

Legislative Priorities

1. **Improving Pennsylvania's Water Rights** – The statewide committee should work with DEP, the broad spectrum of stakeholders, and the General Assembly to evaluate the current effectiveness and shortcomings of Pennsylvania's existing water rights and water withdrawal arrangements, and to develop recommendations for evolving those arrangements to a more consistent, secure and holistic approach. Once shortcomings have been identified, an evaluation of programs used in other states and compact commissions should be conducted to determine if those practices may serve as recommendations for a secure and sustainable water supply statewide. Based on that process, a report developed by the statewide committee in consultation with DEP on the relative merits of the identified options should be developed, and appropriate recommendations should be made to the General Assembly as to whether and how Pennsylvania's water rights system might be improved and made more efficient, effective, predictable, and secure.
2. **Outreach and Assistance to Public Water Suppliers** – The Governor and General Assembly should consider strengthening funding to programs that work with Public Water Suppliers and to programs that expand outreach particularly to smaller water suppliers needing help in assessing technical, managerial and financial challenges. Similar focused outreach and assistance efforts should be established to address the challenges faced by small wastewater systems.
3. **Funding for the Emerging Contaminants Program** – The General Assembly should consider providing additional funding support for financing and establishment of an Emerging Contaminants program.
4. **Additional Funding for Abandoned Mine Land (AML) Sites** – DEP should continue to support efforts, including federal legislation, that provide additional funding, in a set-aside account, for addressing AML sites.
5. **Additional Funding for Addressing Inactive, Abandoned, and Orphan Oil and Gas Wells** – DEP should continue to support efforts, including federal legislation, that provide additional funding for identifying and addressing oil and gas wells (inactive, abandoned, orphan) in order to expand the magnitude and scope of the work the agency is currently conducting. Examples of such legislation include bills that amend "Section 349 of the Energy Policy Act of 2005 (42 U.S.C. 15907)" by providing funding for the states for the following purposes:
 - To identify and characterize undocumented orphan wells on state and private land.
 - To rank orphan wells based on factors including: (I) public health and safety; (II) potential environmental harm; and (III) other land use priorities.
 - To decommission orphan wells located on state-owned or privately-owned land.
 - To make information regarding the use of funds received under the proposed federal bill available on a public website.

- To measure and track: (I) emissions of methane and other gases associated with orphan wells; and (II) contamination of ground water or surface water associated with orphan wells.
- To remediate soil and restore native species habitat that has been degraded due to the presence of orphan wells and associated pipelines, facilities, and infrastructure.
- To remediate land adjacent to orphan wells and decommission or remove associated pipelines, facilities, and infrastructure.
- To identify and address any disproportionate burden of adverse human health or environmental effects of orphan wells on communities of color, low-income communities, and tribal and indigenous communities.

It should be noted that DEP has been actively preparing for a prospective influx of funding from the federal level or other sources to take advantage of these potential opportunities.

6. **Private Water Well Construction Standards** –The General Assembly should be encouraged to protect existing and future uses of private wells and the groundwater resources upon which they rely, enact legislation to require proficiency-based licensing and certification of water well drillers, and to establish statewide private water well construction standards. Considering past significant adverse reactions to similar proposals, any proposed legislation should be preceded by a strategic campaign of educational outreach.
7. **Enhancing Flood Forecasting and Warning Systems** – The General Assembly should be encouraged to fund an enhanced Flood Forecasting and Warning Systems Mesonet, (or other applicable method) for all major river basins, utilizing a partnership of federal, state, and local governments.
8. **Increased Efforts to Protect Pennsylvania’s Floodplains:**
 - The General Assembly should enact amendments to the Flood Control Act to provide authority to DEP and other appropriate state agencies to consider and implement all potential flood control solutions, including non-structural alternatives and preventive approaches to reduce the risk of flooding; and allow all types of flood control solutions to be funded through the capital budget process.
 - DEP, in consultation with PEMA, should evaluate and provide recommendations to the General Assembly to enact amendments to Section 301(a) of the Flood Plain Management Act to consider expanding the list of floodplain obstructions that present a special hazard to public health and safety, that may cause significant pollution or that may endanger life and property. Additionally, such legislation should address rebuilding within the floodplain and include provisions for restoration and remediation of the floodplain to minimize future flood losses.
9. **Increased Efforts to Enhance Community Recovery Assistance Following Flood Events:**
 - The Governor, General Assembly, and all state agencies, should evaluate and adjust state funding programs to assure they offer a preference for locating or relocating

structures outside the floodplain. Where this approach is not feasible, approval to build or rebuild within the floodplain should include provisions for restoration and remediation of the floodplain to minimize future flood losses.

- The General Assembly should be encouraged to provide adequate budget funding for agency (DEP, CFC, PEMA) efforts and project funding and grants needed to meet the above floodplain goals and recommendations.
- The General Assembly should be encouraged to provide adequate budget funding for DEP to provide grants to meet annually-required structural improvements to existing flood control project infrastructure.

10. Sustainable Public and Private Stormwater Management Infrastructure –The General Assembly should be encouraged to authorize, by legislation, the creation and operation of local authorities, utilities, or management districts and/or other entities that are able to collect reasonable fees and generate sustainable revenues dedicated to planning, constructing, monitoring, maintaining, improving, expanding, operating, inspecting, and repairing public and private stormwater management infrastructure.

11. Water Resource Restoration –The General Assembly should be encouraged to fund, promote, and support water resource restoration projects through appropriate legislation.

- Water resource restoration projects to fund, promote, and support include, but are not limited to, the following:
 - Projects that reconnect streams to an active floodplain.
 - Projects that remove anthropogenic impairments such as legacy sediments along streams.
 - Projects that reestablish wetlands and restore degraded wetlands, especially in floodplains and in headwater areas.
 - Projects that remediate actively eroding streambanks and use native woody and herbaceous vegetation best management practices to stabilize soils and trap sediments.
 - Projects that restore riverine forms and processes while providing geomorphic stability, preventing head-cuts, bed scour, and other forms of channel degradation.
- Support for these types of projects should consider, but not be limited to, the following:
 - Increased funding to support DEP’s in-lieu fee program, including funds to establish initial credit-generating projects and for additional staff needed to administer the program.
 - Expedited\prioritized review and permit authorization by county and state agencies.
 - Increased density or land use zoning considerations at a local level.
 - Longer-term tax incentives or grant opportunities.

12. **Maintenance of the Stormwater Management Model Ordinance** –The General Assembly should be encouraged to adequately fund DEP to continue to maintain and update the Stormwater Management Model Ordinance to reflect Stormwater Best Management Practices Manual revisions and statutory amendments and to:
- Provide provisions for county- and watershed-level special protection initiatives, as deemed appropriate by the county’s commissioners.
 - Promote watershed-based stormwater management technical reviews for consistency with watershed planning efforts.
13. **Funding for Chapter 102 Compliance** –The General Assembly should be encouraged to fund DEP to enable adequate auditing and enforcement of municipalities such that proper operation and maintenance of existing and newly constructed post-construction stormwater management practices are assured for Municipal Separate Storm Sewer System (MS4) documentation and Chapter 102 compliance.
14. **Act 167 Program Funding** –The General Assembly should be encouraged to provide adequate budget funding for DEP efforts, project funding, and grants needed to address stormwater management goals and recommendations through Integrated Water Resource Planning by way of the Act 167 (Act 167 of 1978) program.
15. **The Pennsylvania Sewage Facilities Act (Act 537 of 1965), Business, and Water and Wastewater System Asset Management Plans** – The General Assembly and Executive Branch should consider and adopt appropriate legislation and policies that promote the preparation and implementation of water and wastewater system asset management plans, and which provide assistance to smaller systems to facilitate the development of such plans.
- PENNVEST currently supports the development and implementation of asset management plans through the provision of up to \$25,000 per project to funding recipients. Consideration should be given to increasing the maximum assistance for such plans to \$50,000. To the extent it is not already the case, as a condition of obtaining grant or loan funding for water and wastewater infrastructure projects, project funding recipients should be required to develop such asset plans within a prescribed time frame, so that there is reasonable assurance that the infrastructure being assisted will be maintained in a sustainable manner going into the future.
 - To assist smaller systems, DEP and PENNVEST should consider the feasibility of recruiting assistance from stronger, well-managed public sector and utility entities to contribute expert personnel to a peer mentoring and asset plan peer review program.
 - DEP should evaluate whether the Act 537 planning program can be adjusted to provide a more effective method for monitoring and assuring that wastewater systems are being properly managed and sustainably operated. Consideration should be given to amendments to 25 Pa. Code Chapter 71 to require municipalities as part of their Act 537 planning obligations to conduct periodic reviews of the sustainable management of systems within their jurisdiction, and to submit reports indicating findings and recommendations for improvements to assure ongoing viability of system operations.

- The water supply sector currently does not have a counterpart to the Act 537 planning program. DEP and the General Assembly should consider the experience of other states (such as Kentucky) in providing and funding a county-based planning program to identify, assess, and recommend needed improvements to existing water supplies.
- DEP's existing 25 Pa. Code Chapter 109 regulations governing community public supply water systems requires the submission of business plans for new community systems. Consideration should be given to whether, under the existing authority of the Pennsylvania Safe Drinking Water Program, the Chapter 109 rules might be amended to require that water systems submit periodic (e.g., every five years) updates to such business plans to demonstrate ongoing planning for and capability of providing safe and sustainable water supply services.