found to be most concentrated, but that their presence is essentially ubiquitous.

“While we have collected a great deal of data in the form of water samples, and were able to determine that these compounds are present, additional research and analysis are needed to determine what effects they may be having on our environment and to public health,” concluded Aunkst.

Chairman Yaw stated that wastewater treatment is a major problem area and repeated that the committee should “probably talk” to the aforementioned Terry Collins. Aunkst replied that DEP has been following the work of Collins, but “we’re not doing very much good if we’re removing these compounds from the water column in a sewage treatment plant and putting them into the solids.” The best thing to do, he said, would be to remove the compounds from the sewage and incinerate them.

Chairman Yudichak asked what funds DEP has to perform the described work. Aunkst answered that DEP mostly uses its general fund to perform it. Chairman Yudichak then asked if there is any kind of conversation at the national or state level about the regulation of wastewater treatment plants. Aunkst was not aware of any such conversations.

Sen. Camera Bartolotta (R-Washington) asked Aunkst if there is a way to remove the pharmaceuticals from the water column, drying them, and incinerating them. Aunkst said he was unsure about Sen. Bartolotta’s exact meaning.

Sen. Elder Vogel (R-Beaver) inquired about leachates from landfills. Aunkst answered that most leachates in landfills are processed and discharged from wastewater treatment plants.

Sen. Scott Martin (R-Lancaster) commented that Aunkst’s presentation had given him a “whole new perspective” on the issue of chemical compound build-ups in the waters in and around Lancaster County and stressed the importance of a “comprehensive approach” to solving the problem.

Chairman Yaw then called upon Myers to answer Bartolotta’s earlier question about means of eliminating pharmaceutical waste products. Myers said, “Dr. Collins’s technology does not remove the pharmaceuticals from the water column - it destroys them.”

---

**Senate Committee: Exposure To Endocrine Disruptors Ubiquitous, Impacts Being Studied**

Executive Director Testifies on Pharmaceuticals Impact in Waterways

The [Senate Environmental Resources and Energy Committee](https://www.senatega.com) Tuesday held a public hearing on pharmaceuticals in Pennsylvania’s waterways with representatives of the Fish and Boat Commission, the Department of Environmental Protection and two scientists doing research on this topic.

[Click Here](https://www.youtube.com/watch?v=5Q5Q5Q5Q5Q5) to watch a video of the hearing

[John Arway](https://www.senatega.com), Executive Director of the Fish and Boat Commission, described how fish and aquatic life are impacted by complex mixtures of pharmaceuticals and other compounds released into waste streams and found in runoff from landscapes and urged the public to properly dispose of expired and unused medications.

The full text of Director Arway’s testimony can be found [here](https://www.senatega.com).

Video of today’s hearing can be found on the [website](https://www.senatega.com) of Sen. Gene Yaw (R-23), who chairs the committee with Sen. John Yudichak (D-14).

---

**Senate Environmental Committee Reports Out Bills On Natural Gas Royalty Reform**

1/24/17
Legislators Form House-Senate Climate Caucus
Posted: 25 Jan 2017 09:49 AM PST

Citing the very real threat posed by climate change, Rep. Steve McCarter (D-Montgomery), was joined Wednesday by legislators and advocacy groups to announce the formation of the bicameral Climate Caucus.

"With a new administration at the federal level, it’s now more important than ever for legislators to collaborate and share information and ideas concerning climate change and how its impact will affect Pennsylvania," Rep. McCarter said. "The Climate Caucus aims to provide a forum for discussion and to increase information so we as legislators can ensure we’re making informed decisions in the best interest of the environment and the people of Pennsylvania."

Rep. McCarter was joined by Representatives Mary Jo Daley (D-Montgomery); Leanne Krueger-Braneky (D-Delaware); Bob Freeman (D-Northampton); Donna Bullock (D-Philadelphia); Chris Rabb (D-Philadelphia); Greg Vitali (D-Delaware); Carolyn Comitta (D-Chester); and Mike Sturla (D-Lancaster).

"There's indisputable proof that our climate is changing at a rapid and unsustainable rate, and there are ways to protect our environment for current and future generations while also encouraging job growth, such as in the fields of clean energy and energy efficiency," Rep. Frankel said.

Legislators were also joined by the National Caucus of Environmental Legislators, the Environmental Defense Fund, PennEnvironment, PennFuture and the Sierra Club.

"Our climate is in a fragile state and it’s more important than ever that this caucus is formed to work hand-in-hand with environmental organizations, as well as underrepresented communities," Rep. Bullock said. "We need to protect our environment on a state level and then build upon that fight to make sure our voice is heard on a federal level."

The first organizational meeting of the Climate Caucus will be in February. All legislators from the House and Senate are invited to attend.

"Climate change isn’t just about changes in the weather – it impacts so many more facets of our day to day lives,” Rep. Krueger-Braneky said. "Agriculture, industry, our entire economy will be impacted if we don’t start working together and combating this problem."

"There’s no better time than the present to form this caucus and start this discussion," Rep. Comitta said. "Each day that passes with inaction is only furthering the damage to our planet and making the problem worse. It’s time that we began having these necessary dialogues to work toward a solution for climate change."

Rep. McCarter can be contacted by sending email to: RepMcCarter@pahouse.net or call 717-783-1079.

*****************************************************************

REP. MCCARTER JOINS COLLEAGUES ANNOUNCING CLIMATE CHANGE CAUCUS
January 25, 2017
By Eric A. Failing, Pennsylvania Legislative Services I

Rep. Steve McCarter (D-Montgomery) joined other legislators and environmental advocacy organizations today to announce the formation of a new bipartisan Climate Change Caucus.

He stated the purpose of the caucus is to provide a forum for education and the free flow of ideas to address climate change.

Rep. McCarter announced the caucus will be sending out invitations for legislators to join and will be holding periodic meetings and working on legislative responses to climate change. Acknowledging that the legislature in Harrisburg can’t solve this issue alone, he stressed they have to work together to be part of the world wide solution.

Rep. McCarter added that the caucus will not debate the truth of climate change because this is already settled science. He informed the audience that 2016 was the warmest year on record and the temperature has been rising for the past 20 years.
He warned of the dire impacts of climate change in the future including refugees, negative impacts on agricultural production and the destruction of low lying coastal areas.

He also worried about the impact of the US pulling back from the Paris Accords will have on Pennsylvania. Rep. McCarter stressed the need to address the issue of protecting the environment while safeguarding jobs.

The representative closed by opining that the impact of climate change will be felt the most by his grandchildren. He said the time to act is now.

Rep. McCarter also acknowledged and welcomed the presence of the National Council of Environmental Legislators, Penn Environment, PennFuture, the Environmental Defense Fund and the Sierra Club to the press conference.

Rep. Leanne Krueger-Braneky (D-Delaware) expressed her gratitude for being a part of the first Climate Change Caucus, arguing that this is an issue that impacts the environment, public health and the economy. She stressed that members have to stand up to the fossil fuel lobby with facts. She related how NASA reports the Earth has been warming since 1880 and has warmed the fastest in the past 35 years. Additionally, she reported that seas have risen seven inches in the last 100 years and that the top 2,300 feet of the ocean has warmed three tenths of a degree since 1969, which is enough to cause extinction of many aquatic species.

She stressed that climate change will create shortages of food and poor quality air will lead to increased rates of asthma, heart attacks, strokes, lung cancer, autism and premature births. Warning that some people will argue these facts don’t exist, she said the caucus will just have to work twice as hard to prove what is really occurring.

Rep. Mike Sturla (D-Lancaster) began by stating the Democratic caucus will work hard this session to present facts. He warned that alternative facts will be argued as well. He told a story about how an individual argued to him that natural gas and coal are renewable sources of energy since the world is only 6,000 years old and in another 6,000 years there will be more natural gas and coal.

Rep. Sturla then turned his attention to the media and asked them to not simply report climate change in a “he said, she said” format because 99 percent of scientists agree climate change is happening whereas only one percent claim it is not. Due to this gross discrepancy, he argued, writing in a fact, counter fact format makes it seem as though the science is equal on both sides.

He went on to state that people in many coastal areas know climate change is occurring. Rep. Sturla explained that the city of Miami, Florida, has a $4 billion program to pump water out of their drainage system because it keeps flooding. He said if climate change is not addressed, it will end up costing hundreds of millions if not billions of dollars in the future.

Acknowledging that society cannot wean off of natural gas and coal for another 30 years, he stressed the need to start that weaning process now.

Larry Schweiger, President of PennFuture, thanked the legislators for forming the Climate Change Caucus. He related how, as a lifetime hunter and angler, he has witnessed climate change firsthand, citing warmer weather at the beginning of deer season and retreating stocks of brook trout. He lamented that the spread of ticks to northern areas has been a result of climate change and explained that impacted him personally when his grandson was infected with Lyme’s disease.

Rep. Mary Jo Daley (D-Montgomery) stated that addressing climate change is sound economic, social and environmental policy. Arguing this is not a political issue, she said it is in everyone’s interest to reverse the impacts of manmade global warming because everyone is in it together. Increased numbers of pathogens, rising sea levels and other negative impacts of climate change will take many organizations and people to fix, she argued.

She added that she was a Girl Scout and that many female legislators are forming a Girl Scout troop at the Capitol. Rep. Daley recalled how in the scouts she learned to leave a place better than how it was found. She remarked this is a philosophy everyone should all adopt.

Jeff Mauk, Executive Director for the National Caucus of Environmental Legislators, explained that his caucus is comprised of legislators from all 50 states and both sides of the aisle. He stressed it exists as a platform to share ideas. According to Mauk, similar caucuses to the PA Climate Change Caucus are being formed right now in a variety of states across the nation in an effort to protect the health of individuals and address worsening issues of extreme heat, drought and rising sea levels. He argued that a shift in focus away from such issues at the federal level make it incumbent that they are tackled at the state level.

Rep. Donna Bullock (D-Philadelphia) commented that when she was first approached about joining the Climate Change Caucus she recalled the movie “The Day After Tomorrow.” She said that while seemingly a Hollywood movie to most, it is a reality to some. She lamented that rising sea levels often impact communities of color the hardest such as when Hurricane
Katrina struck several years ago. Higher food prices as a result of climate change will likewise disproportionately impact lower income communities, she added.

She stressed the impact on communities of color and other disadvantaged communities must be studied because they will bear the brunt of climate change.

Joanne Kilgour, Chapter Director for the PA Sierra Club, said climate change is one of the most challenging issues facing the state. She stated she was here to answer the call to action which means standing up for the most vulnerable communities; communities of low income, color, the elderly and the young.

Rep. Carolyn Comitta (D-Chester) stated there is no debate and that climate change is real. Citing increased instances of drought and severe weather, she championed the Climate Change Caucus as a place to facilitate the flow of information to address these issues and move solutions forward.

Remarking on the need to protect the environment, Rep. Comitta hoped the caucus would bring both sides of the aisle together to protect air, water and food supplies that are now being threatened.

Rep. McCarter acknowledged the presence of Representatives Brian Sims (D-Philadelphia), Christopher Rabb (D-Philadelphia) and Robert Freeman (D-Northampton).

Rep. Greg Vitali (D-Delaware) lamented that one percent of the world’s greenhouse gasses are emitted from Pennsylvania. He argued the importance of new legislation being offered to reduce methane emissions and that the Department of Environmental Protection (DEP) must have more “boots on the ground” if they are going to be able to enforce environmental regulations that already exist. Rep. Vitali explained that in 2002-2003, DEP had 3,000 employees but the department now only 2,414. He stressed that with a decreasing number of workers the department cannot enforce environmental laws and regulations.

He also warned that blindly expanding natural gas production at any cost must be reconsidered. He stated that scientists insist on the need to be carbon neural by the middle of the century and remarked this is a very hard goal when simultaneously pushing for natural gas expansion.

Rep. Vitali also worried about how the coal and natural gas industries have spent $60 million lobbying in PA and pay for 203 lobbyists.

Warning that this Climate Change Caucus will probably be playing more defense than offense on these issues, he congratulated the caucus for being bipartisan and opined the key to the success of the caucus is in educating legislators about the facts.

Rep. McCarter closed by saying there is a lot of work to be done on this important topic.