

NEWS & INSIGHTS

Prior to the summer recess, PA legislature moves on bills affecting water and wastewater authorities

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The legislature was busy prior to passing the 2021/2022 budget and recessing last Friday for the summer. The bills discussed may affect operations or finances at water or wastewater authorities.

The bill that crossed the finish line is **HB957**, known as the “Ghost Metering” bill. Rep. Dan Moul introduced the bill to address billing of master-metered multi-unit water customers. The original bill required that all multi-unit

dwellings had to be billed as a commercial customer unless the customer elected otherwise. The amended version of the bill, which was passed by the legislature and approved by the governor, is now Act 43 of 2021. The amended bill as passed authorizes a customer to submit actual usage and have it compared against the billed amount.

Companion bills in the House (**HB1170**) and the Senate (**SB478**) address the issue which occurs if an Authority advertises for *services* and receives no bids. SB478 amends Act 78 of 1979 to authorize political subdivisions and authorities to enter into contracts for services when two consecutive advertisements fail to induce bids. Act 78 authorizes political subdivisions, municipal authorities and transportation authorities to enter into contracts for the **purchase of goods and the sale of real and personal property** when no bids are received. The law's exclusion of services means that a political subdivision or authority has no recourse to complete a project for which a bid for services, including construction or repairs, has been sought and not received absent someone finally responding to additional bid requests or someone agreeing to do the project at a rate below the bidding threshold. SB 478 passed the Senate and sits in the House Local Government Committee. HB1170 has been considered once in the House and was referred to the Rules Committee.

House Bill 591, amends Section 402 of the Clean Streams Law (Act 394 of 1937) stating that a construction site operator "may apply to waive" a National Pollutant Discharge Elimination System (NPDES) permit in accordance with federal regulations (40 CFR 122.26(b)(15)(i)) as administered by the Department of Environmental Protection (DEP). This would apply to a construction site that results in land disturbance of more than one acre but less than five acres. HB591 was considered for the second time in the House prior to recess.

Senate Bill 545 directs the Environmental Quality Board (EQB) to establish spill reporting requirements that would clarify that accidental discharges that do not cause a violation of numeric water quality criteria do not constitute pollution nor subject the discharger to penalties. The bill was considered once in the Senate.

Finally, two bills (**SB 717** and **SB 718**) directed at the Environmental Hearing Board (EHB) and sponsored by Sen. Bartolotta were voted out of Committee and considered once by the Senate. SB717 directs that the standard for review by the EHB shall be exclusively limited to the record of decision before the DEP. Currently, the EHB's review is *de novo*. SB 718 shortens the term a judge serves on the EHB from six to five years. It will also require judges who desire to stay on for more than one term to be reconfirmed by the Senate after their term expires.

Seek government relations support

Saxton & Stump's [Regulatory and Government Relations](#) team is available to further discuss the impact of these potential changes and can help municipal water and wastewater authorities to ensure that their interests are represented.

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