

**Malady & Wooten, LLP**

Legislative Report  
December 6, 2013

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**Pennsylvania Golf Course Owners Association**

**LEGISLATIVE UPDATE**

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**Session Schedule:**

**2013 HOUSE SESSION SCHEDULE**

December	9, 10, 11, 16, 17, 18 (NV)
January	7 (NV), 13, 14, 15, 27, 28, 29
February	3, 4, 5
March	10, 11, 12, 17, 18, 19, 31
April	1, 2, 7, 8, 9, 28, 29, 30
May	5, 6, 7
June	2, 3, 4, 9, 10, 11, 16, 17, 18, 19, 23, 24, 25, 26, 27, 28, 29, 30

**2013 SENATE SESSION SCHEDULE**

December	9, 10, 11
January	7, 13, 14, 15, 27, 28, 29
February	3, 4, 5
March	10, 11, 12, 17, 18, 19, 31
April	1, 2, 7, 8, 9, 28, 29, 30
May	5, 6, 7
June	2, 3, 4, 9, 10, 11, 16, 17, 18, 19, 23, 24, 25, 26, 27, 28, 29, 30

## **DRBC UPDATES PCB AND PH WATER QUALITY CRITERIA FOR DELAWARE RIVER AND BAY**

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**(WASHINGTON CROSSING, Pa.)** -- The Delaware River Basin Commission (DRBC) at its December 4, 2013 business meeting adopted updated water quality criteria for polychlorinated biphenyls (PCBs) in the Delaware Estuary and Bay and also for pH in interstate tidal and non-tidal reaches of the main stem Delaware River.

The updated PCB criteria for the protection of human health from carcinogenic effects is 16 picograms/liter. This number, based upon the most current methodology and scientific data available, is now a uniform value for the entire Delaware Estuary and Bay (DRBC Water Quality Zones 2-6). The criteria previously varied according to the water quality zone, differed from that of the basin states, and did not take into account site-specific data and current U.S. Environmental Protection Agency (U.S. EPA) guidance on the development of human health criteria.

This update was originally proposed in 2009, but action was deferred pending further refinement of an implementation strategy to support achievement of the revised PCB water quality criteria. While comment on an updated implementation strategy was solicited simultaneously with the current PCB criteria revision, there was no planned commission action on the strategy.

The Delaware Estuary and Bay are considered impaired for PCBs, and the U.S. EPA has established total maximum daily loads (Stage I TMDLs) for these waterbodies. A TMDL expresses the maximum amount of a pollutant that a waterway can receive and still attain water quality standards. With DRBC's adoption of revised PCB criteria, it is anticipated that the U.S. EPA will establish new TMDLs (Stage 2 TMDLs) corresponding to the updated criteria. In the associated report announcing the Stage 2 TMDLs, the U.S. EPA will include the proposed implementation strategy as an appendix and will solicit comment on the report and strategy in 2014.

PCBs have been classified by the U.S. EPA as a probable human carcinogen. The U.S. banned the manufacture and general use of PCBs in the late 1970s, but not before 1.5 billion pounds of the substance was produced.

The updated PCB criteria was developed under the guidance of the commission's Toxics Advisory Committee, comprised of representatives of the four basin states - Delaware, New Jersey, New York, and Pennsylvania - and members of the academic, agricultural, public health, industrial and municipal sectors, and non-governmental environmental community. The rulemaking was noticed in the federal and state registers, with the full text of the proposed rule changes and related materials posted on the DRBC web site on August 1, 2013. A public hearing was held on September 10, with written comments accepted through September 20.

The commissioners at the December 4 meeting, which was held at the Washington Crossing Historic Park Visitor Center, also adopted revised pH water quality criteria for the main stem Delaware River and tidal tributaries up to the head of tide. DRBC's pH criteria have not been updated since being established in 1967. The old pH criteria were expressed as ranges and were different for the tidal (between 6.5 and 8.5) and non-tidal (between 6 and 8.5) river. The approved criteria range (between 6.5 and 8.5) is now uniform for the entire main stem Delaware (except towards natural conditions in certain sections of the river), minimizes regulatory inconsistencies between DRBC criteria and that of the basin states and the U.S. EPA, and better addresses natural pH cycles in the main stem Delaware River.

The revisions to the pH criteria were unanimously endorsed by the DRBC's Water Quality Advisory Committee, comprised of regulators, municipal and industrial dischargers, academicians, and environmental organizations, which advises the commissioners on technical matters relating to water quality within the basin. The rulemaking was noticed in the federal and state registers, with the full text of the proposed rule changes and related materials posted on the DRBC web site on September 20, 2013. A public hearing was held on October 24, with written comments accepted through November 21.

Additional information is available on the commission's web site at [www.drbc.net](http://www.drbc.net).

## **COSPONSOR MEMOS**

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Rep. Davis

- [Legislation Allowing Municipalities to More Broadly Define Hotels in Their Zoning Ordinances](#)

## **COMMITTEE MEETINGS**

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### **Joint Legislative Conservation Committee**

**MONDAY - 12/9/13**

**1:00 p.m., Room 8E-A, East Wing**

Environmental Issues Forum with a presentation by analyst and researcher Eric Jespersion entitled "Pennsylvania Water Data - Retrospective and Forward"

### **Senate Democratic Policy Committee**

**TUESDAY - 12/10/13**

**9:30 a.m., Hearing Room 1, North Office Building**

Joint policy roundtable discussion with the Senate Republican Policy Committee on the issue of property tax relief for Pennsylvanians, to examine ways of reforming the current system for homeowners, business owners & senior citizens facing property tax increases

### **Senate Finance**

**WEDNESDAY - 12/11/13**

**10:00 a.m., Room 8E-A East Wing**

To consider:

**SB 968 Vulakovich,  
Randy**

Amends the Tax Reform Code providing for a waterfront development tax credit.

## **COMMITTEE NEWS**

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### **Senate Appropriations Committee**

*12/3/13, 1:30 p.m., Rules Committee Conference Room*

**SB 814 Gordner, John** - (PN 1522) Amends the Board of Vehicles Act further defining "recreational vehicle show" and adding a definition for "out-of-state recreational vehicle dealer"; and further providing for grounds for disciplinary proceedings and for requirements for out-of-state recreational vehicle dealers for recreational vehicle shows, recreational vehicle off-premise sales, recreational exhibitions and recreational vehicle rallies. Effective immediately. (Prior Printer Number: 853) - The bill was unanimously **reported as amended**.

**A04527** by Gordner, was said to be technical. The amendment was unanimously **adopted**.

## **BILL REPORT**

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**\*ATTACHED TO THE REPORT\***

## STATE NEWS

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### PA LOTTERY MANAGER EFFORT HAS CLEAR PATH

A tentative agreement between the Corbett administration and a union representing state workers appears to have breathed new life into the governor's effort to hire a private manager for the Pennsylvania Lottery. A 20-year management agreement with Camelot Global Services, which operates the United Kingdom's lottery, has been stalled since February, when Attorney General Kathleen Kane announced that attorneys conducting a routine review of contracts had concluded the deal would violate state law.

### NOVEMBER SLOT MACHINE REVENUES DROP

Total revenue from slot machines in Pennsylvania casinos is down more than 1 percent from a year ago. The Pennsylvania Gaming Control Board said Wednesday revenue fell 1.3 percent in November compared to the same month in 2012. The slot machines brought in just under \$190 million, and generated \$102 million in tax revenue.

### CORBETT: GRANTS AREN'T SAME OLD WAMS

In the latest clamor over WAMs, Gov. Tom Corbett and legislative aides say it is wrong to call grants in the \$2.3 billion transportation bill that Corbett signed "walking-around money." The Commonwealth Financing Authority, or CFA, meets publicly to approve or reject projects, lists approved projects on its website and makes applications available for public review, said Erik Arneson, a Senate Republican spokesman. "That process is open and transparent by any measure and is far different than previous programs colloquially known as WAMs."

## IN THE NEWS

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### CBF Issues Statement on Release of Bay Barometer

(ANNAPOLIS, MD)—The Chesapeake Bay Foundation's Senior Water Quality Scientist Beth McGee issued this statement following the release of the Chesapeake Bay Program's [Bay Barometer](#).

"This report is a sobering reminder that although we have made progress in reducing pollution, we still have a long way to go to restore local rivers, streams, and the Chesapeake Bay.

"Because some factors influencing restoration progress, like rainfall and lag times, are beyond our control, we must focus on factors we can control. Efforts to restore wetlands and forested buffers are far behind what is needed to achieve the 2025 goals. Local jurisdictions need increased support to reduce urban and suburban polluted runoff, the only major pollution source continuing to grow. And more progress must be made to reduce pollution from other sources, including agriculture, septic systems, air, and sewage.

"The need to increase the pace of pollution reduction should be a "call to action" for the upcoming meeting of the Executive Council. When it meets next week, the Executive Council must reaffirm its commitment to the [Chesapeake Clean Water Blueprint](#) and implementing the required practices by the 2017 and 2025 deadlines. Taking these actions will reduce the risk to human health, create jobs, and leave a lasting legacy for future generations."

12-06-2013 **City council approves storm water fee**  
Hazleton City Council took the first step toward adopting a budget for 2014 that reduces property taxes and avoided temporary layoffs for city employees. Council also approved a storm water fee for 2013 only, which will be assessed at a rate of \$25 per "equivalent runoff unit."... - [Hazleton Standard-Speaker](#)

12-04-2013 **Robert Morris cutting 7 sports at end of school year**  
When sophomore golfer Gianna Pro received a text message Tuesday about a meeting with Robert

Morris University President Gregory G. Dell'Omo and Director of Athletics Craig Coleman, she knew the news wasn't going to be good. Pro said rumors had been floating around campus in recent days about... - [Pittsburgh Tribune-Review](#)

12-03-2013 **School district seizes golf course**  
Phoenixville's Meadow Brook Golf Club will close in days. But the 80-year-old business hasn't scheduled an auction or liquidation sale. Last week, lawn mowers were still parked in the barn. Liquor bottles filled a shelf behind the bar. Pressed polo shirts hung in the pro shop.... - [Philadelphia Inquirer](#)

## WEEK IN REVIEW

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12-06-2013 **Corbett seeks federal nod for Medicaid plan**  
HARRISBURG -- After months of discussion, the Corbett administration today will begin seeking approval of its plan to use federal money to provide private health insurance to the working poor. Instead of making half a million low-income Pennsylvanians eligible for... - [Pittsburgh Post-Gazette](#)

12-06-2013 **Some Pennsylvania highways will see 70 mph speed limits next summer**  
The billions of dollars for road projects in the new state transportation law isn't the only factor that could speed up traffic on Pennsylvania highways. Deep in the details of the new law is a provision raising the state's maximum speed limit to 70 mph. Some roads could see higher speed limits by... - [Reading Eagle](#)

12-05-2013 **Pa. to vie for Boeing plant**  
Pennsylvania is among the states hoping to compete for a Boeing aircraft assembly plant.... - [AP](#)

12-05-2013 **Highways chief defends Pa.'s new road-revenue**  
Transportation Secretary Barry Schoch said Wednesday that opposition to a new law that raises billions of dollars in higher fees and taxes to fund transportation needs has not surprised him, and has been countered by support from those who believe passage of the legislation was... - [AP](#)

12-04-2013 **Pennsylvania State Senate leader's study request opens door to next wave of gambling expansion**  
Call it a preview of coming attractions, but another round of gambling expansion may be on Pennsylvania's legislative agenda as early as spring 2014. It's far too early to speculate on possible outcomes, but here's how the table is being set: \* One of the Capitol's most powerful lawmakers is calling for a... - [Harrisburg Patriot-News](#)

12-04-2013 **AFSCME warming up to outsourcing of Pennsylvania Lottery's management**  
Officials from the American Federation of State, County and Municipal Employees Council 13, which has a lawsuit pending against the commonwealth over the lottery privatization, have been in talks with the Corbett administration about a way to work out their differences.... - [Harrisburg Patriot-News](#)

12-03-2013 **Pa. state revenues slightly ahead after 5 months**  
HARRISBURG, Pa. — Pennsylvania's tax collections are slightly above projections, according to the latest figures from the Revenue Department... - [AP](#)

12-03-2013 **Small games of chance law to affect local bars, restaurants**  
New legislation will allow sports fans to participate in small betting pools as they get ready to gather at their favorite local bar later this month to watch the college football bowl games. Gov. Tom Corbett signed into law Wednesday legislation allowing commercial... - [Pottsville Republican and Evening Herald](#)

12-02-2013 **750,000 Pa. hunters open 2-week rifle deer season**  
Warmer than average temperatures and mostly clear weather was expected as an estimated 750,000 hunters take to the woods as deer rifle hunting season opens in Pennsylvania.... - [AP](#)

12-02-2013

**State legislators look ahead to pension reform**

One down, two to go. When 2013 began, Gov. Tom Corbett identified three items that were crucial to getting the state on the right track — a new transportation funding plan, an overhaul of the public pension systems and getting Pennsylvania out of the booze business.... - [Lancaster Intelligencer Journal](#)