

UPDATE

Order Restricting Utility Construction Projects

Below, is a copy of the NAIC Code for water and wastewater utility projects. **Those projects fall under NAIC Code 2371, which under the guidance issued by Governor Wolf (see attached) may be performed only when involving emergency repairs.**

237110 Water and Sewer Line and Related Structures Construction This industry comprises establishments primarily engaged in the construction of water and sewer lines, mains, pumping stations, treatment plants, and storage tanks. The work performed may include new work, reconstruction, rehabilitation, and repairs. Specialty trade contractors are included in this industry if they are engaged in activities primarily related to water, sewer line, and related structures construction. All structures (including buildings) that are integral parts of water and sewer networks (e.g., storage tanks, pumping stations, water treatment plants, and sewage treatment plants) are included in this industry. 128 NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM T—Canadian, Mexican, and United States industries are comparable. census.gov/naics Illustrative Examples: Distribution line, sewer and water, construction Sewer main, pipe and connection, construction Fire hydrant installation Storm sewer construction Irrigation systems construction Water main and line construction Sewage disposal plant construction Pumping station, water and sewage system, construction Water system storage tank and tower construction Reservoir construction Water treatment plant construction Water well drilling, digging, boring, or sinking (except water intake wells in oil and gas fields) Cross-References. Establishments primarily engaged in constructing marine facilities (e.g., ports), flood control structures, dams, or hydroelectric power generation facilities are classified in Industry 237990, Other Heavy and Civil Engineering Construction.

Based on the above, any construction project, other than emergency repairs, would need to apply for a waiver on the basis that the particular project is essential for health and safety purposes. Although the guidance recognizes utilities as providing essential services, that does not provide automatic

exemptions, or waivers for all of their activities, thus the construction restrictions. PADEP could be of assistance in getting such a waiver from Governor Wolf's administration for utility construction projects.

The new order released yesterday by the Governor's Office as it pertains to the water/wastewater industry. We are concerned that prohibiting water/wastewater construction projects (excluding emergency repairs) could adversely affect operations. Many water/wastewater projects are directly related to compliance with new and existing state and federal regulations which focus on improving water quality and wastewater discharges. We believe a waiver is in order for these projects as they directly impact public health and sanitation.

Gov. Wolf, Sec. of Health: Pennsylvania on Statewide Stay-at-Home Order Beginning at 8 PM Tonight, "Most Prudent Option to Stop the Spread"

April 01, 2020

PRESS RELEASE, PUBLIC HEALTH

Governor Tom Wolf and Secretary of Health Dr. Rachel Levine today announced all 67 Pennsylvania counties will be under stay-at-home orders effective tonight, Wednesday, April 1, at 8 p.m.

"This is the most prudent option to stop the spread of COVID-19 across our commonwealth, where cases continue to grow daily," Gov. Wolf said. "We appreciate the shared sacrifice of all 12.8 million Pennsylvanians; we are in this together and this statewide stay-at-home order is being made after many discussions with multiple state agencies; Dr. Levine; and state, county and local officials as we continue to monitor the most effective ways to save lives and stop the spread of COVID-19."

Previously, there were 33 counties on statewide stay-at-home orders. The first orders were issued on March 23 for seven counties.

The statewide stay-at-home order takes effect at 8 p.m. today, Wednesday, April 1, 2020, and will continue until April 30. All Pennsylvania schools will remain closed until further notice and non-life-sustaining business closures remain in effect. All essential state services will continue.

“This statewide stay-at-home order is not just to protect ourselves from exposure to COVID-19, but it protects those on the front lines,” Dr. Levine said. “Our doctors, nurses, police, fire, EMTs need us to do this. And the CNAs who are taking care of our family in nursing or long-term care facilities need us to do this. Staying at home doesn’t mean making a daily stop at the grocery store because you need to get out of the house. Staying at home means you must stay at home.”

Individuals may leave their residence only to perform any of the following allowable individual activities and allowable essential travel:

- Tasks essential to maintain health and safety, or the health and safety of their family or household members (including pets), such as obtaining medicine or medical supplies, visiting a health care professional, or obtaining supplies they need to work from home
- Getting necessary services or supplies for themselves, for their family or household members, or as part of volunteer efforts, or to deliver those services or supplies to others to maintain the safety, sanitation, and essential operation of residences
- Engaging in outdoor activity, such as walking, hiking or running if they maintain social distancing
- To perform work providing essential products and services at a life-sustaining business
- To care for a family member or pet in another household
- Any travel related to the provision of or access to the above-mentioned individual activities or life-sustaining business activities
- Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons
- Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services
- Travel to return to a place of residence from an outside jurisdiction
- Travel required by law enforcement or court order
- Travel required for non-residents to return to their place of residence outside the commonwealth
- Anyone performing life-sustaining travel does not need paperwork to prove the reason for travel.

The following operations are exempt:

- Life-sustaining business activities
- Health care or medical services providers
- Access to life-sustaining services for low-income residents, including food banks
- Access to child care services for employees of life-sustaining businesses that remain open as follows: child care facilities operating under the Department of Human Services, Office of Child Development and Early Learning waiver process; group and family child care operating in a residence; and part-day school age programs operating under an exemption from the March 19, 2020 business closure Orders

- News media
- Law enforcement, emergency medical services personnel, firefighters
- The federal government
- Religious institutions

Individuals experiencing homelessness are not subject to this order but are strongly urged to find shelter and government agencies are urged to take steps needed to provide shelter for those individuals.

International students, foster youth, and any other students who would otherwise experience displacement or homelessness as a result of campus closures are exempt and may remain in campus housing.

The Department of Education will be providing updated guidance and resources on the continuity of education for students to schools in the coming days.

At this time, law enforcement will be focused on ensuring that residents are aware of the order and informing the public of social distancing practices rather than enforcement. To report a noncompliant business, contact your local law enforcement agency's non-emergency number or the nearest Pennsylvania State Police station. Please do not call 911 or the Department of Community and Economic Development to file reports. Law enforcement officers should refer to Business Closure Order Enforcement Guidance available [online](#).

For the most up-to-date information on COVID-19, Pennsylvanians should visit:

<https://expressforms.pa.gov/apps/pa/DCED/Waiver-process-keeping-physical-locations-open>

<https://www.pa.gov/guides/responding-to-covid-19/>

<https://www.scribd.com/document/454418390/04-01-20-SOH-Statewide-Stay-at-Home-Order>

<https://www.scribd.com/document/452929448/03-23-20-Stay-at-Home-Order-Guidance>

<https://www.scribd.com/document/452553026/UPDATED-4-00pm-April-1-2020-Industry-Operation-Guidance>