

**Malady & Wooten, LLP**

Legislative Report  
September 13, 2013

For questions, contact:

**Drew Lyons**

Phone: 717.236.9600

Email: [dlyons@malady-wooten.com](mailto:dlyons@malady-wooten.com)



**Pennsylvania Golf Course Owners Association**

**\*PLEASE NOTE\***

Due to staff vacation, your weekly legislative report will not be sent out on Friday, September 20<sup>th</sup>. Committee meetings scheduled for the week of the 23<sup>rd</sup> will be monitored by members of the staff. Reports will resume on Friday, September 27<sup>th</sup>.

If you have any questions or need further assistance please contact the office at 717-236-9600. Thank you.

**LEGISLATIVE UPDATE**

---

**Session Schedule:**

**2013 HOUSE SESSION SCHEDULE**

September 23, 24, 25, 30  
October 1, 2, 15, 16, 17 (NV), 21, 22, 23  
November 12, 13, 18, 19, 20  
December 9, 10, 11, 16, 17, 18 (NV)

**2013 SENATE SESSION SCHEDULE**

September 23, 24, 25, 30  
October 1, 2, 15, 16, 21, 22, 23  
November 12, 13, 18, 19, 20  
December 3, 4, 9, 10, 11

## **PENNSYLVANIA BULLETIN ANNOUNCEMENTS**

---

### **DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

#### **Notices**

[Allegheny Headwaters Watershed Conservation Plan](#)

[Brokenstraw Creek Watershed Conservation Plan](#)

[Catawissa Creek Watershed River Conservation Plan](#)

[Conservation and Natural Resources Advisory Council meeting](#)

[Lower Mahoning Creek Watershed Conservation Plan](#)

[Mahanoy Creek Watershed Conservation Plan](#)

[Newtown Creek Watershed Conservation Plan](#)

[Request for bids](#)

[Slippery Rock Creek Watershed Conservation Plan](#)

## **PENNVEST, DEP ANNOUNCE RESULTS OF FORWARD NUTRIENT CREDIT TRADING AUCTION**

Next Auction Planned for Nov. 6

HARRISBURG, Pa., Sept. 12, 2013 /PRNewswire-USNewswire/ -- The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection, along with financial information services company Markit, held their third "forward" auction on Sept. 11 for the sale and purchase of nutrient credits in Pennsylvania's Chesapeake Bay watershed.

A "forward" auction means that the certified credits sold on Sept. 11 will be delivered later and applied to the 2013-15 compliance years. The auction affords wastewater treatment plants and other regulated entities the opportunity to purchase credits to meet their nitrogen and phosphorus discharge limits for these compliance years.

"PENNVEST's and DEP's commitment to helping Pennsylvania meet its nutrient discharge goals for the Chesapeake Bay watershed were further enhanced by this auction," PENNVEST Executive Director Paul Marchetti said. "We continue to work together and with all parties interested in trading to create a cost-effective and useful tool for Pennsylvania communities, farmers and, most importantly, our rivers, streams and ultimately the Bay."

PENNVEST hosts the auctions to encourage the trading of nutrient credits in the Susquehanna and Potomac watersheds. DEP's nutrient credit trading program offers an economical way for facilities that are subject to nitrogen and phosphorus limits to meet those limits by working with other facilities, non-point sources or both.

For its auctions, PENNVEST is supported by Markit, which provides the platform for enrollment and eligibility, auctions and registry services. Markit provides operations and infrastructure services to environmental programs worldwide.

This was a two-round auction, with the first round being held in the morning and the second in the afternoon. In the first round, the following credits were bought and sold:

- Susquehanna nitrogen, 2013: 55,000 credits for \$2.46 per credit
- Susquehanna nitrogen, 2014: 1,000 credits for \$2.87 per credit
- Susquehanna nitrogen, 2015: 3,000 credits for \$2.87 per credit
- Susquehanna phosphorus, 2013: 800 credits for \$2.33 per credit

In the second round, the following credits were bought and sold:

- Susquehanna nitrogen, 2013: 1,000 credits for \$1.36 per credit
- Susquehanna nitrogen, 2014: 1,000 credits for \$2.38 per credit
- Susquehanna nitrogen, 2015: 1,000 credits for \$2.38 per credit

PENNVEST encourages the trading of nutrient credits by acting as a clearinghouse in the credit market, entering into contracts to buy and sell credits. By participating in these transactions, PENNVEST provides market certainty to buyers and sellers, which encourages more activity in the market. Hosting periodic auctions is one way for PENNVEST to facilitate these nutrient credit trades.

PENNVEST's next auction is scheduled for Nov. 6. This will be a "spot" auction of verified credits to be applied toward meeting nutrient discharge limits during the 2013 compliance year. The enrollment period for that auction is expected to begin on Sept. 25.

For more information, visit [www.pennvest.state.pa.us](http://www.pennvest.state.pa.us) or call 717-783-4493.

## **DRBC EXECUTIVE DIRECTOR TO RETIRE IN MARCH 2014**

---

**MOUNT LAUREL, N.J. (Sept. 12)** – Delaware River Basin Commission (DRBC) Executive Director Carol R. Collier today announced that she will be retiring on March 12, 2014. The public was informed during the executive director's report presented at the commission's business meeting, which was held at the Mount Laurel Campus of Burlington County College.

"I have served as executive director for 15 years and believe that is long enough for the good of the person and the position," Collier said. "It has truly been an honor to serve the basin community."

"Throughout my travels, I have witnessed firsthand that DRBC is seen as the model for effective trans-boundary water management around the world," Collier added.

Ms. Collier was sworn in as the commission's third executive director on August 31, 1998, becoming the first woman to head an interstate-federal compact agency. The first challenge facing her was a multi-year drought which started very soon after she began her DRBC duties.

Reporting to and carrying out the policy directions of the four basin states and the federal government which comprise the DRBC, Collier managed the commission's professional staff consisting of 39 full-time employees. During her 15-year tenure, the list of notable accomplishments achieved by the DRBC included the following:

- Expanded coverage of the commission's Special Protection Waters (SPW) regulations by permanently adding the 76-mile-long stretch of the Lower Delaware. SPW designation, intended to "Keeping the Clean Water Clean," now includes the entire non-tidal Delaware River from Hancock, N.Y. south to Trenton, N.J.
- Led efforts to develop the technical basis for PCB total maximum daily loads (TMDLs or "pollution budgets") in the tidal Delaware River/Bay along with the implementation strategy to address point (end-of-pipe) and non-point (runoff) sources of PCBs in this 133-mile-long

stretch of water. These efforts included the rule establishing innovative pollutant minimization plan (PMP) requirements, which led to the top ten dischargers that once contributed 90% of the point source PCB loadings into the estuary reducing their loadings by 46% since 2005.

- Completed the Water Resources Plan for the Delaware River Basin in 2004. The “basin plan” is a 30-year goal-based framework that serves as a guide for all governmental and non-governmental stakeholders whose actions affect water resources in the basin.
- Issued “State of the Basin” reports in 2008 and 2013, which describe current conditions and provide a platform for measuring and reporting future progress.
- Ten months after the Delaware River Basin Interstate Flood Mitigation Task Force was convened by DRBC staff at the direction of the basin state governors, an action agenda with 45 recommendations for a more proactive, sustainable, and systematic approach to flood damage reduction was presented to the governors in July 2007. The task force was formed following three Delaware River floods that occurred between September 2004 and June 2006.
- Building upon its previous water conservation program accomplishments, the DRBC in 2009 implemented a new water audit approach to identify and control water loss.

A common thread that ran throughout Collier’s years as executive director is a belief that DRBC be viewed as having an open mind and an open-door policy. She has been dedicated to finding ways to engage stakeholders and other interested persons in basin issues and problem-solving efforts.

“Before I retire in six months, my hope is that the DRBC will be able to complete a number of actions,” Collier said. “These include adoption of the PCB standard and implementation strategy for the Delaware Estuary, progress toward a one discharge permit program, reinstatement of fair share funding from the federal government and New York State, and defining a strategy for natural gas in the basin.”

“It will be most difficult leaving the incredible DRBC staff members,” Collier added. “They are the most competent and dedicated people I have ever worked with.”

Prior to taking the top staff position with DRBC, Collier served as executive director for Pennsylvania’s 21<sup>st</sup> Century Environment Commission at the request of Governor Tom Ridge and was regional director of the Pa. Department of Environmental Protection Southeast Region. Collier also worked 19 years with BCM Environmental Engineers, Inc., where she advanced to the position of Vice President of Environmental Planning, Science, and Risk.

Ms. Collier is currently the national president of the American Water Resources Association, a professional organization dedicated to the advancement of water resources management, research, and education.

Information about the search for a new executive director will be posted on the commission’s web site at [www.drbc.net](http://www.drbc.net) as soon as it becomes available.

## **COMMITTEE HEARINGS**

---

### **House Appropriations (PUBLIC HEARING)**

**TUESDAY - 9/17/13**

**9:00 a.m., National Park Service Museum & Visitors Center, Boeing Conference Room, 2nd Floor, 1195 Baltimore Pike, Gettysburg**

Public hearing on agricultural issues and tourism

### **House Agriculture and Rural Affairs**

**FRIDAY - 9/27/13**

**11:00 a.m., Bloomsburg University, Assembly Room, Upper Campus, 400 E. Second St, Bloomsburg**

Joint public meeting with House Tourism and Recreational Development

Committee to discuss the impact of the Bloomsburg Fair on agriculture and tourism

## **BILL REPORT**

---

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

## **STATE NEWS**

---

### **FLIGHT 93 HEROES HONORED AT NATIONAL MEMORIAL**

The chimes of the bells of remembrance broke the silence on Wednesday morning at the Flight 93 National Memorial in rural Somerset County for several hundred visitors who gathered to honor those who died Sept. 11, 2001, aboard United Airlines Flight 93. It was the 12th annual ceremony at the site where the commercial jetliner en route from New Jersey to San Francisco was forced down by 40 passengers and crew members, thwarting a terror attack on Washington.

### **FALL SESSION MAY REVIVE TRANSPORTATION FUNDING DEBATE**

It has been more than two months since a proposal to raise billions to improve roads, repair bridges and support mass transit stalled amid the flurry of deal making that accompanies the Pennsylvania Legislature's annual budget debate. Since then, the Transportation Department announced new weight restrictions on about 1,000 state and local bridges, and the Senate Transportation Committee has held a series of hearings around the state to warn of the dangers of inaction on transportation infrastructure.

### **REP. HESS' SEAT TO REMAIN VACANT UNTIL AFTER NOVEMBER**

The House seat vacated by the death of Representative Dick Hess must remain empty until after November's general election due to state laws governing special elections. A special election to fill Hess' 78th District seat in central can't be held for at least 60 days after his death, under state law.

## **IN THE NEWS**

---

### **SRBC MEETING SEPTEMBER 19 IN BINGHAMTON, APPOINTING NEW EXECUTIVE DIRECTOR, VOTING ON 26 WATER WITHDRAWAL AND USE APPLICATIONS**

HARRISBURG, Pa. – The Susquehanna River Basin Commission (SRBC; [www.srbc.net](http://www.srbc.net)) is conducting its next public business meeting on Thursday, September 19, 2013, 9:00 a.m., Binghamton State Office Building, Warren Anderson Community Room (18th Floor), 44 Hawley Street, Binghamton, N.Y. 13901.

The commissioners will act on 26 project applications (1 involving an into-basin diversion), 3 project rescissions, the appointment of Andrew D. Dehoff as executive director, a resolution delegating regulatory authority to the executive director, and contracts and grants.

SRBC also will recognize retiring Executive Director Paul O. Swartz and offer a presentation on the Whitney Point Adaptive Management Plan, which describes the goals and sampling design of the downstream environmental restoration plan for Whitney Point Lake in Broome County, N.Y., begun cooperatively in 1996 by SRBC, U.S. Army Corps of Engineers, New York State Department of Environmental Conservation, and others.

Opportunities for public comment on project applications were provided previously; therefore, SRBC will not be accepting public comment at the meeting.

- 09-12-2013 **Property tax hearing highlights problems, solutions**  
POTTSTOWN — Property taxes and education funding — two inseparable subjects of debate in Pennsylvania for more than a decade — were front and center when the House Democratic Policy Committee brought its regional road trip to the Pottstown campus of Montgomery County Community College.... - [Pottstown Mercury](#)
- 09-11-2013 **Debate on property taxes disappoints many**  
A debate between state Reps. Jim Cox and Kerry Benninghoff on school property tax elimination Tuesday night left many in attendance disappointed. For the most part, the event hosted by the Berks Tea Party at the Deluxe Restaurant in Cumru Township contained little to no actual debate between... - [Reading Eagle](#)
- 09-10-2013 **We need comprehensive river study in Valley**  
I'd like to address my call for a comprehensive low flow scientific study of the Susquehanna River in the Hummels Wharf area of the river. The purpose of the study would be to establish baseline data of what contaminants presently exist in the river and their levels measured during... - [Sunbury Daily Item](#)
- 09-09-2013 **HUSKEY: The apples and oranges of property tax relief**  
I like apples and oranges, but there's really no comparison, is there? Other than the fact that they both grow on trees, what do you really have? Apples are hard and crunchy and sweet, oranges are soft and mushy and tart, for the most part. I thought about the analogy after last week's interview with state... - [Norristown Times Herald](#)

## WEEK IN REVIEW

---

- 09-13-2013 **Pa. Board of Education OKs Common Core standards**  
HARRISBURG The State Board of Education approved a controversial plan Thursday to require all Pennsylvania students to pass proficiency tests in science, math, and language arts before graduating. The 13-4 vote to approve the so-called Common Core standards came after state officials said... - [Philadelphia Inquirer](#)
- 09-13-2013 **Quad State lawmakers share Interstate 81 concerns**  
Waynesboro, Pa. — In an informal setting Wednesday, legislators from Pennsylvania, Maryland and West Virginia discussed the importance of improving public safety along the Interstate 81 corridor, among other issues plaguing their respective states. Wednesday marked the 24th Quad State Legislative Conference at the... - [Waynesboro Record Herald](#)
- 09-12-2013 **New rule takes effect for jobless benefits in Pennsylvania**  
HARRISBURG, Pa. (AP) — People applying to the state for unemployment benefits will now have to register on a state job-searching website to receive compensation pay... - [AP](#)
- 09-12-2013 **Affordable Care Act in Pa: What does the law mean for Pennsylvanians?**  
Digital First Media Oct. 1 marks the beginning of open enrollment under the Affordable Care Act, also known as "Obamacare." That's the day when you'll be able to start shopping for plans through the health insurance exchanges, or marketplaces. Coverage under those plans... - [York Daily](#)
- 09-11-2013 **Emotional colleagues, friends say farewell to late representative**  
SAXTON - Guests stood along walls, and flower arrangements spilled onto windowsills at Trinity United Church of Christ, where more than 200 people - including a collection of state officials - gathered Tuesday for veteran state Rep. Dick Hess' funeral. In eulogies and hushed conversations at the Saxton church, colleagues... - [Altoona Mirror](#)
- 09-11-2013 **Feds won't let Corbett keep children in CHIP if Pennsylvania expands Medicaid**

The Obama administration has informed Gov. Tom Corbett that if Pennsylvania expands Medicaid as called for in the Affordable Care Act, about 50,000 children with lower incomes will have to switch from CHIP to Medicaid. Corbett opposes moving children out of Pennsylvania's popular CHIP health... - [Harrisburg Patriot-News](#)

- 09-10-2013 **[New Pa. bridge weight limits bring concerns](#)**  
New weight limits on local bridges could leave a fire truck stranded on the wrong side of Willow Run in Lower Gwynedd Township. Or a heavy truck in Philadelphia unable to take Spring Garden Street across the Schuylkill. Or a school bus in Chester County forced to detour on its route to students'... - [Philadelphia Inquirer](#)
- 09-10-2013 **[Pa. lawmakers eye bills to thwart corruption](#)**  
HARRISBURG — News headlines in recent years haven't boded well for public trust in Pennsylvania's public sector, Rep. Daryl Metcalfe said Monday during a hearing to discuss tightening ethics rules. More than three dozen public officials with ties to the Capitol have faced... - [Levittown Bucks County Courier Times](#)
- 09-09-2013 **[Allentown mayor, a Democrat, to run for governor](#)**  
PHILADELPHIA (AP) - Allentown Mayor Ed Pawlowski will seek to become the next governor of Pennsylvania, joining what could be a crowded race for the 2014 Democratic nomination... - [AP](#)
- 09-09-2013 **[Rep. Dick Hess dies after surgery](#)**  
BEDFORD - Dick Hess, the Republican state representative who served Bedford County for more than 26 years, died Friday at a Pittsburgh hospital from complications related to leg surgery. Colleagues said Hess, 74, died at UPMC Shadyside hospital surrounded by... - [Altoona Mirror](#)