



PULP

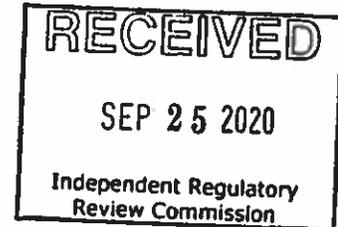
PENNSYLVANIA
UTILITY LAW PROJECT

#3260

September 25, 2020

VIA eComment

Environmental Quality Board
PO Box 8477
Harrisburg, PA 17105-8477



**Re: Water Quality Standards for Manganese and Implementation
Notice of Proposed Rulemaking, 50 Pa.B. 3724, July 25, 2020**

Dear Members of the Environmental Quality Board,

The Pennsylvania Utility Law Project (PULP), in response to the public notice and request for comment published in the July 25, 2020 Pennsylvania Bulletin (50 Pa.B. 3724), hereby submits the following brief comments regarding the Environmental Quality Board's Proposed Rulemaking with respect to the Water Quality Standards for Manganese and Implementation.

PULP is a statewide specialty legal services project within the Pennsylvania Legal Aid Network, dedicated to addressing the needs of low-income utility consumers across Pennsylvania. PULP provides individual and group representation in matters which affect the ability of low-income consumers to connect and maintain affordable utility service in their homes.

PULP's concerns with this proposed rulemaking center around the impact the rulemaking could have on water affordability, particularly the impact on low-income consumers. Water unaffordability is increasingly problematic across the Commonwealth, as rates for service have risen precipitously to meet the ever-increasing need for costly infrastructure investment and upgrades.¹

It is critically important to ensure that all Pennsylvanians – including the millions of households living at or near the poverty level – can afford to access and maintain water and wastewater

¹ See Nina Lakhani, Millions of Americans Can't Afford Water as Bills Rise 80% in a Decade, the Guardian (June 23, 2020), <https://www.theguardian.com/us-news/2020/jun/23/millions-of-americans-cant-afford-water-bills-rise>

services to their homes.² The loss of water service due to the inability to pay can have far-reaching and devastating impacts to individuals, families, and the community as a whole.

Involuntary termination of water service due to the inability to pay immediately results in unsanitary and dangerous conditions in the home – and can and does trigger eviction and foreclosure proceedings, and often results in forced removal of children from the home. The inability to pay for water service also has long-term impacts on a consumer's credit, and has a destabilizing impact on the ability of families to remain housed over the long term – often triggering periods of homelessness. Indeed, the mere existence of utility debt often disqualifies households from public and private housing alike.³

Importantly, increased unaffordability for water service has a devastating impact on communities with high concentrations of poverty, as it causes increased blight, erodes the tax base, and destabilizes revenues for municipally owned water authorities in disadvantaged communities across the state.⁴

Each of these impacts are intensified in the context of the current public health and economic crises, as the ability to remain stably housed and access running water to wash hands and sanitize surfaces is critical to prevent further spread of the COVID-19 virus.

By the passage of Act 40 of 2017 (Act 40), the General Assembly directed the Board to propose a rulemaking moving the point of compliance for the manganese water quality criterion from the point of discharge to the point of any downstream water intake. PULP therefore understands the impetus for this proposal and appreciates the care taken to ensure public health and safety as well as protection of the Commonwealth's water resources while working simultaneously to comply with Act 40.

Given the current and ongoing water affordability crisis in the Commonwealth, it is unacceptable to add any additional financial burden on public water utilities and authorities, as these costs will be passed directly on to ratepayers.

PULP reviewed both alternatives for compliance with Act 40 put forward by the Board in the proposed rulemaking and believes the second alternative to be the more protective from economic harm for residential ratepayers - especially low-income consumers. We are opposed to the first

² See United Way of Pennsylvania, [ALICE in Pennsylvania: A Financial Hardship Study](https://www.uwp.org/wp-content/uploads/ALICE-Report.pdf) (2019), <https://www.uwp.org/wp-content/uploads/ALICE-Report.pdf> (approximately 37% of Pennsylvania households are already unable to meet their basic living expenses).

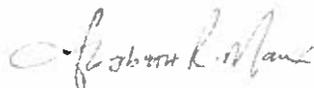
³ See Dep't of Housing and Urban Development (HUD), [Public Housing Occupancy Guidebook, Utilities](https://www.hud.gov/sites/dfiles/PIH/documents/PHOG_Uilities_FINAL.pdf), available at: https://www.hud.gov/sites/dfiles/PIH/documents/PHOG_Uilities_FINAL.pdf. Utility debt is examined as part of public housing determinations and is often used as a reason to deny applications for public housing assistance. *Id.* Likewise, private housing providers often require applicants to secure service in their name as a condition of the lease.

⁴ See [Financial Impact of Blight on the Tri-COG Communities](https://y2h.094.myftpupload.com/wp-content/uploads/2014/01/FinancialImpactofBlightonTriCG_FullReport.pdf) (Sept. 2013), https://y2h.094.myftpupload.com/wp-content/uploads/2014/01/FinancialImpactofBlightonTriCG_FullReport.pdf.

alternative, as it places the cost burden squarely on public water suppliers and would result in a significant cost to water utility customers, exacerbating the existing water affordability crisis. With the second alternative, the point of compliance would be in all surface waters, essentially keeping the point of compliance at the point of discharge. While not remediating the full cost, as this appears impossible due to the mandates of Act 40, it will nevertheless alleviate some of the cost burden from public water utilities, thereby reducing the likely cost burden to public water utility customers.

PULP appreciates the Board's efforts to provide compliance alternatives that will protect the Commonwealth's most vulnerable citizens both from environmental and from economic harm, and is grateful for the opportunity to comment on this important proposed rulemaking.

Respectfully Submitted,



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