

**Department of Environmental Protection  
Report to the Citizens Advisory Council  
September 2013**

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**Water Management**

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**Water Quality Standards Triennial Review**

Once every three years, the department is required by the Federal Clean Water Act to review and amend, as necessary, its water quality standards. This process is known as the Triennial Review. The department has conducted the review and identified needed additions, corrections, and updates to the water quality regulations. A number of new chemical parameter limits are proposed. At the regularly scheduled WRAC meeting in Jan. 2012, they voted to accept the Triennial as presented. The EQB approved the triennial review proposed rulemaking at the April 2012 meeting. The triennial review proposed rulemaking was published in the *Pennsylvania Bulletin* with a 45-day public comment period. Two public hearings were held on the proposal. Concurrently, the department also proposed revisions to Chapter 16 Water Quality Toxics Management Strategy – Statement of Policy that are consistent with, and accommodate the proposed revisions to the water quality standards regulations. The department’s Water Resources Advisory Committee (WRAC) held two Adhoc workgroup sessions in Aug. 2012 to discuss Molybdenum and Sulfates. The department presented the final rulemaking to WRAC in Nov. 2012. WRAC endorsed taking the final rulemaking to EQB. *The department presented the final rulemaking package to EQB on April 16, 2013. The EQB voted to approve the rulemaking. The rulemaking was submitted to the Legislative Standing Committees and the Independent Regulatory Review Commission (IRRC) who respectively approved the final rulemaking on June 19, 2013 and June 20, 2013. The rulemaking was approved for form and legality by the Attorney General’s Office and was published as final in the July 20, 2013, edition of the Pennsylvania Bulletin.*

**Planning and Permitting of onsite sewage systems in areas of High Quality (HQ) and Exceptional Value (EV) Streams**

The Environmental Hearing Board (EHB) in Nov. 2011 in their Pine Creek decision ruled that the methodology or lack thereof relied upon by the DEP for the planning of onsite sewage treatment systems in HQ/EV areas was not sufficient. The SCRO DEP’s approval of the Pine Creek development plan was rescinded. The Pine Creek EHB decision, established a legal and scientific standard that is extremely difficult to meet, thereby jeopardizing any future development using septic systems in HQ and EV watersheds. DEP since that decision has been researching methodologies to address the EHBs concerns. DEP on March 2, 2013 released, for a 60-day public comment period that was later extended to June 3, 2013, a guidance document to address the issue. It presented a Best Management Practices approach as a methodology for addressing antidegradation concerns when planning and permitting onsite sewage systems. However, during the public comment period, the Pennsylvania General Assembly began moving legislation amending Act 537 that eliminated the need for the guidance document. The legislation (HB 1325) stated onlot sewage systems, as designed and approved by DEP regulations satisfy the antidegradation requirements of the Clean Streams Law. The legislation was signed into law (Act 41 of 2013) on July 2, 2013. *As a result of the new law, DEP is no longer pursuing the technical guidance document.*

**NPDES MS4 General Permit (PAG-13)**

*The NPDES MS4 General Permit (PAG-13) was issued final on Sept. 17, 2011, and the permit’s effective date is March 16, 2013. DEP is continuing its discussions with EPA Region III regarding provisions in PAG-13 particularly in regards to implementation of TMDLs and the implementation of the Chesapeake Bay TMDL. Fifteen work sessions reviewing the permitting requirements of federal MS4 program and the PAG-13 and individual permit applications were held in various locations of the commonwealth from Jan. 2012 through April 2012. Permit renewal applications or Notice of Intent (NOI) were required to be filed by Sept. 14, 2012. A number of permit applications were not received or were not received on time. The DEP Bureau of Point and Non-Point Source Management continues to assist municipalities and the re-organized DEP regional offices in handling the renewal applications.*

The majority of the renewal MS 4 permit applications were received and they are being processed by the regional office Clean Water program permitting staff. Those entities who did not submit applications were sent two reminder notices

and, if they still did not submit their application or NOI, a Notice of Violation *and Administrative Order*. The department does not expect to notify any new municipalities assigned as “urbanized areas” by EPA because of the 2010 census until the renewal permits are close to being through the re-issuance process. The expected timeframe of notification to new MS4 entities is sometime in late 2013.

**Chesapeake Bay TMDL/WIP**

EPA published a Total Maximum Daily Load (TMDL) for the Chesapeake Bay on Dec. 29, 2010, which establishes a ‘budget’ for nitrogen, phosphorous and sediment loadings. As part of the process, EPA directed states to submit phased Watershed Implementation Plans (WIPs) intended to demonstrate “Reasonable Assurance” that TMDL objectives would be met. EPA requested Phase I WIPs in 2010; Phase 2 WIPs in 2012; and expects Phase 3 WIPs to be delivered in 2018. Over 125 individuals representing a broad range of organizations and interest volunteered to participate on a Management Team and workgroups that provided input throughout the development of the first two Pennsylvania WIPs.

The Pennsylvania WIP documents are posted at:

[http://www.depweb.state.pa.us/portal/server.pt/community/chesapeake\\_bay\\_program/10513](http://www.depweb.state.pa.us/portal/server.pt/community/chesapeake_bay_program/10513). EPA has established a website specifically for the TMDL, which can be accessed at <http://www.epa.gov/chesapeakebaytmdl/>

According to EPA's 2011 watershed model progress run, when compared to 1985, Pennsylvania has achieved 28% of the nitrogen reductions, 60% of the phosphorous reductions, and 42% of the sediment reductions needed to reach the 2025 restoration targets. This is real progress but more needs to be done. When compared to current 2011 progress reported by the watershed model, Pennsylvania needs to achieve an additional 32.53M pound reduction in nitrogen, 0.94M pound reduction in phosphorous, and 609M pound reduction in sediment by 2025. Current progress and goals are identified in the below table.

Phase 5.3.2 Watershed Model			
Nitrogen, Phosphorus and Sediment Delivered Loads			
(Millions of Pounds)			
	Nitrogen	Phosphorus	Total Suspended Sediment
2011 Progress	111.36	4.54	2,554
August 1, 2011 Phase 2 WIP Planning Targets	78.83	3.60	1,945
Remaining Reductions	32.53	0.94	609

It should be noted that EPA’s watershed model can be a useful tool to help guide management actions and project their results. It is not, however, sufficiently precise to measure actual progress or lack thereof. It should not be used in a regulatory context to determine whether an enforcement action or other penalty is appropriate.

**Pennsylvania WIPs**

Phase 2 was addressed in a process similar to Phase 1. DEP staff re-convened the Management Team and held 8 county workshops from Oct. through early Nov. to solicit input on the Phase 2 draft. DEP then held a 45-day public comment period on the Draft Phase 2 WIP. Many of the public comments received supported the issuance of local area targets to help inform county and municipal governments of the approximate level of effort necessary to reach Pennsylvania’s TMDL allocations. EPA also called for local area targets. In response to these comments, DEP has posted on its website revised Draft County Planning Targets. These targets are for planning purposes only.

EPA provided their evaluation of the final Phase 2 WIP on May 30, 2012. The evaluation included the following:

- EPA appreciated the steps that Pennsylvania is taking to continue working with local partners, including providing draft county planning targets.
- EPA upgraded the wastewater sector from “enhanced” to “ongoing” oversight based on additional information in the final Phase 2 WIP and milestones.
- EPA stated that the proposed resolution in support of the Model Agriculture Compliance Policy from PACD and Pennsylvania’s work with USDA NRCS on advanced manure technologies both show promise that the commonwealth’s agricultural strategies will be successful. However, EPA will maintain enhanced oversight for

the agriculture sector until Pennsylvania more fully addresses issues identified in the evaluation. These include compliance, tracking and verifying unreported BMPs, and quantifying the reductions associated with manure technology.

- EPA will now conduct enhanced oversight for Pennsylvania's trading program until recommendations from the recent offset and trading program assessment are addressed, including EPA concerns with the baseline for credit generation.
- EPA is maintaining backstop actions for the urban stormwater sector as they do not feel that the final Phase 2 WIP and milestones provide clear strategies for how to achieve reductions in nutrient and sediment loads from existing urban lands.

### **Milestones**

EPA will be using two-year milestones to track Pennsylvania's progress toward the Year 2025 Chesapeake Bay goals. Pennsylvania's Final 2012 – 2013 Programmatic Milestones were submitted to EPA on March 30, 2012 and are posted to DEP's Chesapeake Bay Program website. BMP progress for Years 2009 through 2011 was announced at the Chesapeake Executive Council on July 9, and posted to the DEP website.

EPA provided an interim assessment of Pennsylvania's progress towards meeting its 2012-2013 sector-specific milestones on May 30, 2013. According to the data provided by Pennsylvania for the 2012 progress run, Pennsylvania is surpassing its 2013 milestone target for phosphorus and is on track to meet the 2013 milestone target for nitrogen. Pennsylvania needs to reduce an additional 1% for nitrogen to achieve the 2013 target. Sediment loads increased from 2011 to 2012, so Pennsylvania needs to reduce an additional 5% to achieve the 2013 target.

### **Additional Wastewater Details**

Following issuance of the Final Phase 2 WIP, on April 2, 2012 the Bureau of Point and Non-Point Source Management (BPNPSM) issued a *wastewater* supplement to the Final Phase 2 WIP to EPA. This supplementary document described the status of TMDL implementation for point sources through the establishment of TN and TP annual load limits in NPDES permits, and set forth an updated permitting strategy. Specifically, the document addressed the following:

- It determined that the issuance of permits to significant sewage dischargers is nearly complete, and that upon completion total cap loads in permits will exceed the wasteload allocations (WLAs) in the TMDL. However, the exceedance is generally due to the connection of retired on-lot sewage systems, and so DEP will need to shift some load from the non-point source septic load allocation (LA) to the point source WLAs.
- It estimated reserves for significant industrial waste dischargers following the initial round of permitting, and a strategy for managing these reserves.
- It modified the list of significant sewage and industrial waste dischargers based on updated information.
- It provided updated direction on permitting non-significant discharges, approving offsets, and certifying or verifying credits.

BPNPSM intends for the document to be dynamic, with frequent updates based on the collection of additional data and modifications due to new or changing circumstances that are encountered. *The latest wastewater supplement is dated June 27, 2013 and is available at:*

[http://files.dep.state.pa.us/Water/Wastewater%20Management/EDMRPortalFiles/Phase\\_2\\_WIP\\_Supplement.pdf](http://files.dep.state.pa.us/Water/Wastewater%20Management/EDMRPortalFiles/Phase_2_WIP_Supplement.pdf)

### **Agriculture Compliance Efforts**

Related to the efforts to implement the Phase 1 Chesapeake bay WIP, there have been several significant activities to enhance compliance with PA's environmental regulations that address agriculture (Ag).

Extensive education and outreach activities have been undertaken to ensure farm operators are aware of their regulatory requirements under Pennsylvania's Erosion Control regulations and the Manure Management Manual. Beginning in July 2011, County Conservation Districts in the Chesapeake Bay watershed have engaged in over 6,200 site visits, exceeding the target of 4,000 site visits established for the fiscal year ending June 2012. With the completion of the "Manure Management Manual," DEP organized regional trainings on the DEP Manure Management Manual. Dr. Doug Beegle and Jerry Martin from Penn State Extension prepared "train-the-trainer" format presentations that allowed participants to both learn the manual and prepare to deliver this information to farm operators and others in their local jurisdictions. Using federal Chesapeake Bay funds and PA Clean Water Funds, DEP supported mini-grants for conservation districts to conduct local training/workshops for farmers, consultants, and others to improve awareness of the revised Manure

Management Manual and to assist farmers in completing manure management plans. Forty-seven conservation districts held 152 manure management manual training programs. This training included 2,966 farmers, 30 consultants and 246 “others” and followed the format developed by Penn State. Through this effort, 717 plans were completed at these training sessions. Additional sessions are expected in FY 2013-14.

To support Pennsylvania’s expanded outreach to the Agriculture community to increase compliance with Chapter 102 and manure management requirements, DEP worked with the Lancaster County Conservation District and the Ag Ombudsman program to develop and produce outreach materials. Pennsylvania has prepared several easy to read materials on Pennsylvania’s existing regulatory programs. This series of information includes the “Am I in Compliance” brochure which has a distribution of ~20,000 copies since January 2011; the “Ag E&S Barn sheet” which was prepared in July 2011; and the “Manure Barn Sheet” which was prepared in November 2011. At least 8,000 of each barn sheet have been distributed. These materials were prepared for general distribution and for use in conservation district site visits. The fourth item in this series was completed and mailed by the USDA-NASS to over 80,000 farm operators and related businesses.

As part of Pennsylvania Ag compliance efforts, DEP evaluated and modified several regulatory tools that aide in implementation of the existing Manure Management and Ag E&S requirements.

*DEP utilized EPA Chesapeake Bay Regulatory and Accountability Program (CBRAP) grant to hire four new staff to inspect agricultural operations. These five positions were hired as temporary limited term positions and the positions will end in Sept. 2017 unless additional funding is granted. Two staff positions were hired for the Southcentral Regional Office and have been engaged in compliance inspections; one position was hired in each the Northeast Regional Office and the Northcentral Regional Office and have been engaged in compliance inspections and regulatory outreach activities. Since these positions began they completed 781 inspections and over 351 compliance activities, assessing over \$123,000 in fines/penalties. The two SCRO staff also engaged in a targeted watershed effort and inspected all farms in the Soft Run watershed of Mifflin County. This Soft Run pilot project will be used as a model for other regional offices to use in developing a focused ag compliance effort in a small watershed.*

The Concentrated Animal Feeding Operations General Permit (PAG-12) was published as draft in 2012. Seven commentators provided comments. These comments were evaluated and final PAG-12 was published on March 23, 2013.

#### **Chesapeake Bay TMDL 2017 Midpoint Assessment**

- Review and incorporation of the latest science, data, tools, BMPs and lessons-learned to determine whether the partnership’s strategies will result in all practices in place by 2025 necessary to attain water quality standards in the Bay
- Midpoint assessment includes:
  - Changes to modeling decision support tools
  - Integrated assessment of progress, including watershed monitoring and assessment of water quality standards attainment
  - Expectations and schedule for Phase III WIP development
- TMDL allocations will remain in place through at least 2017
- Future changes to targets and allocations are a decision point, not a presumption. After the midpoint assessment is complete, including but not limited to any changes to decision support tools:
  - EPA will work with Partnership to set Phase III WIP planning targets. Note level of effort could change.
  - Based on midpoint assessment and Phase III WIPs, EPA will determine whether to modify Bay TMDL

#### **BMP Verification Principles**

The CBP has committed to the development of a best management practice (BMP) verification framework for use by the seven watershed jurisdictions to assure data quality for BMP reporting for annual Model Progress runs. The CBP sector workgroups were subsequently directed to develop Verification Protocols for agriculture, forestry, stormwater, wastewater streams and wetlands.

([http://www.chesapeakebay.net/groups/group/best\\_management\\_practices\\_bmp\\_verification\\_committee](http://www.chesapeakebay.net/groups/group/best_management_practices_bmp_verification_committee)) Jurisdictions are expected to develop BMP Verification Programs to address the Protocol requirements. The current schedule is for these to be developed by Winter 2014. The CBP has established a BMP Verification Review Panel which will examine the degree to which a jurisdiction’s program meets the parameters established by the CBP BMP verification framework.

## **Developing a New Chesapeake Bay Agreement**

The Draft Chesapeake Bay Watershed Agreement was released for early public comment on July 15, 2013 through Aug. 15, 2013.

The goals and outcomes included in this initial draft agreement were approved by the Principals' Staff Committee. Goals and outcomes were agreed to for Sustainable Fisheries, Vital Habitats, Water Quality, Healthy Watersheds, Land Conservation and Public Access. The draft agreement also identifies "Additional Issues for Consideration." This list represents issues on which the partnership has not reached consensus for including in the Agreement as a goal or outcome. Pending further consideration by the partnership, these issues may or may not be included in the final Agreement in some fashion (i.e. as a goal, outcome, operational commitment or an element in the management strategies). These issues include:

- Toxic contaminants
- Agricultural conservation
- Climate change
- Environmental literacy
- Forage fish
- Crab catch share
- Sound land use planning
- Stewardship
- Empowering/engaging local governments

The schedule for further development of the agreement is:

August 15 – September 12 – Review public comment & revise agreement as appropriate

September 12 – Management Board meeting – negotiate agreement

September 17 or 18 - Principals' Staff Committee meeting - negotiate agreement

September 23 – October 23 – Release revised agreement, 30 day public comment period

November 6 - Principals' Staff Committee meeting - negotiate agreement

November 15 – Final version to signatories/Governor's Office

December 12 - Chesapeake Executive Council meeting – sign agreement

## **Nutrient Trading**

DEP continues to implement the Nutrient Trading Program as designed in the regulations, 25 Pa. Code, Chapter 96, "Water Quality Standards Implementation." The Nutrient Trading Program regulations, Section 96.8, "Use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed" were published in the Pennsylvania Bulletin and became effective on Oct. 9, 2010. (Reference, 40 Pa. B. 5790.) The program has become very successful in providing a cost-effective means for facilities subject to limits for nitrogen, phosphorus and sediment to meet those limits by working with other facilities or with nonpoint sources, or both. It is an integral part of Pennsylvania's Chesapeake Bay Program strategy to advance the restoration and protection of this very valuable water resource. However, DEP has recognized that there are a few program components that could be enhanced. DEP continues to work with a stakeholder group comprised of buyers, sellers, governmental agencies, environmental groups and other interested parties to further define these program enhancements.

These enhancements were developed with the following goals in mind:

1. Maximize the use of existing technical and financial resources of the department and the participants in the NTP.
2. Enhance program transparency and public involvement where appropriate.
3. Meet EPA expectations regarding program elements.
4. Minimize the perception of risk in the credit trading market and enhance certainty.

*During the months of July and Aug., DEP met again with the stakeholder group, the Chesapeake Bay Management Team and the Water Resources Advisory Committee to highlight progress made in the development of the program enhancements and the interconnection of these enhancements with other key program developments relative to the*

*Chesapeake Bay Watershed Implementation Plan and the Stormwater Management Program for both post-construction activities and MS4 Communities. Proposed changes from the previous proposed enhancements include:*

- *The term threshold is to be eliminated. To trade, a credit generator must first demonstrate achievement of baseline.*
- *Baseline for nonpoint sources to be defined for each sector by county using the county planning targets defined as part of the Phase 2 Chesapeake Bay Watershed Implementation Plan using a performance based approach. Different credit calculation tools are being evaluated to implement this approach.*
- *Baseline for point sources will not change until Oct. 1, 2015. At that time, credits would be calculated based on a effluent concentration of 6 mg/L total nitrogen and 0.8 mg/L total phosphorus.*
- *Business processes modified to create standards for the generation of credits by pollutant reduction activity. DEP will no longer certify credits, but will focus on the verification and registration of credits.*
- *Elimination of manure hauling as an eligible practice for the purpose of generating credits by Oct. 1, 2015.*
- *The true-up period will be extended to 180 days.*

While most of these proposed enhancements can be done through guidelines DEP is planning to propose comprehensive revisions to the existing regulations to implement these enhancements in order to provide sufficient opportunity for outreach and training to ensure the final program enhancements will meet the goals of the program. In addition, to minimize confusion with other proposed revisions to Chapter 96, the existing regulations will be rescinded and replaced with a new, separate Chapter 98. It is estimated that these regulations can be in place by Summer 2015.

Another important component to facilitate the nutrient trading market involves Pennvest. Pennvest has been serving as the Nutrient Credit Clearinghouse for nutrient credit trading transactions. In this context, credit buyers and sellers contract with Pennvest rather than directly with each other. These transactions occur through periodic credit auctions. The next Pennvest auction will take place on Sept. 11, 2013. Results from the June 12 auction and additional information about the auction can be found at: [http://www.pennvest.state.pa.us/portal/server.pt/community/pennvest\\_internet/9242](http://www.pennvest.state.pa.us/portal/server.pt/community/pennvest_internet/9242).

### **Revisions to the Construction Stormwater General Permit PAG-02**

The department released the final construction stormwater general permit (PAG-02) on Dec. 7, 2012. The final PAG-02 incorporates requirements from the updated Chapter 102 regulation revision, but did not include numeric effluent limitations for turbidity which were proposed and then stayed by EPA. There are two trainings scheduled, one in the eastern and one in the central areas of the state with an additional training session to be held in the western area of the state to be announced soon. The dates and locations of the two scheduled trainings are as follows:

April 16 - Holiday Inn Conference Center, 7736 Adrienne Drive, Breinigsville

April 23- Ramada Hotel and Conference Center, 1450 South Atherton Street, State College

May 22, 2013 – Regional Learning Alliance, 850 Cranberry Woods Dr., Cranberry Township

June 26, 2013 – Regional Learning Alliance, 850 Cranberry Woods Dr., Cranberry Township

All trainings *started* at 8:00 AM and *concluded* at 12:00 PM. Pre-registration *was required*; PDHs *were* awarded. Please contact the Bureau of Waterways Engineering and Wetlands at 717-787-3411 for more information.

### **Stormwater Offsetting Workgroup**

The department has organized a workgroup to address issues related to offsetting stormwater through permits at an offsite location. The group will *continue* working through the winter and spring to provide structure to the department in developing a stormwater offsetting policy. It is anticipated that a draft policy will be available for public comment in *Spring of 2014*.

### **Safe Drinking Water**

From Jan. to June 2013, the Safe Drinking Water Program accomplished the following:

- Administered the Drinking Water Program and protected public health at nearly 9,100 public water systems serving 10.7 M people (86% of population). With nearly 9,100 PWSs, PA is ranked 4<sup>th</sup> in the Nation.
- Maintained the surveillance program:
  - Total # sanitary surveys conducted = 1,001
  - Total # other inspections conducted = 1,502
- Maintained the enforcement program:

- Total # enforcement actions taken = 104
- Total fines/penalties assessed = \$58,292
- Total fines/penalties collected = \$44,350
- Continued work to implement and ensure compliance with recently enacted rules, including:
  - Stage 2 Disinfectants/Disinfection By-products Rule
  - Revisions to the Lead and Copper Rule
  - Long-term 2 Enhanced Surface Water Treatment Rule
  - Ground Water Rule
  - General Update to Chapter 109
- Managed the Source Water Assessment and Protection Program, including oversight of various grants/contracts (SWPTAP, WREN, PRWA and WMON), and support for the development of local source water protection programs.
- Provided Capability Enhancement/Technical Assistance:
  - Provided on-site assistance to 49 water system owners, administrators and operators.
  - Conducted 35 filter plant performance evaluations.
- Administered the Operator Training and Certification Program:
  - Approved 6 new training providers and 92 training events. Currently, there are 238 approved training providers and 2,632 approved training courses.
  - Administered examinations to 752 individuals, and processed 1,411 applications for new/upgraded/renewed certifications.
  - Developed and/or delivered the regulatory-based training course, Stage 2 Disinfectants/Disinfection By-products Rule.
- Managed the inventory and compliance/enforcement records for all 9,100 public water systems, processed approximately 750,000 sample records, and updated automated compliance programs, as needed. All laboratories and public water systems are required to comply with mandatory electronic reporting requirements for the reporting of sample results. The public may access inventory data, sample results, and compliance/enforcement records for any PWS on the Department's website via the Public Drinking Water Reporting System. Here is the link: <http://www.drinkingwater.state.pa.us/dwrs/HTM/Welcome.html>
- New Rulemaking:
  - Unregulated Contaminant Monitoring Rule (UCMR) 3: The federal rule was published as final on May 2, 2012. The purpose of the rule is to gather occurrence data (for not more than 30 contaminants), refine analytical methods, and gather additional health effects data in order to make a regulatory determination.
    - Monitoring will occur during 2013 – 2015 at all large water systems and select medium and small water systems.
    - Monitoring will include 21 chemicals (VOCs, SVOCs, metals, chlorate, PFCs), seven hormones, and two viruses.
    - The UCMR rules are direct implementation rules with EPA as the lead agency. DEP assists through a Partnership Agreement.
  - Revised Total Coliform Rule (RTCR): The revised federal rule was published as final on February 13, 2013.
    - The rule establishes a health goal and an MCL for E. Coli and eliminates the MCLG and MCL for total coliforms, replacing it with a treatment technique for coliforms that requires assessment and corrective action.
    - PWSs and states must comply with the federal requirements beginning April 1, 2016. The Department will be initiating the rulemaking process to ensure state regulations are as stringent as the federal regulations.
- Maintained the surveillance program:
  - Total # sanitary surveys conducted = 1,232
  - Total # other inspections conducted = 1,322
- Maintained the enforcement program:
  - Total # enforcement actions taken = 84
  - Total fines/penalties assessed = \$71,235
  - Total fines/penalties collected = \$149,625
- Continued work to implement and ensure compliance with recently enacted rules, including:
  - Stage 2 Disinfectants/Disinfection By-products Rule

- Revisions to the Lead and Copper Rule
- Long-term 2 Enhanced Surface Water Treatment Rule
- Ground Water Rule
- General Update to Chapter 109
- Managed the Source Water Assessment and Protection Program, including oversight of various grants/contracts (SWPTAP, WREN, PRWA and WMON), and support for the development of local source water protection programs.
- Provided Capability Enhancement/Technical Assistance:
  - Provided on-site assistance to 41 water system owners, administrators and operators.
  - Conducted 37 filter plant performance evaluations.
- Administered the Operator Training and Certification Program:
  - Approved 8 new training providers and 94 training events. Currently, there are 232 approved training providers and 2,562 approved training courses.
  - Administered examinations to 1,119 individuals, and processed 2,567 applications for new/upgraded/renewed certifications.
  - Developed and/or delivered several regulatory-based training courses, including Public Notification and Stage 2 Disinfectants/Disinfection By-products Rule.
- Managed the inventory and compliance/enforcement records for all 9,200 public water systems, processed approximately 600,000 sample records, and updated automated compliance programs, as needed. As of Sept. of 2012, all laboratories and public water systems are required to comply with mandatory electronic reporting requirements for the reporting of sample results. The public may access inventory data, sample results, and compliance/enforcement records for any PWS on the department's website via the Public Drinking Water Reporting System. Here is the link: <http://www.drinkingwater.state.pa.us/dwrs/HTM/Welcome.html>
- Administered the permitting program:
  - Total # construction permits issued = 246
  - Total # operation permits issued = 420
- New Rulemaking:
  - Unregulated Contaminant Monitoring Rule (UCMR) 3: The federal rule was published as final on May 2, 2012. The purpose of the rule is to gather occurrence data (for not more than 30 contaminants), refine analytical methods, and gather additional health effects data in order to make a regulatory determination.
    - Monitoring will occur during 2013 – 2015 at all large water systems and select medium and small water systems.
    - Monitoring will include 21 chemicals (VOCs, SVOCs, metals, chlorate, PFCs), seven hormones, and two viruses.
    - The UCMR rules are direct implementation rules with EPA as the lead agency. DEP assists through a Partnership Agreement.
  - Revised Total Coliform Rule (RTCR): The revised federal rule was published as final on Feb. 13, 2013.
    - The rule establishes a health goal and an MCL for E. Coli and eliminates the MCLG and MCL for total coliforms, replacing it with a treatment technique for coliforms that requires assessment and corrective action.
    - PWSs and states must comply with the federal requirements beginning April 1, 2016. The Department will be initiating the rulemaking process to ensure state regulations are as stringent as the federal regulations.

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## **Waste Management**

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### **Recycling Fund and Solid Waste Advisory Committees**

*The Aug. 8, 2013 meeting of the Solid Waste Advisory Committee was rescheduled to Thursday, Sept. 26, 2013 at 10:00 a.m. in room 105 of the Rachel Carson State Office Building. This meeting will also serve as the annual meeting for the Recycling Fund Advisory Committee. Following the Sept. meeting, the next meeting of the Solid Waste Advisory Committee will occur on Thursday, Nov. 7, 2013, at 10:00 a.m. in room 105 of the Rachel Carson State Office Building.*

### **Municipal and Residual Waste Regulation Revisions**

The Bureau of Waste Management (BWM) is currently revising the Municipal and Residual Waste Regulations to update the chapters relating to Infectious and Chemotherapeutic Waste. While most of the revisions are being made to Chapter

284, other affected chapters that contain references to infectious and chemotherapeutic waste include Chapters 271, 272, 273, 285, 287, 288, and 299. The revisions largely aim to replace all references to “infectious waste” with “regulated medical waste.” The global change in terminology will allow Pennsylvania’s requirements for the management of infectious and chemotherapeutic waste to be consistent with federal requirements and the requirements of other states. In addition, the revisions allow persons who generate, transport, process, or dispose of infectious waste to use standard business documentation, including electronic tracking systems in lieu of the currently mandated paper manifest system to track waste through the shipping process to disposal. Recent revisions to the Regulatory Review Act pertaining to small businesses required extensive analysis and outreach, thus requiring additional time to develop the Regulatory Analysis Form (RAF). The proposed regulations were approved by the Environmental Quality Board on April 16, 2013. The proposed rulemaking was published in the Pennsylvania Bulletin *on Aug. 24, 2013* and the 30-day *public* comment period ends *on Sept. 23, 2013*.

### **General Permits**

General permits (GPs) are regional or statewide permits which authorize the processing and/or beneficial use of municipal or residual waste. The following residual waste GPs are currently being modified by BWM:

- General Permit Number WMGR081 – This GP authorizes the disassembly and recycling of waste electronic devices. Amendments to WMGR081 are proposed and include:
  1. Certification requirements under the CDRA for processing covered devices.
  2. Flexibility in permitting for small volume waste electronic device disassembly facilities.
  3. A transfer of authority from the department’s central office to the regional offices to approve the determination of applicability.
  4. Clarification that General Permit Number WMGR081 can cover electronic waste transfer facilities.
  5. A requirement that processing and storage takes place in an enclosed facility.

The 60-day public comment period ended June 5. Comments received on the proposed modifications are being reviewed; a Comment/Response document *is being* drafted and the permit will be revised where necessary.

- General Permit Number WMGR097 – This GP authorizes research and development (R&D) activities to demonstrate the beneficial use of residual waste and/or municipal waste. Amendments to WMGR097 are proposed and include the following:
  1. Reorganization of the general permit for overall clarity and ease of use.
  2. Clarification of the registration process and specification of the forms and information required for a person proposing to operate under WMGR097.
  3. Clarification of the requirements to justify large-scale projects and projects with a proposed duration greater than one year.
  4. Clarification of the operating conditions, recordkeeping requirements and reporting requirements of WMGR097.

The public comment period for this GP closed Dec. 5, 2012. BWM *has finished drafting* the Comment/Response document and revising the permit where necessary. *Both documents are undergoing final review by BWM and executive staff. The bureau anticipates publishing notification of issuance of the GP in the Pennsylvania Bulletin in Oct. 2013.*

### **Chrin Landfill Slope Failure (Williams Township, Northampton County)**

Remediation work continues involving the removal of waste from the area affected by the March landfill slope failure, and environmental controls continue to be monitored.

The landfill has broken the remediation work into four phases and has provided the following estimate of time to complete each phase. Work is continuing on removal of soil, waste and liner material from *the Phase I Area, and Phase II work started in early July*. Liner and cap material continue to be exposed and removed as the excavation continues in Phases I *and II*. Data collection activities continue for purposes of investigating the Stage 3D/3E Slide area root cause.

- Phase I Waste Relocation – Present to *Late Aug.* 2013
- Phase II Waste Relocation – Early *July* to Mid-Oct. 2013
- Industrial Drive Reopens – Mid-Oct.
- Phase III Waste Relocation – Mid-Oct. 2013 to Mid-July 2014
- Phase IV Waste Relocation – Mid-July 2014 to Mid-Sept. 2014
- Industrial Drive Closes (If Needed) – Mid-July 2014 for Phase IV excavation
- Industrial Drive Re-Opens – Mid-Sept. 2014
- Remaining Waste Relocation – Mid-Sept. 2014 to Feb. 2016 (remaining waste includes Stage 3D sump area, the area immediately above and east of the slide, and the western perimeter anchor trench area)
- Dates are approximate and may vary based on adjustments to the plan, weather, site conditions, average relocation rate, etc.

#### Water Monitoring

Weekly groundwater and storm water monitoring and monthly groundwater monitoring continue to be performed. Groundwater sampling is scheduled for *Sept. 12*, 2013.

*Leachate was entering a storm inlet buried under the Phase II waste mass. This liquid was entering the stormwater piping system from this inlet and flowing into a sedimentation basin. The department required the landfill to begin sampling the basin outfall twice a week. Landfill personnel constructed a small pump station to divert any potential leachate from the sedimentation basin into the landfill's leachate collection system. Landfill personnel excavated the inlet and stopped the leachate flow on Aug. 14, 2013.*

#### Slide Area Monitoring / Unaffected Area Monitoring

No additional lateral movement was noted along Industrial Drive or other onsite areas. Work continues to verify stability in the unaffected areas of the landfill. Survey hubs are installed and monitored for movement. There are 26 survey points within the landfill boundary, 11 points in the slide area and 15 points in the remaining area of the landfill. All are monitored on a daily basis.

#### Landfill Gas and Air Monitoring

A temporary candlestick flare was installed and has operated since March 28, 2013, to destroy landfill gas collected within the slide area. *Fifteen* gas wells or drains are connected to the candlestick flare. Total gas flow to all flares and the PPL gas-to-energy plant are similar to pre-slide volumes.

#### Leachate Collection

Leachate pumping continues from the leachate extraction well installation in the low-lying area of the Stage 3E/3D Slide Area. The three leachate extraction wells in the low-lying are of Stage 3D/3E are operational and have been automated. *Landfill personnel exposed Pump Station 6, which was buried by the slide and placed the Pump Station back into operation on July 8, 2013. Current pumping totals to date: approximately 1,037,206 gallons as of Aug. 22, 2013. Leachate removal from the waste mass has increased greatly with Pump Station 6 back in operation. Pump Station 6, Piezometer and extraction well levels continue to be monitored daily.*

#### Landfill Operations

*The department approved the landfill's request to temporarily relocate the site entrance and scales for the facility. This temporary permit modification will be in effect until both Industrial Drive and Chrin's perimeter access road are deemed safe for public use, and following final construction of the new office and scale facilities in the western area of the landfill currently impacted by the Stage 3D/3E slide.*

#### Emergency Response Procedures

BWM recently drafted procedures for responding to catastrophic events including hurricanes, flooding, earthquakes, man-made disasters, or any emergency situation where large quantities of disaster debris are generated and disposed of within a short time period. The emergency response procedures facilitate the management of disaster debris by outlining the roles and responsibilities of both regional and central office staff.

In general:

- Central office staff will confer with executive staff to determine the necessity for fee waivers and notify the regional offices and waste industry when fee waivers are approved. Central office staff will also track and compile any authorizations and/or approvals granted to Pennsylvania waste disposal facilities and prepare information for emergency response personnel and executive staff.
- Regional office staff will modify impacted facilities' permit conditions as necessary, maintain communication with waste haulers and central office staff, draft and submit situational reports, and acquire any other information as needed from impacted facilities within their respective regions.

*Two forms to be referenced and included in the Emergency Response Procedures (ERPs) as attachments have been edited to provide greater clarity to the individuals who use them. These forms are expected to be sent to document processing in Sept. 2013 and include the following:*

- *Municipal Waste Landfill and Resource Recovery Facility Waiver Quarterly Fee and Operations Report Part 1 – Fee/Summary Report*
- *Municipal Waste Landfill and Resource Recovery Facility Waiver Quarterly Fee and Operations Report Part 2 – Operations/Detail Report*

*Final changes to the ERPs are currently being reviewed.*

### **Recycling Performance Grants**

A full complement of administrative staff has been in place since the fall of 2012, processing the backlog of Recycling Performance Grants as well as grant agreements and disbursement requests associated with other recycling and planning grant programs. Ninety-seven percent (727 applications) of the CY2010 Performance Grant applications have been reviewed and approved for payments totaling \$14.5M. Due to the diligence of the administrative staff during their review of the applications, errors and ineligible materials were uncovered in the applications, which avoided overpayments totaling \$2.6M. To date, approximately 73% of the CY2011 applications have been processed, totaling \$11.42M in awards. At the current rate of processing, all CY2011 applications should be processed by the end of this Nov. It is anticipated that the review of CY2012 applications (submittal deadline: Sept. 30, 2013) will commence by late fall of this year. This is the earliest new applications have been processed since the beginning of the program.

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## **Radiation Protection**

### **Comprehensive Oil and Gas Development Radiation [TENORM] Study**

Generation of technologically enhanced naturally occurring radioactive material (TENORM) *in solid waste by the Oil and Gas Industry* has increased significantly *in Pennsylvania over the past several years*. This is mainly due to the recent expansion *in unconventional* natural gas production. There are many *aspects of TENORM* that must be managed effectively. These issues include potential worker radiation exposure, public radiation exposure, environmental (*soil, water, etc.*) contamination, and waste disposal. In Jan. 2013, DEP announced it will undertake a study to assess levels of naturally occurring radioactivity in the by-products associated with oil and natural gas development. On April 4, 2013, DEP released a detailed *project scope, sampling, and quality assurance plans* for this comprehensive study.

The purpose of the study is to gather data necessary *to provide for long-term management of these materials*. Using standard *radiological sampling and measurement* protocols, DEP staff and its contractor will collect samples of rock cuttings, flowback water, treatment solids, *liquid effluents, sediments and other samples* at well pads and wastewater treatment and waste disposal facilities. The study will also examine the radon concentrations in the natural gas, and radioactivity and external radiation levels in pipes and well casings, storage tanks, treatment systems and trucks.

It is noteworthy that Pennsylvania is the only state that requires through regulation that landfills monitor radiation levels of incoming wastes to ensure public health and the environment are protected. Should TENORM waste trigger a radiation monitor, the landfill must *be pre-approved to accept the waste given the amount and concentration of the radioactive material present*.

DEP will manage and fund the study which began in April 2013. The study is expected to be completed in 12 to 14 months *and is proceeding as scheduled. The next milestone should be reportable in about a month.*

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## **Environmental Cleanup and Brownfields**

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### **Land Recycling Program Technical Guidance Manual**

The Cleanup Standards Scientific Advisory Board (CSSAB) has established a new Process Workgroup to review the Land Recycling Program Technical Guidance Manual and provide recommendations for pending revision. The Vapor Intrusion Workgroup is reviewing the existing vapor intrusion guidance and will provide recommendations on revisions to the vapor intrusion section to the Land Recycling Program Technical Guidance Manual. The workgroups presented recommendations to the full CSSAB and to DEP on May 7, 2013. The department *is reviewing* the recommendations and *will* draft revisions to the technical guidance documents. The department's goal is to have a final draft document available for public comment by Dec. 2013.

### **Land Recycling Cleanup Standards Regulation Revisions**

DEP intends to update the statewide health standard Medium-Specific Concentrations (MSCs) based on any new toxicological data published since the last revisions to the MSCs. DEP is required to update the MSCs every three years so the standards include the most current scientific data. DEP provided draft revisions to the CSSAB in May 2013 and received comments from the board. *Revisions to the drafts regulations are being prepared based on the comments from the CSSAB.*

### **Storage Tank Advisory Committee**

The STAC met on June 11, 2013. The Committee reviewed the proposed revisions to the Technical Guidance Document "*Storage Tank Modification and Maintenance Issues*" (263-0900-01) and members were briefed on the proposed revisions to Chapter 250. *The technical guidance document is expected to be published in the Pennsylvania Bulletin during the first half of Sept. with a 30-day public comment period. Committee members will be informed when the guidance is published. The next meeting of the Storage Tank Advisory Committee is scheduled for Dec. 3, 2013 at 10:00 a.m. in Room 105 of the Rachel Carson State Office Building.*

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## **Air Quality**

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### **Proposed Revision to Title V Emission Fee**

On Feb. 2, 2013, the Environmental Quality Board published, for *public review* and comment, the proposed *amendments* to the Title V emission fee *provisions in 25 Pa. Code Chapter 127, Subchapter I (relating to plan approval and operating permit fees)*. The proposed rulemaking would amend 25 Pa. Code §127.705 (relating to emission fees) to establish a base Title V annual emission fee of \$85 per ton for up to 4,000 tons of *each* regulated pollutant, beginning with the fees due by Sept. 1, 2014, for emissions from Title V facilities in the 2013 calendar year. The initial base Title V annual emission fee, established at 24 Pa.B. 5899, Nov. 26, 1994, was \$37 per ton of regulated pollutant up to 4,000 tons of each regulated pollutant per Title V facility. As provided in § 127.705(e), the emission fee imposed under § 127.705(a) has been increased in each year after Nov. 26, 1994, by the percentage, if any, by which the Consumer Price Index for the most recent calendar year exceeded the Consumer Price Index for the previous calendar year. Under the existing regulatory framework, the base Title V annual emission fee has not been revised since 1994. The Title V annual emission fee due Sept. 1, 2012, for emissions occurring in calendar year 2011 was \$56 per ton of regulated pollutant for up to 4,000 tons of each regulated pollutant; *the 2013 emission fee for 2012 emissions is \$57.50 tons per year up to 4,000 tons of each regulated pollutant emitted from a Title V facility.*

Minor clarifying amendments *were also* proposed for § 127.701 (relating to general provisions). The *final* rulemaking would revise § 127.701 to clarify that fees paid to the department are deposited into the Pennsylvania Clean Air Fund. The *final rulemaking* would also make additional editorial changes to this section.

Three public hearings were held in March 2013. The public comment period closed on April 8, 2013. No members of the public provided testimony at the public hearings. Written comments were received *from four commentators* during the public comment period. Comments from the Independent Regulatory Review Commission were received on May 8. The comments *were* reviewed and a final *rulemaking* package *has been* prepared. The draft final-form regulation was considered by the Air Quality Technical Advisory Committee during the June 13, 2013 meeting. *The final draft*

rulemaking was discussed with the CAC Policy and Regulatory Oversight Committee on June 21, 2013. The CAC voted to support the department's recommendation to move the rulemaking package to the EQB for final consideration on July 16, 2013. The SBCAC voted to support the department's recommendation to move the rulemaking package to the EQB for final consideration on July 24, 2013. The final rulemaking package will be considered by the Environmental Quality Board at the Board's Sept. 17, 2013 meeting.

### **Proposed Exemption Criteria for Compressed Natural Gas Fueling, and Oil and Gas Exploration, Development, Production Facilities and Associated Equipment**

*The final plan approval and operating permit exemption criteria for "Compressed Natural Gas Fueling, Oil and Gas Exploration, Development, Production Facilities and Associated Equipment" were published in the Pennsylvania Bulletin on August 10, 2013 (43 Pa. B. 4661). The revisions to the Air Quality Permit Exemption List include Category No. 33 (relating to compressed natural gas fueling), and Category No. 38 (relating to oil and gas exploration, development, production facilities and associated equipment). The revised exemption criteria are more stringent than the U.S. Environmental Protection Agency's requirements specified in 40 CFR Part 60, Subpart OOOO for natural gas operations. Pennsylvania's criteria for the Category No. 38 exemption specifies that the owner or operator of unconventional wells, wellheads and associated equipment will perform a leak detection and repair program within 60 days after wells are put into production, and annually thereafter. Any leaks detected must be repaired within 15 days after the leaks are detected unless the facility shutdowns or replacement parts are being ordered to repair the leaks. An enclosed combustion device including enclosed flare will be used for all permanent flaring operations at a wellhead or facility. Emissions of nitrogen oxides (NOx) must be less than 100 pounds per hour, half a ton per day and 6.6 tons per year in order to qualify for the exemption; NOx emissions are not addressed in EPA's Subpart OOOO requirements. Emissions of hazardous air pollutants and volatile organic compounds must also be controlled beyond levels required by applicable federal rules.*

The department received comments on the proposed exemption criteria from 653 commentators. *The comments are summarized in a comment and response document. The exemption criteria and related documents are posted on the DEP web page.*

### **Proposed RACT Regulation**

*On Feb. 14, 2014, the Air Quality Technical Advisory Committee concurred with the department's recommendation to move a draft regulation on Reasonably Available Control Technology (RACT) standards to the EQB for consideration as a proposed rulemaking. RACT applies to existing major stationary sources of volatile organic compounds and nitrogen oxides in ozone nonattainment areas. RACT re-evaluation is a requirement to be fulfilled each time a National Ambient Air Quality Standard is promulgated by EPA, as happened in 1997 and 2008 for ozone. The proposed rulemaking would establish presumptive emission standards for certain air contamination sources. The EQB is expected to consider the proposal in the Fall 2013.*

### **Long-Term Marcellus Shale Monitoring**

*In July 2012, the DEP launched a one-year ambient air monitoring project with an emphasis on characterizing near-source concentrations of criteria and hazardous air pollutants from permanent facilities related to the Marcellus Shale gas industry (compressor stations, gas processing). Based on the results of the three DEP short-term studies undertaken in 2010, this long-term study is focused on permanent gas facilities located in Washington County.*

*The study consists of four monitoring sites including a primary site and three satellite sites as well as a background site. During the long-term study, DEP will collect samples of the following to assess potential emissions: VOC's, NOx, particulate matter, carbon monoxide and hydrogen sulfide. The department is also collecting meteorological data at each site. On Aug. 1, 2013, DEP announced the availability of the final Technical Support Document, which provides detailed information concerning the study including sampling and analytical methods. The long-term study is expected to end the third quarter of 2013; a final report will be prepared and released to the public in early 2014.*

*The department has installed a monitoring site in Bradford County to measure ambient concentrations of ozone and nitrogen oxides. The site is located in the Towanda area and has been chosen because of the local topography (ridge and valley) and the numerous wells and compressor stations to the west. This site is specifically located to determine if Pennsylvania is experiencing similar winter-time ozone issues to those being seen in states like Wyoming and Colorado. Site operations will be performed by the Pennsylvania State University (PSU). The DEP/PSU collaboration ozone site*

near Gleason (Tioga County) has been upgraded with a nitrogen oxide monitor. With the installation of the Bradford County monitor, PA DEP has air monitors in 18 of the 37 counties included in the Marcellus shale region.

### **Proposed Ambient Air Quality Network Plan**

On May 4, 2013, the 2013 Annual Air Monitoring Network Plan was made available for public comment on the Department of Environmental Protection's (department) web site at [www.dep.state.pa.us/dep/deputate/airwaste/air/default.htm](http://www.dep.state.pa.us/dep/deputate/airwaste/air/default.htm). The plan has been updated to address changes that have been made in the commonwealth's ambient air monitoring network and to identify changes that are anticipated to occur in 2014. The plan includes a statement of purpose for each ambient air monitor and provides evidence that the siting and operation of each monitor meets Federal requirements. The public comment period on the proposed plan was extended to June 14, 2013. *The final ambient air quality network plan was submitted to the EPA Region III on July 25, 2013.*

### **1-Hour SO2 NAAQS**

EPA adopted a revised 1-hour SO2 National Ambient Air Quality Standard (NAAQS) in June 2010. EPA set the standard at 75 parts per billion (ppb). In June 2011, Pa. submitted recommendations to EPA for area designations, recommending four counties be designated as nonattainment (Allegheny, Beaver, Indiana, and Warren) based on ambient air quality data. On Feb. 7, 2013, EPA notified the states of EPA's response to the recommendations. States have 120 days to review EPA's response and provide any additional data. DEP responded to EPA's 120-day letter on April 8, 2013, requesting partial-county designations for certain areas (Allegheny, Beaver, Indiana and Warren counties) and removal of the partial-county nonattainment designation for Armstrong County. *On July 25, 2013, EPA finalized the designations based on 2009 to 2011 ambient air monitoring data. EPA designated portions of Allegheny, Armstrong, Beaver, and Warren counties and Indiana County as nonattainment areas for the 2010 SO2 NAAQS. The final designations, which were published in the Federal Register on Aug. 5, 2013, will become effective on Oct. 4, 2013 (78 FR 47191); attainment demonstrations are due to EPA within 18 months from the effective date of the designations. The areas designated nonattainment for the 2010 SO2 NAAQS are required to achieve and maintain the 1-hour SO2 NAAQS expeditiously but no later than five years after the effective date of the designations.*

### **Climate Change**

The department is required under Act 70 of 2008 to prepare a climate impacts assessment and action plan and update those reports every three years. The impacts assessment report has been prepared by researchers at the Pennsylvania State University. The report is undergoing review by the department. The Climate Change Advisory Committee (CCAC) is reviewing draft action plans that will be included in the department's report to Pennsylvania's General Assembly. *During the CCAC meeting on August 27, 2013, the committee endorsed action plans including the following: Coal Mine Methane; Manure Digesters; Sulfur Hexafluoride; Forest Protection Initiative (Easement); Forest Protection Initiative (Acquisition); Re-Roof Pennsylvania; and Increased Recycling Initiative. The plan for Durable Wood Products was not endorsed by the Committee. The Center for Climate Strategies has not yet provided the draft macroeconomic analysis of the Climate Change Action Plan for review and comment. The next meeting of the CCAC is scheduled for Oct. 8, 2013.*

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### **Energy Initiatives**

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#### **Natural Gas Vehicles**

*A previously selected awardee, Crossett Inc., declined their award on June 27, 2013, due to internal financial issues. Crossett Inc. was awarded \$500,000 from the non-local transportation portion of the Act 13 Natural Gas Vehicle Program funding in May 2013. Office of Pollution Prevention and Energy Assistance (OPPEA) has submitted a recommendation to award the next two highest scoring non-local transportation projects from the competitive review performed this spring \$173,307.00 to McAneny Brothers Inc. (McAneny) located in Cambria County in the Southwest Region, and \$391,445.00 to Lehigh Gas Wholesale, LLC (Lehigh) with multiple vehicle deployments around the Philadelphia area and a publically accessible station in the City of Philadelphia. OPPEA will utilize \$64,752.00 of State Energy Program (SEP) funds, in addition to Act 13 NGV funding so as to fully fund the Lehigh Gas project. The use of the SEP funds for this purpose has been approved by the US Department of Energy (DOE). The two selected projects, McAneny and Lehigh will result in 43 CNG vehicles being deployed weighing greater than 14,000 lbs. using Compressed Natural Gas (LNG). Approximately 184,635M gasoline gallon equivalents will be displaced annually, as well as, supporting two new fueling stations going on line. One station will be fully available to the public and one will have limited availability.*

### **Alternative Fuel Vehicles**

*The 2013 round of the Alternative Fuels Incentive Grant Program (AFIG) closed on Friday, July 26, 2013 at 4:00 PM. The program had a total of 51 applications submitted via the DEP/DCNR Environmental eGrants system. The AFIG Program offers grant funding for clean, alternative fuel projects in Pennsylvania, and investment in Pennsylvania's energy sector. The program began accepting applications on Sat., May 25, 2013*

### **Small Business Advantage Grants**

*On Monday, July 8<sup>th</sup> 2013 Governor Corbett announced the opening of the Small Business Advantage Grant Program. Businesses with 100 employees or less can apply for 50-percent matching funds of up to \$9,500 to adopt or acquire energy-efficient or pollution-prevention equipment or procedures. The project must save the business at least 25 percent plus \$500 in annual energy consumption or in pollution handling or prevention related expenses. The application deadline is Sept. 6. Eligible applications will be approved on a first-come, first-served basis from July 8 through Sept. 6 or until funds are exhausted, whichever comes first. Funding is eligible for costs incurred between July 8, 2013 and June 30, 2014. The program has been extended the application deadline to Oct. 8, 2013.*

### **PA Sunshine Program**

*Business in the PA Sunshine Program continues to pick up as we near the end of the program. Over the past three weeks, the PA Sunshine program has received just over 50 applications totaling approximately \$350,000 in rebate requests. As we have just over \$2 million left in the program we are on pace to be providing the final rebate in the program before the end of the calendar year. Since 2009, the PA Sunshine Program, together with the DEP Grant Center, has processed for approval over 7,800 applications totaling nearly \$111M in rebates.*

### **Pennsylvania Energy Development Authority (PEDA)**

*The PEDA annual report for Program year 2011-2012 has been approved. Draft meeting minutes from the June 19, 2013, PEDA Board Meeting have been posted to the website and await approval at the next board meeting in the fall.*

### **State Energy Program (SEP) Energy Efficiency**

*The Department of Environmental Protection (DEP) supported Keystone HELP program has provided a total of 4556 consumer loans valued at \$39,036,147.22 to PA home-owners resulting in annual energy savings of 15,082,263.04 kWh of electricity; 87,231,114.11 kBTU reduction in heating fuel consumption; and 19,832,507.37 lbs. reduction in CO<sub>2</sub>e emissions through installed residential energy conservation and efficiency measures since the American Recovery and Reinvestment Act (ARRA) inception. The Geothermal Loan Program funded 469 of those loans, totaling \$6,051,944.37. In addition, there have been 365 Pennsylvania Housing Finance Authority (PHFA) Renovate and Repair loans totaling \$7,798,558.53.*

*Combined Heat and Power Feasibility Study: On July 11, 2013, Office of Pollution Prevention and Energy Assistance (OPPEA) staff met with Department of Corrections (DOC) staff and Entech Engineering, the Department of General Services (DGS)-appointed contractor for a Combined Heat And Power (CHP) feasibility study and engineering analysis at State Correction Institution Muncy (SCI-Muncy) in Lycoming County. The outcome of the feasibility study and engineering analysis is a report meant to assist DGS and DOC in making future capital cost decisions relative to CHP and other fuel choices/heating options for the campus. The meeting involved a review the energy usage data and distribution loss calculations for SCI-Muncy's boiler plant, as well as a discussion on the draft report. The final report and presentation scheduled for Sept. 2013. The study is being paid for with State Energy Program (SEP) funds.*

*2009 International Energy Conservation Code (IECC) Trainings: Department of Environmental Protection (DEP) and the Department of Community and Economic Development (DCED), the Pennsylvania Codes Construction Academy (PCCA) and Pennsylvania State Association of Township Supervisors (PSATS) completed a series of 2009 IECC trainings for code officials and contractors. The trainings were provided to meet the 90% codes compliance requirement of the American Recovery and Reinvestment Act of 2009 (ARRA). There were three 2009 IECC beginner trainings in Bucks, Westmoreland and Lancaster Counties, three 2009 IECC commercial building trainings in Northampton, Delaware and Allegheny Counties and three 2009 IECC residential building trainings in Luzerne, Chester and Westmoreland Counties. There was an overall total of 293 participants including code officials, contractors and DEP staff. Additionally, the PCCA designed and implemented an online course titled "Achieving Compliance with the International Energy Conservation Code in Residential Occupancies." The cost of the course is available for \$50 and the first 100 registrants*

will receive the credit certificate for free. The training work plan was designed from survey assessments of previous trainings. DEP plans to conduct another round of trainings in the near future pending approval from the Department of Energy.

OPPEA was awarded \$55,688.00 for the Save Energy Now Program program. A contract is currently in place with the Pennsylvania Technical Assistance Program (PennTAP) to advance energy efficiency through technology assistance to manufacturers that address the reduction of energy usage across all environmental media. The program includes outreach and marketing, energy efficiency assessments, project implementation, pilot ANSI certification program and commercialization of emerging technologies. An amendment will be produced for signatures to amend the award making a total of \$497,257.00 and to extend the grant period to Dec. 31, 2013

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## **Oil and Gas**

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### **Draft Proposed Rulemaking – Chapter 78, Subchapter C (relating to environmental protection performance standards for surface activities)**

The department developed a proposed rulemaking concept paper outlining potential changes to the Oil and Gas regulations in Chapter 78, Subchapter C. The environmental protection performance standards in Subchapter C primarily address surface activities related to oil and gas exploration and production. These topics include protection of water supplies, erosion and sediment control, waste management, pits and tanks for temporary containment of drill cuttings and production fluids, containment of pollutorial substances (such as hazardous substances stored on a well site), site restoration and spill reporting and remediation.

A concept paper was presented to the Oil and Gas Technical Advisory Board (TAB) in Feb. 2012 but was significantly updated to address both changes to the regulations that are necessary as the result of enactment of Act 13 as well as implementation issues identified by the department since that meeting. The department presented a revised concept paper for discussion at the Aug. 15, 2012 Oil and Gas Technical Advisory Board meeting; however, the TAB members were not prepared to discussed the document.

A special meeting was held with TAB on Oct. 15, 2012 to discuss the draft proposed rulemaking and the board met again on Wed., Feb. 20, 2013. This meeting included a discussion of the actual draft proposed Chapter 78, Subchapter C rulemaking language and adjustments that were incorporated since the last TAB meeting. The department also accepted public comment on this draft proposed rulemaking during the meeting.

The DEP presented the revised draft proposed rulemaking package to the TAB on Tuesday, April 23, 2013. Included in this draft were revisions made based on the TAB and public input from the Feb. 20 TAB meeting. TAB voted 4-0 to recommend approval of the proposed rulemaking by the Environmental Quality Board (EQB) for public comment. This approval was conditioned on the establishment of TAB subcommittees to provide additional opportunity for public input regarding four issues that warrant further discussion.

On Wednesday, June 12, TAB met for the purpose of discussing the formation of a sub-committee to consider the following four issue areas as agreed during the April 23 meeting: Public Resource Protection, Pre-hydraulic Fracturing Assessment, Waste Management at Well Sites, and Water Supply Restoration Standards.

*Subcommittee meetings were held July 17-18 and Aug. 14-15 in Greensburg and State College, respectively. The discussions were so productive that TAB decided to cancel the final subcommittee meeting, which was scheduled for Wednesday, Sept. 18 in Harrisburg.*

*On Friday, Aug. 23, 2013 members of DEP hosted a conference call with members of the Citizens Advisory Council (CAC), providing an overview of the Chapter 78, Subchapter C proposed rulemaking package in advance of its presentation to the Environmental Quality Board. The department responded to questions concerning the proposed rulemaking package that were posed by members of the CAC.*

*On Tuesday, Aug. 27, DEP presented the proposed Chapter 78, Subchapter C rulemaking to the Environmental Quality Board Citizens' Advisory Board members and requested approval to proceed with publishing the proposed rulemaking in the Pennsylvania Bulletin for a 60-day public comment period and suggested that 6 public hearing be held during the*

public comment period. The EQB approved the proposed rulemaking by a 16-2 vote. There will be a 60-day public comment period and at least 6 public hearings around the commonwealth. EQB is looking for members to host the 6 hearings.

**Draft Proposed Rulemaking – Chapter 78, Subchapter B (relating to permits, transfers and objections)**

Section 78.19(f) requires the department to provide the EQB with an evaluation of the fees in Chapter 78 and “recommend regulatory changes to the EQB to address any disparity between the program income generated by the fees and the department’s cost of administering the program with the objective of ensuring fees meet all program costs and programs are self-sustaining.” This evaluation is required at least once every three years. Because the prior fee regulation was effective in Oct. 2009, the department prepared the 3-Year Report and developed a proposed rulemaking to address the disparity between program income and costs as described below.

The purpose of the proposed regulation is to change the unconventional natural gas well permit fee structure from a sliding fee schedule based on well bore length to a fixed fee of \$5,000 for horizontal unconventional wells and \$4,200 for vertical unconventional wells. As a result of this change in structure, the permit fee for an average unconventional well will increase by approximately \$1,800 per well for horizontal wells and by \$2,200 per well for vertical unconventional wells.

Since 2010, the department has experienced a 22% decrease in the number of unconventional well permit applications received. The decline in permit applications is met with declining revenues but with the passage of Acts 9 and 13 of 2012, the overall responsibility of the Oil and Gas Program has increased. It is imperative that the department have the resources and technology necessary to ensure industry compliance and environmental protection as Office of Oil and Gas Management responsibilities in this area continue to expand.

This increase in workload coupled with declining permit revenues creates a situation where the incoming permit revenue is insufficient to cover the current operational costs of the program, not allowing any room for flexibility in terms of future staff and resource needs. As the Oil and Gas industry continues to expand in Pennsylvania, additional department staff and technology will be critical to ensure the department’s proper oversight of the industry.

The department consulted with the TAB in the development of this proposed rulemaking. The department presented the draft proposed rulemaking to TAB at its April 23, 2013 meeting. Because the rulemaking does not address technical issues relating to oil and gas, TAB did not take a formal action relative to the proposed rule.

*On July 16, 2013, DEP presented the proposed rulemaking package to the EQB and the board voted unanimously to proceed with publication for a 30-day public comment period. The proposed rulemaking is tentatively scheduled to be published in the Pennsylvania Bulletin on Saturday, Sept. 14. Because Oct. 14 is a state holiday, the public comment period would close on Tuesday, Oct. 15, 2013. The department will notify the CAC of the actual date of publication as soon as that information is available.*

**Workload Report**

The following is the Oil and Gas Workload Report for the week ending Aug. 30, 2013:

**Weekly Workload Report - Week 8/24/2013 to 8/30/2013**

YTD WELL PERMIT APPLICATIONS - 1/1/2013 to 8/30/2013						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	1,149	129	1,186	1,140	1,138	46
UNCONVENTIONAL	1,919	222	2,019	1,963	1,894	56

<b>Sub Total</b>	<b>3,068</b>	<b>351</b>	<b>3,205</b>	<b>3,103</b>	<b>3,032</b>	<b>102</b>
AUTHORIZATIONS	235	52	218	182	N/A	36
<b>Total</b>	<b>3,303</b>	<b>403</b>	<b>3,423</b>	<b>3,285</b>	<b>3,198</b>	<b>138</b>

**WEEKLY WELL PERMIT APPLICATIONS - 8/24/2013 to 8/30/2013**

	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	20	20	20	20	20	0
UNCONVENTIONAL	35	29	54	54	54	0
<b>Sub Total</b>	<b>55</b>	<b>49</b>	<b>74</b>	<b>74</b>	<b>74</b>	<b>0</b>

AUTHORIZATIONS	2	1	3	3	N/A	0
<b>Total</b>	<b>57</b>	<b>50</b>	<b>77</b>	<b>77</b>	<b>77</b>	<b>0</b>

**HISTORICAL WELL PERMIT APPLICATIONS AS OF 8/30/2013**

	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	195,065	194,932	193,736	187,960	1,196	107,975
UNCONVENTIONAL	14,966	14,736	14,402	12,640	334	9,689
<b>Sub Total</b>	<b>210,031</b>	<b>209,668</b>	<b>208,138</b>	<b>200,600</b>	<b>1,530</b>	<b>117,664</b>

AUTHORIZATIONS	39,938	39,884	39,696	N/A	188	18,539
<b>Total</b>	<b>249,969</b>	<b>249,552</b>	<b>247,834</b>	<b>240,091</b>	<b>1,718</b>	<b>136,203</b>

**YTD INSPECTIONS - 1/1/2013 to 8/30/2013**

	INSPECTIONS	WELLS INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	7,102	4,997	916	259
UNCONVENTIONAL	8,670	4,441	366	145
CLIENT/SITE	1,778	0	387	175
<b>Total</b>	<b>17,550</b>	<b>9,438</b>	<b>1,669</b>	<b>579</b>

**WEEKLY INSPECTIONS - 8/24/2013 to 8/30/2013**

	<b>INSPECTIONS</b>	<b>WELLS INSPECTED</b>	<b>VIOLATIONS</b>	<b>ENFORCEMENTS</b>
CONVENTIONAL	77	75	18	3
UNCONVENTIONAL	133	130	7	3
CLIENT/SITE	39	0	1	6
<b>Total</b>	<b>249</b>	<b>205</b>	<b>26</b>	<b>12</b>

**WELLS DRILLED**

	<b>Two Years Prior 1/1/2011 to 8/30/2011</b>	<b>One Year Prior 1/1/2012 to 8/30/2012</b>	<b>Year To Date 1/1/2013 to 8/30/2013</b>	<b>Week of 8/24/2013 to 8/30/2013</b>	<b>As of 8/30/2013</b>
CONVENTIONAL	860	776	597	29	196,320
UNCONVENTIONAL	1,272	949	801	19	7,046
<b>Total</b>	<b>2,132</b>	<b>1,725</b>	<b>1,398</b>	<b>48</b>	<b>203,366</b>

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**Mining/Reclamation/AMD Issues**

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**ABS BF Discharge Treatment**

Progress is being made in systematically approaching the problem, with designs underway for many of the treatment facilities. Operation and maintenance continues for the facilities that are in place. Progress reports are being provided to the Office of Surface Mining to assist them in their oversight of the project. Act 157 of 2012 provides for additional funding sources to pay for the required operation and maintenance of the treatment facilities. The structural elements regarding site and operator eligibility regarding funding through Act 157 are being developed via a collaborative process with the Mining and Reclamation Advisory Board. Approval to initiate the rulemaking process was received in April 2013. An initial draft of regulations has been prepared to review with the MRAB. *A series of meetings with the Regulation, Legislative and Technical committee of the MRAB have been held.*

**Noncoal Program Fees**

The final rulemaking was published in the *Pennsylvania Bulletin* on Oct. 13, 2012. Permit application fees were effective upon publication and the annual administration fees were effective Jan. 1, 2013. The noncoal fees are designed to provide full funding to support the noncoal regulatory program (between \$2.5 and \$3M per year). Annual administration fees are collected throughout the year based on the anniversary of the mine operator's renewal of their mining license. The Bureau of Mining Programs has been conducting extensive outreach to the regulated community to explain the new annual fees. The regulations require DEP to report to the EQB within three years regarding program costs and any proposed changes to the fee schedule. DEP committed to IRRC to provide a status report in one year. We are monitoring the revenue and expenses. For Jan. through July 2013, the annual administrative fees have generated \$650,025. It was estimated that these fees would generate about \$1.7M per year.

**NPDES Permitting for Mine Sites**

The mining program has focused its attention on improving the documentation for NPDES permit reviews. This is necessary due to recent initiatives by EPA and OSM. Efforts will focus on dealing with the conductivity/TDS

requirements and reasonable assurance of meeting the state water quality standards. EPA has conducted a permit quality review for NPDES permits for mine sites. The department has engaged EPA in discussions intended to improve NPDES permitting for mining permits. New issues continue to be raised by EPA. The department has focused its attention on the regulatory requirements. Some of EPA's objections seem to go beyond the regulations. Comments have been received on about 167 of the 276 permits sent to EPA as of Jan. 2013. A new NPDES application form for mining activities has been developed and implemented. The draft guidance was published for comment in Nov. 2012. Comments were received from 3 commentators. The guidance has been finalized and notice of its availability published in the June 22, 2013, issue of the PA Bulletin. Outreach is planned in order to ensure implementation of the guidance. A SOP *has been* developed in order to implement the permit requirements and a fact sheet has been drafted specifying the requirements for permittees.

### **Act 54 Report**

The department has executed the documents with the contractor (University of Pittsburgh) to begin data collection in Sept. 2012 for the 2008-2013 reporting period. The contract period is two years. Data collection and evaluation is underway. Bureau of Mining Program and California District staff are meeting regularly with University of Pittsburgh personnel to manage the contract and provide guidance. *Field work by the contractor is underway for additional data collection. The evaluation period comes to a close in Aug. 2013.*

### **Pending Guidance Documents**

The guidance for Reclamation Fill for active noncoal mines was published for comment on March 23, 2013. Work is progressing on the comment and response document for the conventional bond TGD. *A preliminary draft TGD for the beneficial use of coal ash is in development.*

*A guidance document relating to Blaster's License Suspensions is under development. This is a revision to the existing guidance document. It will update the process to include more transparency and predictability.*

### **Permit Decision Guarantee**

The mining program has developed LEAN for permit application review in order to implement the permit decision guarantee (PDG). The Bureau of Mining Program is systematically reviewing existing guidance documents to identify revision required to reflect the elimination of the money-back guarantee and the implementation of the PDG. There are about a dozen guidance documents in need of revision, most of which have not been updated since the mid 1990's. In addition, the Large Noncoal Permitting process was evaluated for efficiency using the LEAN process. This process identified improvements that could be made, some of which can be done immediately, while others require continuous effort. The improvement of the Large Noncoal Application form is the current focus of attention. While the LEAN process was initiated independently from the PDG, it is clear that the result of LEAN process will be applicable to implementing the PDG. *As a result of the LEAN process, improvements to the Large Noncoal Permit Application form have been identified. This has been done collaboratively with the PA Aggregate and Concrete Association. It is anticipated that the improvements will be in place by the end of 2013.*

### **Rulemaking**

Preliminary drafting is underway for rulemaking packages relating to surface coal mining water supply replacement, remaining and water quality, and general coal mining program improvements. Interaction with the MRAB, Regulation, Legislative and Technical Committee is expected to occur in the 3<sup>rd</sup> quarter of 2013.

### **2013 OSM Title IV Abandoned Mine Land (AML) Program Grant**

On June 12, the federal Office of Surface Mining (OSM) announced the final amount available for the Title IV AML Grant award to Pennsylvania for 2013. Pennsylvania's total Title IV Grant Distribution is just over \$65M, however due to uncertainty concerning federal budget sequestration OSM withheld 10% or just over \$6.5M and made an initial award of \$58.5M. OSM has determined that the final impacts of sequestration on 2013 AML funding is a reduction of 5.1% or \$3,317,695. As the result, Pa.'s AML Grant award will be increased by \$3,187,590 for a total award of \$61,735,153 in 2013. Including the additional funding, DEP set aside the maximum amount for AMD problems which equates to over \$15.9M. The remaining AML funds will be used to address AML hazards throughout the anthracite and bituminous coal regions of the state. The grant became effective April 1.

### **Rosebud Mining Partner to Improve Little Conemaugh River Water Quality**

*DEP signed a Consent Order and Agreement with Rosebud Mining to treat the St. Michael discharge. The agreement enabled Rosebud to build and operate a mine drainage treatment facility for the St Michael's Discharge in Somerset County.*

*This is a significant agreement in that it has eliminated a major source of acid mine drainage into the Little Conemaugh River and will allow Rosebud to safely mine a significant coal reserves adjacent to the St. Michael discharge. The company estimates that the current St. Michael's discharge is responsible for as much as 44% of the total acid mine drainage load to the Little Conemaugh. By lowering the mine pool and treating the water in the St. Michael's shaft, Rosebud would be able to access the coal reserves which, the company estimates, would take up to 40 years to mine.*

*The Construction of the plant has been completed and the "Test Period" of operation commenced in mid-July of 2013. The initial impacts the treatment of the discharge has had on the received streams are very dramatic and already clearly visible. Under the terms of the agreement with DEP, Rosebud will be responsible for all costs to treat the mine pool water at the facility it will build, and will contribute to a special trust fund annually which will be used for operations, maintenance, and recapitalization costs for the discharge treatment facility once mining is completed.*

*It was a great partnership between government and industry with overwhelming support from legislators, watershed groups and the local community that allowed the project to happen.*

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### **Office of Homeland Security**

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The Pa. Criminal Intelligence Center (PaCIC) and the Department have a signed MOU allowing a DEP subject matter expert to work at the Pa. State Police' Pa. Criminal Intelligence Center (PaCIC), the Commonwealth's Fusion Center to perform intelligence analysis on information concerning energy supplies and environmental issues to look for threat trends and to prepare a response to these hazards.

The PA Department of Agriculture's multi-disciplinary Food and Feed Rapid Response Team, on which DEP is a participating member, is in the process of surveying the entire range of endeavors in the food chain and the animal feed chain to determine where vulnerabilities may exist. When this gap analysis is complete, the next step will be to develop a Food and Feed Contamination Response Plan. The DEP members of the Rapid Response Team are assisting with issues concerning safe drinking water, groundwater contamination, waste disposal, etc. Eventually there will be MOUs and SOPs for all agencies and departments which will pave the way for a quick, effective response to a contamination incident.

DEP is assisting the PA Department of Agriculture and the PA Game Commission in the revision of the Commonwealth's Chronic Wasting Disease Response Plan. Chronic Wasting Disease or CWD is a prion disease of the Cervid Genus (deer, elk, and moose) which was discovered in the commonwealth in 2012. It was first confirmed in a captive Cervid population in Adams County at a deer farm regulated by the PA Department of Agriculture. Subsequently it was confirmed in three free ranging hunter killed deer taken in Bedford and Blair Counties during the 2012 rifle season. The CWD Response Plan has always acknowledged that the introduction of CWD into the commonwealth was a matter of "when," not "if." However, now that it has been confirmed, the object is to monitor for and attempt to contain the spread of the disease. There is no known cure and there is no known vaccine.

DEP and other commonwealth agencies assisted PEMA to update the commonwealth's Hazard Mitigation Plan, which has a primary focus on flooding, the commonwealth's number one disaster in damage done and frequency of occurrence.

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### **Environmental Education**

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#### **Outreach Energy Education Exhibit**

The award-winning, educational, interactive DEP at Home exhibit was taken on the road to several events throughout the state. Fashioned into a home structure, the exhibit features practices and products promoting energy efficiency and sustainable building materials as well as environmentally friendly and Pennsylvania-produced products for the home. The team worked more than nine months to plan, design, create and illustrate the three-room exhibit. It has a bathroom and laundry area; kitchen; and living room that showcase décor, appliances and building materials that help improve energy

efficiency, water conservation, radon awareness, air quality and other staples of environmental awareness. Each of the rooms can be displayed on their own, providing maximum flexibility for use at upcoming home shows, agricultural fairs and other environmental outreach activities. The exhibit made its debut during the 2013 Pennsylvania Farm Show, where nearly 585,000 visitors interacted with it. Here, it was awarded the “Best Educational Exhibit” at the week-long event and was featured in more than a dozen newspaper and TV news features around the state. Since then, it has traveled to the Pittsburgh Home and Garden Show, where it was on display for hundreds of thousands of onlookers, and the Erie Home and Garden Expo, where 10,000 visitors enjoyed it. The exhibit was set-up in the East Wing Rotunda of the State Capitol for Earth Week, April 22 to 26. April 22 was designated a legislative day. DEP staff greeted lawmakers and answered questions related to the exhibit. School groups and the general public visited the exhibit throughout the week. The next venue for the exhibit is Juniata College for the 2013 statewide Envirothon.

### **Environmental Education Grants Program**

The 2013 grant awards were announced on Earth Day, April 22<sup>nd</sup>. The program awarded \$334,074 in environmental education grants to 92 schools, universities, non-profit organizations and conservation districts across Pennsylvania.

### **Energy Education IFB**

EE staff will be working closely with the vendor, the Gove Group. The vendor will begin work July 1 and conduct twelve k-12 energy education workshops statewide. All work must be completed by June 30, 2014.

### **Falcons**

All four of the young peregrines have fledged. The young male (yellow band) was the first to fledge, the morning of May 31. The morning of June 1, the largest of the brood (red band) fledged. It was a busy season for the watch and rescue crews as 6 rescues were undertaken. All 4 fledges are flying strong at this point. The adults have been observed with the juveniles delivering food in flight and giving advanced flying lessons.

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## **Office of Program Integration**

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### **Permit Review Process and Permit Decision Guarantee**

Implementation of the “Policy for Implementing the Department of Environmental Protection (department) Permit Review Process and Permit Decision Guarantee” began in Nov. 2012. The effectiveness of the new process and guarantee will be evaluated on at least a quarterly basis during the first year. On Aug. 15, 2013, DEP released the results of the third of four quarterly reports detailing progress under the new Permit Review Process and Permit Decision Guarantee policy. Information pertaining to the department’s Permit Review Process and Permit Decision Guarantee can be found on the department’s web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Search/Keyword: Permit Decision Guarantee).

The below information is an excerpt from the third quarterly report which provides cumulative statistics for the period Nov. 14, 2012 through July 31, 2013. This third quarterly report indicates continued success of the new policy. When Gov. Corbett signed Executive Order 2012-11, there were 9,982 applications that were awaiting decision. DEP has firmly committed to clearing the backlog of permits in the queue. As of Aug. 1, 2013, this number has been reduced by two-thirds, to a remarkable 3,377. Discounting pending authorizations where DEP is awaiting action by others, department staff has cleared 93 percent of the disposable queue. This is a tremendous accomplishment achieved by DEP staff.

DEP has also become more efficient in issuing protective and timely permits, bringing greater predictability to the permitting process.

Increased Predictability (measured in permits meeting target and/or guarantee timeframes)

- Permit Review Process – 96 percent
- Permit Decision Guarantee – 96 percent

With more available data, the cumulative statistics presented in this report indicate continued success with meeting target and guarantee timeframes and overall efficiency gains in the permitting process. Specifically, when compared to the previous permitting structure known as Money Back Guarantee, the following increases in efficiency have been measured for those permits included in the Permit Decision Guarantee:

Improved Efficiency (measured in fewer average days to process)

- Mining – 44 percent
- Oil and Gas – 4 percent
- Waste, Air, Radiation and Remediation (WARR) – 18 percent
- Water – 31 percent

DEP has also developed a Pre-Application Information Tool, which will be a valuable resource to potential applicants who are considering siting a new project in Pennsylvania, or expanding or relocating an existing operation. This tool will allow potential applicants to quickly and easily determine which types of environmental permits, authorizations or notifications may be required for specific projects.

The department’s next quarterly report will be available in Nov.

## **Administration & Management**

### **Legacy/Leadership Program**

*DEP recently graduated the first class from the Legacy/Leadership Program. This program brings future DEP leaders together with leaders from the current and previous administrations and the private sector to learn about how they can use past examples and experiences to make better decisions for the benefit of the agency. The goal is to show that the wheel has already been invented; it is up to the new leaders to find innovative ways to use it. The course lasted from July 2012 through June 2013 and the future leaders represented all levels and disciplines of the agency. The group met for 3 hours every other month to discuss a range of topics, including the budget, external affairs, environmental justice, policy, and marketing. The program received rave reviews from the participants and the lecturers alike and we are actively pursuing another class for FY 2013-14.*

### **2013/1014 Fiscal Year Vacancies**

*For the current budget, DEP was asked to remove 40 vacancies. These vacancies were statewide and were in the following areas:*

<b>Organization Name</b>	<b>Number of Positions</b>
<i>Policy Office</i>	<i>1</i>
<i>Program Integration Office</i>	<i>1</i>
<i>Office of External Affairs</i>	<i>1</i>
<i>Bureau of Labs</i>	<i>3</i>
<i>Bureau of Air Quality</i>	<i>2</i>
<i>Bureau of Waterways, Eng &amp; Wetlands</i>	<i>2</i>
<i>Bureau of Conservation &amp; Restoration</i>	<i>1</i>
<i>Bureau of Non-Point Source Management</i>	<i>3</i>
<i>SE Regional Office—Norristown</i>	<i>8</i>
<i>NE Regional Office—Wilkes-Barre</i>	<i>5</i>
<i>SC Regional Office—Harrisburg</i>	<i>2</i>
<i>NC Regional Office—Williamsport</i>	<i>3</i>
<i>SW Regional Office—Pittsburgh</i>	<i>1</i>
<i>District Mining Office—Pottsville</i>	<i>1</i>
<i>District Mining Office—Moshannon</i>	<i>1</i>
<i>District Mining Office—California</i>	<i>1</i>
<i>District Mining Office—Knox</i>	<i>1</i>
<i>Bureau of Mining Programs</i>	<i>1</i>
<i>Bureau of Mining Safety</i>	<i>2</i>
<i>Office of Chief Counsel</i>	<i>1</i>