

# — PA — Environment Digest

*An Update on  
Environmental  
Issues in  
Pennsylvania*

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Edited By David E. Hess, Holston & Crisci

October 31, 2005

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## Going “Batty” for Halloween

Halloween is not only about tricks and treats, ghosts and goblins, it’s also about bats!

Pennsylvania is home to [nine species of bats](#) that may be scary to look at, but perform a very valuable function—they eat at least 25 percent of their body weight in insects like mosquitoes at every feeding.

In fact, a growing number of people are [building bat houses](#) to attract bats to help control insects.

But bats can occasionally cause [homeowners problems](#), especially in the fall of the year when they are looking for places to hibernate.

Among the nine bat species in Pennsylvania, the [Indiana bat](#) is recognized as endangered both by the state and nationally.

The Game Commission has been actively preserving hibernation sites for the Indiana bat in an [old mine and abandoned church](#) near Canoe Creek State Park. You can view the Canoe Creek site through a [special Batcam](#) during times when the bats are not hibernating.

To learn more about bats, visit the [Season of the Bat](#) produced by the GreenTreks Network and the Game Commission’s [Pennsylvania Bats webpage](#).

## Session Schedule

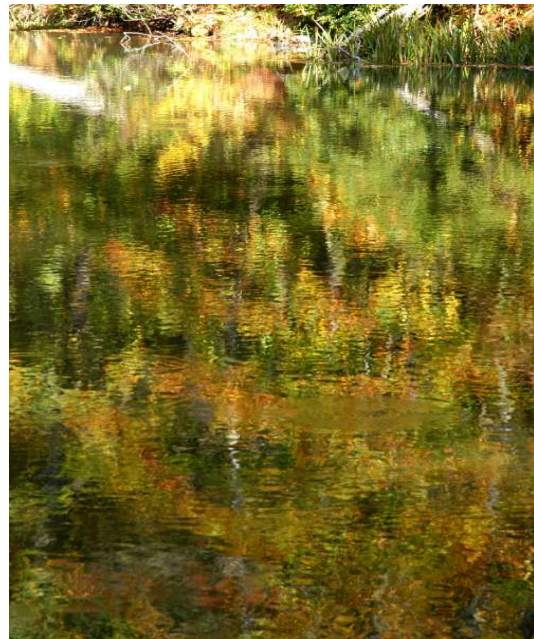
The Senate and House both return to regular and special session October 31.

## On the Hill

- On the Senate/House Agenda

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**A true Fall watercolor along  
the Pumphouse Trail,  
Laurel Hill State Park.**

*Photo by Karen Hohman*

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## On the Hill

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### On the Senate/House Agenda

The Senate and House Calendars and committee schedules include a number of environmental bills and issues. Here's a rundown...

The Senate Calendar starts the week with [House Bill 87](#), which further authorizing local governments to preserve open space through the waiver of certain service fees, on the Calendar. The House Calendar has these bills -- [House Resolution 368](#) authorizing a study of flooding in the Little Lehigh Creek, [House Resolution 382](#) urging Congress to reauthorize the Abandoned Mine Reclamation Fund.

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The Senate Environmental Resources and Energy Committee is set to consider legislation to promote waste tire recycling- [House Bill 1114](#), creating a Forestry Task Force- [Senate Resolution 137](#) and a Sewage Management and Treatment Task Force- [House Resolution 88](#), the Senate State Government will consider [Senate Bill 897](#) and [Senate Bill 881](#) making changes to Eminent Domain Code in response to the *Kelo* decision of the U.S. Supreme Court and Senate Appropriations will consider [Senate Bill 940](#) which would set aside up to \$200,000 per year from the Agricultural Conservation Easement Purchase Fund to reimburse Land Trusts for expenses incurred in acquiring agricultural conservation easements

The House Environmental Resources and Energy Committee will hold their second Energy Policy information meeting to hear presentations on renewable energy sources and energy efficiency.

### **Senate Environmental Committee Set to Consider Waste Tire, Forestry, Sewer Bills**

The Senate Environmental Resources and Energy Committee, chaired by Sen. Mary Jo White (R-Venango) and Sen. Ray Musto (D-Luzerne), is scheduled to meet on November 1 to consider several bills and resolutions—

- [House Bill 1114](#) (Yudichak-D-Luzerne) – amendments to the Waste Tire Recycling Act;
- [Senate Resolution 137](#) (Madigan-R-Bradford) – re-establishing the Forestry Task Force supported by the Joint Legislative Air & Water Pollution Control and Conservation Committee; and
- [House Resolution 88](#) (Hutchinson-R-Venango) – establishing a Sewage Management and Treatment Task Force supported by the Joint Legislative Air & Water Pollution Control and Conservation Committee.

### **House Energy Policy Meeting To Focus on Energy Efficiency, Renewables**

The House Environmental Resources and Energy Committee, chaired by Rep. Bill Adolph (R-Delaware) and Rep. Bud George (D-Clearfield), will hold the second of their Energy Policy information meetings on November 1 to hear presentations on energy efficiency and renewable sources of energy. Presenters include—

Bill Prindle - American Council for an Energy Efficient Economy, discussing the importance of Energy Efficiency;  
Roger Clark - Sustainable Energy Fund, Renewable Energy; and  
James H. Cawley, Vice-Chairman, Public Utility Commission, providing the PUC view of renewable energy sources and energy efficiency.

The Committee's next Energy Policy information meeting will be November 16 and scheduled to provide remarks is Department of Environmental Protection Secretary Kathleen McGinty.

## House Committee Extends Recycling Fee, OK's Environmental Education Center

The House Environmental Resources and Energy Committee this week reported out five bills—

- [House Bill 1902](#) (Rubley-R-Chester) extending the \$2 per ton recycling fee and requiring that Section 904 Recycling Performance Grants be spent on efforts to promote recycling and waste reduction. The Committee amended the bill to remove the sunset date on the recycling fee entirely and require municipalities receiving Recycling Performance Grants of more than \$10,000 to have waste and recycling services created by ordinance and meet more specific rules to spend the funds to promote waste reduction and recycling.
- [Senate Bill 410](#) (M.White-R-Venango) establishing the Pennsylvania Center for Environmental Education in law;
- [House Resolution 382](#) (Frankel-D-Allegheny) a concurrent resolution urging Congress to reauthorize the Abandoned Mine Reclamation Fund;
- [House Bill 1051](#) (Sturla-D-Lancaster) establishing the Adopt-a-River Program in the Department of Conservation and Natural Resources; and
- [House Resolution 368](#) (Reichley-R-Berks) urging the Corps of Engineers to look into wet weather problems in the Little Lehigh Creek Watershed in Berks and Lehigh Counties.

## Attempts Made to End Emissions Inspection, Prohibit California Car Standards

The House Transportation Committee considered bills that were introduced just this week that would end the vehicle emissions inspection program and prohibit Pennsylvania from adopting California car emissions standards.

[House Bill 2140](#) (Baldwin-R-Lancaster), which would end the vehicle emissions inspection program on December 31, 2006, was considered by the Committee, but not reported out.

Opponents of the bill pointed out that Pennsylvania could lose \$1.6 billion in federal highway construction funds if the program were ended without imposing additional emission controls on businesses or other sources to make up for the lost emission reductions.

In addition, since Pennsylvania's emissions inspection program was the result of the settlement of a lawsuit in Federal Court against the Commonwealth by environmental groups, the Court could order a resumption of the program to fulfill the state's commitment under the federal Clean Air Act.

[House Bill 2141](#) (Geist-R-Blair), which would prohibit the Environmental Quality Board from adopting California vehicle emission standards, was reported out.

A third bill, [House Bill 2142](#) (Baldwin), which would make vehicle safety inspections every other year, was not reported out of Committee. (The emissions and safety inspection program are tied together in some areas of the state where visual inspection of air pollution control equipment is required as part of the safety inspection, but where no stand-alone emission inspection is required.)

Ending the emissions inspection program and making the vehicle safety inspection program every other year were on a list of fall legislative priorities announced by House Republican Leadership this week.

**NewsClips:** [GOP Bill Eliminates Auto Emissions Inspection](#)  
[Bill to End Emissions Tests Stalls in Panel](#)  
[Lawmakers Move to Block California Car Emission Standards](#)

### House Republicans Unveil Fall Legislative Priorities

House Republican Leaders Speaker John Perzel and Majority Leader Sam Smith this week unveiled their [Caucus legislative priorities](#) for the fall.

While noting that one environmental initiative— a Growing Greener bond issue— was already accomplished, the priority list included several items related to the environment—

- Creating an Agriculture Preservation Property Tax Assistance Rebate;
- Use Realty Transfer Tax revenue from the sale of farmland for preservation efforts;
- Creating a farm to school program to promote local markets for farm products;
- Create joint state-local agricultural land preservation easements; and
- Creating a state energy policy

Also included on the Republican's agenda were cuts in business and personal income taxes, protecting private property rights during eminent domain proceedings and eliminating the vehicle emission inspection program.

### Senate/House Bills Moving Last Week

Legislation moved this week involving land trusts, downtown relocation, and eminent domain. Here are the details...

#### In the Senate

**Land Trust Reimbursements:** [Senate Bill 940](#) (Waugh-R-York) which would set aside up to \$200,000 per year from the Agricultural Conservation Easement Purchase Fund to reimburse Land Trusts for expenses incurred in acquiring agricultural conservation easements was referred to Senate Appropriations.

**Downtown Relocation:** The Senate Community and Economic Development Committee reported out [House Bill 218](#) (Reed-R-Indiana) making changes to the Downtown Relocation Act and then referred the bill to Senate Appropriations.

**Eminent Domain:** The Senate Majority Policy Committee held a public hearing on [Senate Bill 881](#) (Piccola-R-Dauphin) amending the Eminent Domain Code to respond to the Supreme Court's *Kelo* decision. Providing comments were Sen. Piccola, the Institute for Justice, National Federation of Independent Businesses, PA Builders Association, PA League of Cities and Municipalities, PA Association of Redevelopment Authorities, Philadelphia Redevelopment Authority, State Grange, Farm Bureau and Commonwealth Foundation.

**NewsClips:** [State Ponders Curbs on Government Taking of Property](#)  
[Editorial: Eminent Domain](#)

## In the House

**Eminent Domain:** [House Bill 2019](#) (Grell-R-Cumberland) (as amended) and [House Bill 2054](#) (Grell-R-Cumberland) amending the Eminent Domain Code to deal with *Kelo* Supreme Court decision on eminent domain were reported from House Judiciary Committee.

## Next Environmental Issue Forum Nov. 14, New Environmental Synopsis Available

The [Joint Legislative Air and Water Pollution Control and Conservation Committee's](#) next Environmental Issues Forum will be held on November 14.

The Committee will welcome Paul Zeph, Project Director of Audubon [Pennsylvania's Kittatinny Ridge Project](#). Zeph will provide an overview of the Kittatinny Ridge (also known as Blue Mountain and North Mountain), which winds 185 miles through 11 counties in Pennsylvania and is an extremely important habitat area for many forms of wildlife, an important recreation corridor (it's home to part of the Appalachian Trail) and a valuable source of drinking water for thousands of Pennsylvanians.

In addition, Zeph will introduce Audubon PA's statewide "[Important Bird Area](#)" program (the Kittatinny Ridge is the state's largest IBA), and discuss how Pennsylvania's other ridges have similar value for wildlife and people.

The [October issue](#) of the Joint Committee's Environmental Synopsis is also now available online.

The topics covered include a visit to the PENNTAP Program and the Recycling Markets Center, combined sewage overflows, scrap recycling, carbon dioxide emissions from cars and vehicle fuel economy.

## Bills Introduced

**Deep Mine Safety:** [Senate Bill 949](#) (Kasuni-D-Somerset) amending the Bituminous Coal Mine Act to provide improved coal mine safety as a result of the Quecreek Mine accident.

**Hybrid Tax Exemption:** [House Bill 2124](#) (Payne-R-Dauphin) exempting hybrid vehicles from sales tax.

**Hybrid Vehicle Purchases:** [House Bill 2128](#) (Payne-R-Dauphin) requiring the Commonwealth to purchase hybrid vehicles so that in five years 50 percent of purchases will be hybrids.

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## In Other News

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### **Growth, Resource Conservation Principles Released by Rendell Administration**

The Pennsylvania Governor's Economic Development Cabinet this week announced a set of [principles and criteria](#) that will be used by state agencies to guide investment and support local growth and economic development across the Commonwealth.

The principles and criteria were developed over two years by the Interagency Land Use Team, a working group of the Economic Development Cabinet. Agencies now will begin implementing the principles and criteria by applying them to significant programs over the next six months and eventually expanding their application to all relevant programs.

The 10 principles are:

**Redevelop first** -- Support revitalization of Pennsylvania's many cities and towns and give funding preference to reuse and redevelopment of "brownfield" and previously developed sites in urban, suburban, and rural communities.

**Provide efficient infrastructure** -- Fix it first: use and improve existing infrastructure. Make highway and public transportation investments that use context sensitive design to improve existing developed areas and attract residents and visitors to these places. Require private and public expansions of service to be consistent with approved comprehensive plans and consistent implementing ordinances.

**Concentrate development** -- Support infill and "greenfield" development that is compact, conserves land, and is integrated with existing or planned transportation, water and sewer services, and schools. Foster creation of well-designed developments and neighborhoods that offer healthy lifestyle opportunities for Pennsylvania residents.

**Increase job opportunities** -- Retain and attract a diverse, educated workforce through the quality of economic opportunity and quality of life offered in Pennsylvania's varied communities. Integrate educational and job training opportunities for workers of all ages with the workforce needs of businesses. Invest in businesses that offer good-paying, high-quality jobs, and that are located near existing or planned water & sewer infrastructure, housing, existing workforce, and transportation access (highway or transit).

**Foster sustainable businesses** -- Strengthen natural resource-based businesses that use sustainable practices in energy production and use, agriculture, forestry, fisheries, recreation and tourism. Increase our supply of renewable energy. Reduce consumption of water, energy and materials to reduce foreign energy dependence and address climate change.

**Restore and enhance the environment** -- Maintain and expand land, air and water protection and conservation programs. Conserve and restore environmentally sensitive lands and natural areas for ecological health, biodiversity and wildlife habitat.

**Enhance recreational and heritage resources --** Maintain and improve recreational and heritage assets and infrastructure throughout the commonwealth, including parks and forests, greenways and trails, heritage parks, historic sites and resources, fishing and boating areas and game lands offering recreational and cultural opportunities to Pennsylvanians and visitors.

**Expand housing opportunities --** Support the construction and rehabilitation of housing of all types to meet the needs of people of all incomes and abilities. Support local projects that are based on a comprehensive vision or plan, have significant potential impact (e.g., increased tax base, private investment), and demonstrate local capacity, technical ability and leadership to implement the project.

**Plan regionally, implement locally --** Support multi-municipal, county and local government planning and implementation that has broad public input and support and is consistent with these principles. Provide education, training, technical assistance, and funding for such planning and for transportation, infrastructure, economic development, housing, mixed use and conservation projects that implement such plans.

**Be fair --** Support equitable sharing of the benefits and burdens of development. Provide technical and strategic support for inclusive community planning to ensure social, economic, and environmental goals are met.

Accompanying the criteria for investment are [project-specific measures in nine categories](#) that will help achieve the state's development and conservation goals. They are to be used to evaluate various project proposals in all agency programs. The criteria supplement, but do not replace, agency program guidelines.

Also announced was a [joint agreement among 10 state agencies](#) detailing how they will work with local governments when there are issues of consistency related to county and local or multi-municipal plans and ordinances. The land-use agreement creates a process to ensure that consistent county and local planning and zoning are considered in state agency permitting and funding decisions. This has long concerned county and local governments.

Agencies that signed include: the departments of Community and Economic Development, Conservation and Natural Resources, Environmental Protection, Transportation, Agriculture and Education, the Pennsylvania Infrastructure Investment Authority, the Public Utility Commission, the Pennsylvania Historical & Museum Commission, and the Pennsylvania Emergency Management Agency.

For more information and links to these documents, visit [DEP's Public Participation Center webpage](#).

### **Land Use Planning and Technical Assistance Grants Available**

The Department of Community and Economic Development announced it is accepting applications for a revised [Land Use Planning and Technical Assistance Grant Program](#). There is no specific deadline for applications.



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The Program provides financial assistance to municipalities and counties for the purpose of developing and strengthening community planning and management capabilities.

The Program has three programs: Community Planning Program; Implementation Program; and the Transit Revitalization Investment District Planning Study Program.

For more information, visit the [Land Use Planning and Technical Assistance Grant Program webpage](#) or contact the Governor's Center for Local Government Services toll-free at 888-223-6837 or 717-783-1402.

### Farmland Preservation Program Adds 3,200 acres, 30 farms in October

Pennsylvania's [Farmland Preservation Program](#) added 3,219 acres and 30 farms to the over 2,700 preserved so far through the program last week.

With the additional 30 farms, Pennsylvania has preserved 2,717 farms totaling 311,679 acres.

The latest farms are in 14 counties: Berks, Bucks, Chester, Cumberland, Dauphin, Indiana, Lackawanna, Lancaster, Lebanon, Lehigh, Northampton, Perry, Schuylkill, Tioga and York. Fifty-five of Pennsylvania's 67 counties are currently enrolled in the program.

The Pennsylvania Agricultural Conservation Easement Purchase Program was developed in 1988 to help delay the loss of prime farmland to non-agricultural uses. The program enables state, county and local governments to purchase conservation easements from owners of quality farmland.

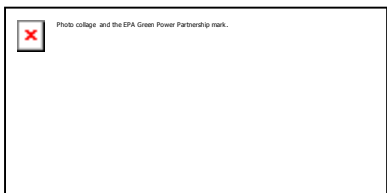
### Sustainable Agriculture – Community Forestry Symposium November 17

“Forestry Spin-Offs,” a Sustainable Agriculture and Community Forestry Symposium, will be presented at the Delaware Center for Horticulture on November 17. The event is cosponsored by the Valley Forge Chapter Society of American Foresters.

Workshop presentations will include programs on trees and urban stormwater management, the restoration of Valley Creek, new tools for risk assessment, log procurement and fine hardwoods, architectural woodworking and challenges of managing deer locally.

For more information, contact Judi Fabres, College of Agriculture, Delaware State University, 301-857-6462 or send email: [dmeyer@desu.edu](mailto:dmeyer@desu.edu).

### EPA Green Power Partnership Tops 3 Billion Kilowatts, 13 PA Partners



The U.S. Environmental Protection Agency's [Green Power Partnership](#) with 600 partner organizations, including 13 companies, agencies and schools in Pennsylvania, are purchasing more than 3 billion kilowatt hours (KWh) of green power annually, enough to power 300,000 American homes each year.

This EPA voluntary program standardizes green power procurement as part of best practice environmental management. Partners in the program pledge to switch to green

power for a specified minimum percentage of their electricity needs in return for EPA technical assistance and recognition.

Green power is electricity generated from environmentally preferable, renewable resources such as mainstream the purchasing of green power electricity generated by renewable energy sources including solar, wind, water (hydro), geothermal, biomass (combustion of organic materials) and biogas (combustion of naturally-produced methane). Green power currently accounts for just 2 percent of America's electricity supply, but voluntary purchasing of renewable energy is accelerating the development of new renewable energy sources.

The voluntary green power market currently supports over 2,200 megawatts of new renewable generating capacity.

The Green Power Partnership has grown dramatically since it was launched with 21 Founding Partners in 2001. The 3 billion KWh purchased by the partnership has doubled in the past 15 months and grew 10-fold over the past four years.

Green Power Partners in Pennsylvania include: Eastern University, Independence Mall Philadelphia, Juniata College, U.S. Mint – Philadelphia, Carnegie Mellon University, University of Pennsylvania, Sun & Earth, Pennsylvania State University, Pennsylvania Turnpike Commission, Citizens for Pennsylvania's Future, Meyer Associates and the Commonwealth of Pennsylvania.

For more information, visit [EPA's Green Power Partnership webpage](#) and for a more on individual partner commitments, visit the [Green Power Partners page](#).

### **Green Power Awards to Be Given to Leaders in Clean Energy Policy, Practice**

Thirty individuals, private industries, government agencies and public interest organizations will receive Green Power Awards at an awards luncheon November 2 sponsored by [Citizens for Pennsylvania's Future](#).

"This year's array of winners illustrates the depth and breadth of support for green power in Pennsylvania," said John Hanger, president and CEO of PennFuture. "From the policymakers of both parties who passed our landmark new energy law to the purchases, sellers and supporters of clean renewable energy, our awardees prove that renewable energy is not only the energy of the future – it is a true growth industry for our state."

A special award is being given to Gov. Rendell, for his leadership in passing of the groundbreaking renewable energy legislation, the Alternative Energy Portfolio Standards Act of 2004.

In addition to Governor Rendell, individuals and organizations receiving the awards include:

**Green Power Policymakers of the Year:** Rep. Chris Ross (R-Chester); Senator Edwin 'Ted' Erickson (R-Delaware); Rep. Michael Veon (D-Beaver) and Rep. William F. Adolph, Jr. (R-Delaware).

### **Green Power Purchasers of the Year (Large Businesses):**

- [Alcoa](#), the Pittsburgh-based Fortune 100 company, which purchased 100 percent renewable energy for its four corporate offices;

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- [PECO Energy](#) of Philadelphia, which purchased 10 percent of the company headquarters' electricity needs from wind power;
- [GlaxoSmithKline](#), for purchasing 10 percent PECO WIND for the company's Philadelphia office building;
- [Aqua America](#), for purchasing 100 percent wind power for the company's headquarters and two other administrative buildings in Bryn Mawr; and
- [Pennsylvania-American Water Company](#), for purchasing 100 percent wind power for its Yardley plant.

### **Green Power Purchasers of the Year (Small Businesses):**

- Idyll, Ltd., the Media-based travel agency, for purchasing 100 percent renewable energy;
- [Ternary Software, Inc.](#) of Exton, for purchasing 100 percent wind power;
- Rx Restaurant of University City in Philadelphia, for purchasing 50 percent wind power;
- Chloe Restaurant of Old City neighborhood of Philadelphia, for purchasing 50 percent wind power;
- [Levin Furniture](#), for installing a solar-powered roofing system that provides 10 percent of the Monroeville (Allegheny County) store's electricity needs; and
- [Camphill Village Kimberton Hills](#), an eastern Pennsylvania farming and handcrafting community that includes adults with developmental disabilities, for installation of an 8.3kW solar photovoltaic system on a newly constructed garage.

**Green Power Purchaser of the Year (Religious Organizations):** [Convent of Divine Love of the Holy Spirit Adoration Sisters](#), for purchasing 100 percent wind power for their Philadelphia convent.

### **Green Power Purchaser of the Year (State and Local Government):**

- Department of Conservation and Natural Resources, for purchasing 1.36 million kWh of wind power for the new [Tom Ridge Environmental Center in Erie](#); and
- [Indiana Township](#) (Allegheny County), for installing a five-kilowatt solar facility at the Indiana Township Municipal Plaza.

### **Green Power Educational Institutions of the Year:**

- [St. Francis University](#) in Loretto (Cambria County) for the Center for Collaborative Conservation and the Wind WATCH (Wind Assessment Technology for Communities and Homeowners) program;
- [Lutherlyn Environmental Education Program](#) in Prospect (Butler County) for its environmental education program, and for Terra Dei Homestead, its green model home; and
- [Radnor Township School District](#) in Wayne, for the new solar photovoltaic system installed on Radnor Elementary School.

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**Green Power Awards for Contributions to Wind Power Development:**

- Gamesa Corp., the Spanish energy technology company for investing in Pennsylvania, locating its North American operations in the Keystone State; and
- [Community Energy, Inc.](#) of Wayne, for its commitment in bringing wind energy to Pennsylvania, most recently the Bear Creek Wind Farm.

**Green Power Award for Contributions to Solar Power Development:** [MESA Environment Sciences, Inc.](#) of Malvern, for leadership in the installation of solar power, including the solar array on the Pennsylvania Governor's residence funded by BP.

**Green Power Award for Contributions to Biodigester Power Development:** Schrack Farms of Greene Township, Clinton County, for leading the way to produce green power from animal manure with a state-of-the-art biodigester.

**Green Power Award for Contributions to Biomass Power Development:** [Suez Energy Northumberland Cogeneration Facility](#) in Northumberland County, which is producing 16 MW of green power and steam from clean wood chip sources.

**Green Power Award for Contributions to Biodiesel Power Development:** [Energy Cooperative Association of Pennsylvania](#), for providing the city of Philadelphia with biodiesel heating oil and transportation products.

**Green Power Finance Award:** Rob Sanders and Roger Clark of The Reinvestment Fund's [Sustainable Development Fund](#) in Philadelphia, for leadership in creating new financial opportunities in the renewable energy markets in Pennsylvania, particular in wind and solar energy.

**PECO Awarded Grant to Fund Prototype Hybrid Bucket Truck**

[PECO Energy](#) was recently awarded a federal [Clean Cities grant](#) for more than \$83,000 to support the production and testing of a prototype hybrid bucket truck in the Philadelphia region.

The grant will be used to offset the cost of a heavy duty, hybrid utility truck, which PECO expects to receive in the spring of 2006. The funding will cover both the body of the vehicle as well as costs associated with the conversion of the engine and chassis to operate on electricity and gasoline.

Following production, PECO will utilize the vehicle and provide feedback on its capabilities to the U.S. Department of Energy.

As part of a nationwide pilot program, PECO and sister utility ComEd in Chicago will be among the first utilities in the nation to test hybrid bucket trucks currently being manufactured in Illinois and Ohio. The trucks are expected to improve fuel economy up to 60 percent compared to diesel-only trucks.

Much of the fuel savings is expected while crews are working on a job site. Unlike diesel-powered trucks, the electric and gas hybrid truck allows the operator to shut off the diesel engine and operate the bucket on an electric motor for up to two hours before the

engine needs to be restarted to briefly recharge the battery. As a result, considerable less fuel is burned and noise reduction is dramatically reduced.

In addition to reduced fuel costs, hybrid vehicles provide other benefits including helping to reduce the length of outages. The truck is capable of generating about 25 kilowatts of electricity, providing enough energy to power three to five average-sized homes while crews make repairs and restore service.

The truck will join PECO's fleet of more than 1,300 heavy and light duty trucks and SUVs, including 26 Ford Escape hybrids recently added to PECO's fleet. Locally PECO also utilizes light duty vehicles capable of operating on compressed natural gas, one of the cleanest fossil fuels.

The [U.S. Department of Energy's Clean Cities Program](#) advances the economic, environmental, and energy security of the United States by supporting local decisions to adopt practices that contribute to the reduction of petroleum consumption in the transportation sector.

### **Nominations Accepted for 2006 Presidential Green Chemistry Awards**

The U.S. Environmental Protection Agency is now accepting nominations for the [2006 Presidential Green Chemistry Challenge Awards](#) through December 31.

These awards recognize innovative chemical technologies that incorporate green chemistry into chemical design, manufacture and use -- and that have broad applications in industry.

Nominated technologies should reduce or eliminate the use or generation of hazardous substances from a chemical product or process. Any individual, group or organization, both nonprofit and for-profit, including academics, government and industry, may nominate a green chemistry technology for these awards. Self-nominations are welcome and expected.

Typically, five awards are given each year: one to an academic researcher, one to a small business, and the others to larger companies for specific areas of green chemistry. Each nominated technology must have reached a significant milestone within the past five years in the United States.

[Last year's nominations and award winners](#) are available online.

### **Watershed Mini-Grants Available From Western PA Conservancy, Dominion**

Western Pennsylvania Conservancy, in conjunction with Dominion, announced they are now accepting application for a [Watershed Mini-Grant Program for Western Pennsylvania](#).

The deadline for applications is December 15.

The Program is designed to provide funding to watershed organizations in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Cameron, Clarion, Clearfield, Clinton, Crawford, Elk, Fayette, Franklin, Greene, Indiana, Jefferson, Juniata, Lawrence, McKean, Mercer, Potter, Somerset, Tioga, Venango, Washington, and Westmoreland counties.

The grants may be used for three primary categories that include operating expenses, organizational promotion and outreach, or a restoration project. Individual grants will not exceed \$1,000.

The grant application and proposal guidelines are available at or by contacting [Western Pennsylvania Conservancy](#) at 724-459-0953 ext. 110.

### **Partnership for the Delaware Estuary Launches New Website**

The [Partnership for the Delaware Estuary](#) has recently redesigned and improved their web site to make it easier to find information, activities and events related to protecting the Estuary.

The Partnership has also added a science module which includes an interactive discussion board, articles, documents, links, and a calendar for upcoming scientific meetings.

### **Upper Merion Township Authority Wins National Clean Water Recognition**

The Upper Merion Township Municipal Utility Authority, King of Prussia, Pa. won second place in the significant industrial users category for outstanding implementation and enforcement of its industrial pretreatment program.

The announcement of the excellence award winners appeared in the [October 18 Federal Register](#). The Authority will be recognized at an awards ceremony at the Water Environment Federation's Technical Exposition and Conference to be held at the Washington Convention Center, in Washington, D.C. on October 31.

### **Adams Township, Mars, Carbon County Honored for Groundwater Efforts**

Adams Township and Mars in Butler County and Carbon County were recognized for their efforts to protect groundwater supplies through groundwater education by the [Groundwater Foundation](#).

Each community received the [Groundwater Guardian Community award](#).

This is the ninth year that the borough and the township achieved this distinction. In 2005, Adams Township and Mars trained high school students to use global positioning system units to conduct stream monitoring as part of a broader program of examining potential water contamination and identifying ways to prevent it.

The township and the borough are among 147 communities from 33 states and one Canadian province that will be recognized at the National Groundwater Guardian Designation Celebration from November 2-4 in Nebraska City, Neb.

This is the sixth consecutive year that the Carbon County achieved the distinction. In 2005, Carbon County Groundwater Guardians provided water-testing supplies to all county high school for students to test their own drinking water for Total Coliform and E. coli contamination. In addition, a Community Groundwater Awareness Day was held for all county children.

The [Groundwater Foundation](#) is a nonprofit organization that educates the public about the importance of protecting groundwater.

For information, call 800-858-4844, e-mail [guardian@groundwater.org](mailto:guardian@groundwater.org) or visit the [Foundation's website](#).



## PA CleanWays Open Your Eyes to Litter – In a Watershed Book Available

PA CleanWays announced the fourth book in their Open Your Eyes to Litter series-- [\*In a Watershed\*](#) which is now available through the group's online bookstore.

The book is designed for students in Kindergarten through third grade and is focused on how illegal dumping and littering affect watersheds.

*In a Watershed*, a rhymed description of what a watershed is flows through the book as the reader journeys from the top of the mountain to the town down below. Along the way, animal friends point out how trash impacts the people and animals that live in a watershed and then illustrate how we can keep our homes and watersheds litter-free.

The book includes a map of the major watersheds in Pennsylvania as well as some fun puzzles and activities and helps teachers meet the Department of Education Environment and Ecology Standards.

For more information, visit [\*Open Your Eyes To Litter- In a Watershed\*](#).

## Opinion

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### Consolidation of Water Systems in Pennsylvania

Jeffrey R. Hines, P.E., Chairman

Pennsylvania Chapter National Association of Water Companies

Pennsylvania is home to an estimated 2,200 municipally owned or investor-owned community drinking water systems that provide high-quality water to homeowners and businesses.

The U.S. Environmental Protection Agency (USEPA) and the Pennsylvania Department of Environmental Protection (PADEP) are charged with regulating drinking water standards for all those systems, while the Pennsylvania Public Utility Commission (PAPUC) regulates the rates and service of 100 investor-owned water systems and those municipal systems serving customers beyond their boundaries.

The PAPUC's mission is to ensure that safe and reliable service is provided to customers at a reasonable price and that investors receive a reasonable rate of return on their investment. The federal Securities Exchange Commission (SEC) also regulates some investor-owned systems.

It is important to note that both publicly and privately owned water systems can and do operate efficiently and provide excellent customer service while fully protecting public health. However, many small to medium sized systems, both publicly and privately owned, are finding it increasingly difficult to provide water supply service that remains in compliance with stringent federal and state water quality standards.

Since the early 1990s, larger water systems have been encouraged by the PADEP and the PAPUC to acquire smaller systems in an effort to address the growing number of unviable water and wastewater systems in Pennsylvania. A viable system is one that is able to consistently comply with the provisions of the Safe Drinking Water Act (SDWA) on an ongoing basis. In recent years, the USEPA has also encouraged privatization and consolidation as an option to meet the industry's growing infrastructure needs.

### **Consolidation**

Smaller water systems, both publicly and privately owned, lack economies of scale and are having an increasingly difficult time finding the capital and human resources required to comply with stringent water quality standards to remain viable. These rising operational costs, coupled with political pressures on local elected officials to avoid rate increases, have made consolidation an attractive alternative for these systems.

Consolidation has taken many forms including: (1) acquisitions of public or private water systems by larger systems; (2) mergers between investor-owned utilities; and (3) regionalization, where publicly or privately owned systems integrate part or all of their water management systems to reduce costs, improve service, and maintain regulatory compliance.

As the water industry as a whole strives to increase economies of scale through consolidation various community groups encourage political activism against selling a water system through emotional arguments, without considering the industry's infrastructure, financial and regulatory challenges. Let's examine some of the issues:

**(1) Control/Management of Scarce Water Resources:** All water systems are regulated by the state. PAPUC regulated systems are the most highly regulated water systems in Pennsylvania and merely provide a service: delivering safe, reliable drinking water at the tap, while the government (i.e., USEPA, PADEP and PAPUC) has oversight and remains responsible for establishing and enforcing quality and reliability standards.

Water withdrawals, by either a publicly or privately owned system, are regulated through water allocation permits administered by the PADEP and in some cases the river basin commissions. Both types of systems are also governed by Pennsylvania's drought contingency regulations administered by the PADEP and Pennsylvania Emergency Management Agency (PEMA). Moreover, a new state water plan is being developed to coordinate regional, county and local water allocation and use, land development planning and related zoning requirements under Act 220 of 2002.

**(2) Cost to Citizens:** The PAPUC exercises complete jurisdiction over the rates and service of investor-owned systems, while a municipality or authority board sets the rates of publicly-owned systems. In addition, the Office of Consumer Advocate (OCA) and Office of Small Business Advocate (OSBA) monitor the rates and service of investor-owned systems.

Comparing the rates of publicly owned systems to those of investor-owned systems is not a fair comparison. As the Congressional Budget Office (CBO) noted, "Ultimately, society as a whole pays 100 percent of the costs of water services, whether through ratepayers' bills or through federal, state, and local taxes." Investor-owned systems pay taxes – not just state and federal income taxes, but state and local property taxes and the state Capital Stock & Franchise tax – thus contributing to the welfare of the Commonwealth and the communities they serve.

Some water system costs may be subsidized through various grants, taxes and the non-payment of taxes. Failure to have rates based on the full cost of service sends the wrong economic signals, discouraging conservation, and because revenues received from customers do not support all the costs, may lead to undesirable practices such as deferred investment and cutbacks in service or health protection.

**(3) Customers Come First:** Providing quality and reliable service to its customers is every water utility's first responsibility. Both publicly and privately owned systems also have a fiscal responsibility to its bondholders and shareholders. Investment from bondholders and shareholders provides the necessary capital to rehabilitate, upgrade, or install infrastructure. Investor-owned systems are economically regulated by the PAPUC, which sets and approves rates, assures sound capital investments, reliable service and balances the interests of the customer and the shareholder. Cost savings are realized through economies of scale, mass purchasing power, better insurance coverage and lower premiums, effective cost controls, innovation, and sound asset management practices.

**(4) Local Ownership:** While some investor-owned water systems are global businesses and have parent companies based abroad, this does not affect the state regulation of water. All water systems are still subject to the same regulation by the USEPA and the PADEP, as well as the PAPUC for the investor-owned systems. Another essential service: food is just as essential as water and is often distributed through global businesses. The ownership of the supermarket or the product does not affect our decision to purchase the food, nor does it adversely impact the quality, availability or the price of the food.

### Conclusion

Communities considering the sale of their water system should not make the ownership status of perspective purchasers the determining factor. They should, however, evaluate their need and ability to make the necessary capital investments for replacement and upgrading of plant, equipment and infrastructure to comply with stringent water quality standards, while improving system reliability and enhancing customer service in the most cost-effective manner.

Pennsylvania has been a leader in consolidation with an impressive record of successful acquisitions by both publicly and privately owned systems. Occasionally, there is going to be conflict and competition amongst systems vying for acquisitions, but every situation is different and some systems, whether publicly or privately owned, may be a better fit than others to meet a community's needs.

*Jeffrey R. Hines, P.E.* is vice President of Engineering for [The York Water Company](#) and is current serving as the Chairman of the [Pennsylvania Chapter of the National Association of Water Companies](#). The York Water Company provides water to 33 municipalities in York County. *(Reprinted with permission from Water Issues, PAAWWA's newsletter.)*

### Quick Clips

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[Talking Business Leaders Into Going Green](#)

[More Retailers Building Environmentally Friendly Stores](#)

[Clinton County Eyeing Growing Greener Environmental Projects](#)

[PA Brownfields Initiative a National Model](#)

[U.S. Cold Storage First to Open on Brownfield Site](#)

[Quarry Cleanup Plan OK'd by EPA](#)

[PA Highlands Project Wants to Hear from You](#)

## PA Environment Digest – Holston & Crisci

[Governor Helps Open Biofuels Injection Facility](#)  
[Renewable Energy May Still be Too Expensive](#)  
[Op-Ed: Energy & Environment Features Making Homes Greener](#)  
[Schools Try to Ease Natural Gas Bills](#)  
[Environmental Club to Clean Up 1,000 Old Tires](#)  
[Landfill Turns Waste Gas Into Fuel](#)  
[Stay Clear of Bears](#)

### Watershed NewsClips

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[Bark Camp Success Clears Way for Mine Reclamation](#)  
[Plum Creek Testing Assesses Watershed Condition](#)  
[Clearfield County Mine Reclamation Project a Go](#)  
[Butler County Mine Reclamation Project Contract Awarded](#)  
[October Wettest Year Ever in Southeast](#)  
[High Schoolers Put Biology Lessons to Work in Buffer Project](#)  
[Conservancy Seeks Seeds to Cultivate Young Trees](#)  
[Perkiomen Watershed Take Photo Contest to the Bank](#)  
[Allegheny Art Prof Sees Green Future for Mill Run and Meadville](#)  
[PA American Water Recognized With Partnership Award](#)  
[Luzerne County Water Treatment Plant Recognized for Outstanding Performance](#)  
[Crawford County Students Learn About Watersheds](#)  
[Project GRASS Conference on Rotational Grazing A Success](#)  
[Program Illustrates Importance of Watershed - Pine Creek Initiative](#)  
[A Problem or Not? Sediment Piles Up Behind Conowingo Dam](#)

### Regulations

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The Independent Regulatory Review Commission meets on November 2 to provide comments on Department of Agriculture's proposed Nutrient Management Certification regulations and the Environmental Quality Board's Environmental Laboratory Accreditation regulations at its December 1 meeting.

The Environmental Quality Board published [notice of its acceptance of a rulemaking petition](#) for study submitted by the Cameron County Conservation District requesting the Board to redesignate Tannery Hollow Run and its tributary Snodgrass Run.

#### [Pennsylvania Bulletin – October 29, 2005](#)

**Comment Deadlines:** [Regulations \(DEP website\)](#) [Technical Guidance \(DEP website\)](#)

[Copies of Proposed Regulations \(DEP website\)](#)

[Status of Regulations, 6-Month Calendar \(DEP website\)](#)

## Mercury Toxicology, Deposition, Fish Advisories Topics of Work Group Meeting

The [Mercury Rule Work Group](#) met for the second time this week to continue the information gathering phase of the Department of Environmental Protection's effort to develop a Pennsylvania-only rule to limit mercury emissions from power plants.

The group heard presentations from—

- Dr. John Bell, Safrisk, LC, who spoke on the health effects of the atmospheric release of mercury from combustion sources;
- Dr. Terry Sullivan, Brookhaven National Laboratory, presented the results of studies on the impacts of mercury emissions on local deposition and human health risk;
- Dr. Donald McGraw, M.D., gave an overview of the human health affects of mercury;
- Wick Havens, DEP, reviewed past and likely sulfur dioxide and nitrogen oxide emission reductions in Pennsylvania as a result of the new federal clean air rules; and
- Aaron Frey, DEP, made a presentation on Pennsylvania's fish advisory and sampling program.

Dr. McGraw agreed with speakers at the first Work Group meeting who said mercury exposure through ambient air and water exposure did not pose a significant toxicological risk to the general population. Mercury in fish and the food chain is the route of exposure to humans.

As a practicing physician, Dr. McGraw said his review of the literature shows the human dose limits for mercury set by the U.S. Environmental Protection Agency were set at an "impractically low level" because studies have not shown health affects at those levels.

"Studies of people eating lots of fish in other cultures do not show adverse health consequences," said Dr. McGraw. "There is a huge benefit to eating fish and it would be an unfortunate tradeoff to reduce the consumption of fish for health effects we haven't seen."

Dr. McGraw did say he was always more cautious with certain groups like pregnant women on reducing risks. But his advice is "keep eating fish" and "follow the (fish) advisories."

Pennsylvania currently has a statewide advisory to eat no more than one-half pound of sport fish per week and specific advisories on certain lakes and streams.

Dr. Sullivan addressed the issue of mercury "hotspots" by reviewing the results of studies Brookhaven did with several power plants which demonstrated no correlation between the predicted air deposition patterns around the plants and mercury levels in soil and vegetation based on actual sample results.

"There is also no conclusive data on the link between mercury deposition from the air and mercury levels in fish," said Dr. Sullivan. "We didn't see enough deposition anywhere from power plants to increase the levels of mercury in fish. The only correlation we saw in one case was with a highway where higher mercury levels followed a clear linear pattern."

Dr. Sullivan noted that the characteristics of a water body, like whether it is fast or slow moving or the temperature of the water, has more to do with the conversion of mercury to methyl-mercury, the form of mercury that is associated with health risks, than air deposition.

Brookhaven's health risk assessment studies also concluded that it would take a 40 percent reduction in the air deposition of mercury to achieve "much less than a 1 percent reduction" in human health risks in the general, non-subsistence fishing, population.

The 90 percent reduction in mercury emissions from power plants being suggested by DEP would yield about a 10 percent reduction in mercury air deposition, according to Dr. Sullivan.

The federal mercury reduction rule now in effect would result in an 86 percent reduction in mercury emissions from power plants.

Dr. Bell's presentation reviewed the human health conclusions from several studies involving methyl-mercury exposure and populations on isolated islands that depended on fish as a primary food source. The study results have been mixed and all involved consumption of fish and mammals from the ocean.

A study of the population on Faroes Island northwest of Scotland showed some developmental effects, however, that study was complicated by the fact the population was also exposed to PCBs. Another study of the Seychelles Islands in the Indian Ocean suggested an improvement in development parameters. A study in New Zealand followed mother-infant pairs that did show some dose-related developmental effects.

The next two meetings of the Work Group are set for November 18 and 30. At the November 18 meeting the agenda will include presentations on available mercury control technology and the cost-benefit analysis performed by EPA as part of the federal rulemaking process.

Copies of the presentations and other background information are available on the [Mercury Rule Work Group webpage](#).

## **Technical Guidance & Permits**

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No new guidance was published this week.

[For copies of Draft Technical Guidance \(DEP website\)](#)

[For copies of Final Technical Guidance \(DEP website\)](#)

## **Calendar of Upcoming Events**

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Upcoming conferences, meetings, workshops, plus links to other online calendars. [Go To: PA Environment Digest Calendar Page](#)

- **October 31** – Senate Appropriations Committee to consider [Senate Bill 940](#) (Waugh-R-York) which would set aside up to \$200,000 per year from the Agricultural Conservation Easement Purchase Fund to reimburse Land Trusts for expenses incurred in acquiring agricultural conservation easements.
- **November 1** – House Environmental Resources & Energy Committee informational meeting on Energy Policy – energy efficiency, renewable sources.
- **November 1** – Senate Environmental Resources & Energy Committee will meet to consider [House Bill 1114](#) (Yudichak-D-Luzerne) – amendments to the Waste Tire Recycling Act; [Senate Resolution 137](#) (Madigan-R-Bradford) – re-establishing the



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Forestry Task Force supported by the Joint Legislative Air & Water Pollution Control and Conservation Committee; and [House Resolution 88](#) (Hutchinson-R-Venango) – establishing a Sewage Management and Treatment Task Force supported by the Joint Legislative Air & Water Pollution Control and Conservation Committee.

- **November 1** – Senate State Government Committee to consider [Senate Bill 881](#) (Piccola-R-Dauphin) and [Senate Bill 897](#) (Brightbill-R-Lebanon) making changes to the Eminent Domain Code in response to *Kelo*.
- **November 2** – Independent Regulatory Review Commission meeting to consider the Department of Agriculture's proposed Nutrient Management Certification regulations.
- **November 7** – CANCELLED – [DEP Certification Program Advisory Committee meeting](#).
- **November 15** – CANCELLED – [Environmental Quality Board meeting](#).
- **November 16** – House Environmental Resources & Energy Committee Energy Policy information meeting to hear from DEP Secretary Kathleen McGinty.
- **November 16** – PA Environmental Council Awards Dinner. Harrisburg
- **November 17** – PA Resources Council Awards Dinner. West Conchohocken.
- **November 17** – House Health & Human Services Committee hearing on [House Bill 1369](#) (Sturla-D-Lancaster) relating to powers and responsibilities during a public health emergency.
- **November 18** – [Wildlands Conservancy Annual Dinner/Auction](#). Macungie.
- **December 1** – Independent Regulatory Review Commission meeting to consider the Environmental Quality Board's Environmental Laboratory Accreditation regulations.

### DEP Calendar of Events

#### Watershed Events

(courtesy [PA Organizations for Watersheds & Rivers](#))

#### Environmental Education Workshop/Training Calendar

(courtesy [PA Center for Environmental Education](#))

### Senate Committee Schedule   House Committee Schedule

## Helpful Web Links

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[Daily NewsClips](#)   [Daily DEP Update](#)   [GreenTreks Network](#)   [Watershed Weekly](#)

[DEP Press Releases](#)   [DEP Advisory Committee Meetings & Agendas](#)

[DCNR Resource Magazine](#)   [DCNR Press Releases](#)

[Fish & Boat Commission Press Releases](#)   [Game Commission Press Releases](#)

## Stories Invited

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Send your stories about environmental issues, programs and positive actions to **PA Environment Digest** - [DHess@HolstonCrisci.com](mailto:DHess@HolstonCrisci.com) or go to [www.PaEnvironmentDigest.com](http://www.PaEnvironmentDigest.com) .

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Visit the [Professional Services Directory](#) and [Events Calendar](#)