

**July 2015 Report to the Citizens Advisory Council**  
*(new and updated information in italics)*

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**DEP Highlights**

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**Proposed Rulemaking – Chapter 78, Subchapter C (relating to oil and gas surface activities)**

DEP presented the proposed Chapter 78, Subchapter C regulations to the EQB on August 27, 2013, who adopted the proposal for public comment. The 90-day public comment period, including nine public hearings, closed on March 14, 2014; about 24,000 comments were received. Of those comments, over 1,100 represented individual comments and the balance were submitted to DEP as form letters. IRRC submitted a 19-page comment letter to DEP on April 14, 2014, formally closing the comment period. DEP presented a summary of the comments received at the June 26, 2014, Oil and Gas Technical Advisory Board (TAB) meeting. Video of the meeting is available on the DEP YouTube Channel and the webinar is available on DEP's webinar page.

On July 10, 2014, former Governor Corbett signed into law Act 126 of 2014 (relating to omnibus Fiscal Code amendments). Act 126 contained the following provision:

Section 1741.1-E. Environmental Quality Board.

- (a) Regulations.--From funds appropriated to the Environmental Quality Board, the board shall promulgate proposed regulations and regulations under 58 Pa.C.S. (relating to oil and gas) or other laws of this Commonwealth relating to conventional oil and gas wells separately from proposed regulations and regulations relating to unconventional gas wells. All regulations under 58 Pa. C.S. shall differentiate between conventional oil and gas wells and unconventional gas wells. Regulations promulgated under this section shall apply to regulations promulgated on or after the effective date of this section.

As a result of this statutory change, DEP determined that the Subchapter C rulemaking process could continue, but that the regulations would be completely bifurcated on final rulemaking. The regulatory provisions applicable to conventional wells will be retained in the existing Chapter 78 and a new regulatory Chapter 78a will be created that is applicable to unconventional wells. No regulatory language outside of the scope of the proposed rulemaking will be altered as a result of this change (for example, the well drilling, operation and plugging requirements contained in Chapter 78, Subchapter D will be included, as appropriate, in both the conventional and unconventional Chapters).

On September 25, 2014, DEP presented the two individual chapters of the bifurcated proposed rulemaking to the members of TAB and discussed the pertinent aspects of the proposed rulemaking. The TAB meeting was conducted via a webinar in order to provide a greater opportunity for public participation; the webinar is available on DEP's webinar page. The bifurcated rulemaking *was* a first step toward placing the proposed regulatory language into a form that could be further adjusted to address public comments.

DEP determined it was necessary to utilize the Advanced Notice of Final Rulemaking (ANFR) process to take additional public comment on the draft changes included in the final rulemaking. DEP presented an overview of the proposed ANFR to TAB and the Conventional Oil and Gas Advisory Committee (COGAC) on March 20 and March 26, 2015, respectively.

On Saturday, April 4, DEP published notice of the Advance Notice of Final Rulemaking for revisions to the rulemaking in the *Pennsylvania Bulletin*, opening an additional 30-day public comment period.

On April 6, DEP announced extension of the public comment period by an additional 15 days to close on May 19, and the addition of three public hearings *on April 29 (Washington), April 30 (Warren), and May 4 (Williamsport)*.

During the ANFR comment period, the Department received *a total of 4,947 comments from 4,601 commentators. Of the comments received, 4,516 were form letters (10 different form letters), 129 were provided via testimony at public hearings, and 302 were unique comments.* Department staff is in the process of preparing responses to all comments received for the proposed rulemaking and ANFR.

### **Increasing Transparency in the Policy Process**

As part of DEP's efforts to be more open and transparent in the policy development and review process, DEP has substantially revised its Policy for the Development and Publication of Technical Guidance. On Saturday, May 30, 2015, DEP published notice of availability of the Interim Final policy in the *Pennsylvania Bulletin*, opening a 45-day public comment period that will close on July 14, 2015. *To date, no comments have been received on the interim final policy.* Issuance as Interim Final means that DEP staff should implement the changed process while public comment is accepted. Revisions to the policy: (1) enhance participation and transparency in the development of policies and technical guidance documents (TGDs) by requiring increased advisory committee involvement; (2) provide clarity to DEP staff about the procedures for development of these documents, and (3) remove outdated information and update existing information.

In tandem with the publication of the revised guidance, DEP launched eComment, a new online public comment system for policies, TGDs, general permits, SIP revisions, and other reports. eComment is accessible via the Public Participation portion of the DEP website, or at [www.ahs.dep.pa.gov/eComment/](http://www.ahs.dep.pa.gov/eComment/). eComment enables users to: (1) view TGDs and other documents open for public comment; (2) link to the full text of the document on the eLibrary and to the *Pennsylvania Bulletin* notice; (3) submit comments electronically; and (3) view comments submitted by others. All comments received will be available publicly within 5 business days of receipt, and they will remain posted until documents are finalized.

As requested by CAC, DEP *developed* the new DEP Non-Regulatory Agenda as part of the efforts to enhance public participation and transparency. In keeping with the format of the Regulatory Agenda, the Non-Regulatory Agenda outlines policies and technical guidance documents that are planned for updates over the next year. *Notice of availability of the first Non-Regulatory Agenda (Agenda) was published in the Pennsylvania Bulletin on Saturday, June 27. The Agenda is available on the Public Participation Center of DEP's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (Select "Public Participation Center," "Public Comments," "Technical Guidance").*

Policy Office staff *conducted* trainings/webinars for both Central and Regional Office staff, as well as external stakeholders about the changes to the policy and eComment *throughout June. Additional internal and external webinars and trainings will be held after the policy is finalized in August.*

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## **Federal Regulations**

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### **Recently Submitted DEP Comments**

*Endangered and Threatened Wildlife and Plants: Listing the Northern Long-eared Bat – On January 16, 2015, the U.S. Fish and Wildlife Service (USFWS) published a proposal to create a species-specific rule under authority of section 4(d) of the Endangered Species Act of 1973, as amended (Act). On April 2, the USFWS*

*published a final rule and an interim rule with request for comments. The effect of the final rule will be to add the northern long-eared bat to the List of Endangered and Threatened Wildlife. The interim rule, under the authority of section 4(d) of the Act, provides measures that are necessary and advisable to provide for the conservation of the northern long-eared bat (*Myotis septentrionalis*).*

*DEP submitted comments to the USFWS on the proposed rule on March 17. DEP submitted additional comments to the USFWS on the interim rule on June 29. Both sets of comments convey that the activities the Bureau of Abandoned Mine Reclamation (Bureau) implements through the Title IV Abandoned Mine Lands (AML) program under the Federal Surface Mining Control and Reclamation Act (SMCRA) should be included in and covered by the 4(d) rule (which would exempt take from activities such as forest management practices, other land management practices, and limited tree removal projects, provided these activities protect known maternity roosts and hibernacula). The Bureau currently implements avoidance and impact minimization measures for bats and Threatened and Endangered Species during project development and construction of AML projects. These projects are essential for remediating public health and safety environmental hazards caused by pre-law coal mining.*

### **Regulations Planned for DEP Comment**

None to report.

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### **Regulatory Update (detailed summaries included in respective program sections)**

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#### **Draft Proposed Rulemakings**

- Control of VOC Emissions from Industrial Cleaning Solvents (25 Pa. Code Chapters 121 and 129) – Planned for EQB consideration in *the fourth quarter of 2015*.
- Disinfectant Residuals (25 Pa. Code Chapter 109) – Discussed with Small Water Systems TAC Board on May 18 and 26, and June 16 and 30. *Tentatively planned for EQB consideration in October.*
- Safe Drinking Water General Update (25 Pa. Code Chapter 109) – Rulemaking package under further development.
- Radiological Health (25 Pa. Code Chapters 215-230 and 240) – Planned for EQB consideration in *the fourth quarter of 2015*.
- Radiation Protection Program Fees (25 Pa. Code Chapter 215) – Planned for EQB consideration in *the fourth quarter of 2015*.
- Unsuitable for Mining; Big Run and Willholm Run Watersheds (25 Pa. Code Chapter 86) – Planned for EQB consideration in late 2015/early 2016
- Environmental Laboratory Accreditation Fee Amendments (25 Pa. Code Chapter 252) – Planned for EQB consideration in late 2015/early 2016.
- *Handling and Use of Explosives (25 Pa. Code Chapters 210 and 211) – Planned for EQB consideration in September.*

#### **Proposed Rulemakings**

- Control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coating Operations and Heavier Vehicle Coating Operations (25 Pa. Code Chapter 129) – Adopted as proposed by the EQB at its April 21 meeting. Publication of the proposed rulemaking in the *Pennsylvania Bulletin* anticipated for the *third quarter of 2015*.

- Remining Requirements (25 Pa. Code Chapters 86 and 88) – Discussed with MRAB October 2014. Adopted by EQB as proposed at its May 20 meeting.
- Control of VOC Emissions from Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Surface Coating Processes and Pleasure Craft Surface Coatings (25 Pa. Code Chapter 129) – Adopted as proposed by the EQB at its October 21, 2014 meeting. Publication of the proposal in the *Pennsylvania Bulletin* anticipated for the *third* quarter of 2015.
- Environmental Protection Performance Standards at Oil and Gas Well Sites (25 Pa. Code Chapter 78) – Rulemaking has been split into two parts: Chapter 78 applies to conventional wells and Chapter 78a applies to unconventional wells. Advanced Notice of Final Rulemaking (ANFR) was developed for this rule. ANFR language discussed at the March 20, Oil and Gas Technical Advisory Board (TAB) meeting and the March 26, Conventional Oil and Gas Advisory Committee (COGAC) meeting. ANFR published in April 4, *Pennsylvania Bulletin*, opening 30-day public comment period. On April 18, published notice of 15-day public comment period extension and addition of three public hearings. Public comment period closed May 19; *Comment-Response documents for proposed rulemaking and ANFR under development.*
- *Revised Total Coliform Rule (25 Pa. Code Chapter 109) – Adopted as modified by EQB its April 21 meeting. Discussed with the Small Water Systems Technical Assistance Center (TAC) Board at its April 30 meeting. As a result, rulemaking split into three parts: the first covers the Federal Revised Total Coliform Rule and will move forward as modified; the second includes provisions for disinfectant residuals; and the third encompasses a general update to Chapter 109. The latter two rulemakings are moving through the rulemaking process separately from the RTCR.*

### **Draft Final Rulemakings**

- Security Rule for Radioactive Material (25 Pa. Code Chapter 215) – Adopted as proposed by the EQB at its October 21, 2014 meeting. Published in the *Pennsylvania Bulletin* on March 21. Public comment period closed April 20; no comments received. IRRC letter received May 20. *Planned* for EQB consideration in *September*.
- Administration of Land Recycling Program (25 Pa. Code Chapter 250) – Published in the *Pennsylvania Bulletin* on May 17, 2014. Comment period closed June 17, 2014. Two comments received. IRRC comments received July 17, 2014. Draft final-form Annex presented to Cleanup Standards Scientific Advisory Board December 17, 2014. Anticipated for EQB consideration in 2015.
- Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOCs (25 Pa. Code Chapters 121 and 129) – Public comment period closed June 30, 2014. IRRC comments received July 30, 2014; program is drafting the comment/response document and the final rulemaking package. A draft final-form Annex was presented to the Air Quality Technical Advisory Committee (AQTAC) for consideration at a special meeting held November 7, 2014, and to the Small Business Citizens Advisory Council (SBCAC) on January 28. An update on the revised draft final-form RACT II rulemaking was provided to AQTAC at its April 16 meeting. *Planned* for EQB consideration in 2015.
- Standards for Surface Facilities (25 Pa. Code Chapter 208) – Public comment period closed on September 2, 2014. IRRC comments received October 2, 2014; the final rulemaking package is under review. *Approved* by the Board of Coal Mine Safety at its June 23 meeting.

### **Final Form Rulemakings**

- Land Reclamation Financial Guarantees and Bioenergy Crop Bonding (25 Pa. Code Chapters 77, 86-90 and 211) – Adopted as proposed by the EQB at its July 15, 2014 meeting. Published in the *Pennsylvania Bulletin* on October 25, 2014, opening the 30-day comment period. Public comment period closed on November 24, 2014. A draft final-form Annex was presented to the Mining and Reclamation Advisory

Board (MRAB) at its January 22 meeting. Adopted by EQB at its April 21 meeting. *Scheduled for consideration by IRRC at its July 9 meeting.*

- Control of VOC Emissions from Fiberglass Boat Manufacturing Materials (25 Pa. Code Chapter 129) – Public comment period closed September 22, 2014. Three hearings held August 19 (Pittsburgh), August 20 (Norristown), and August 21, 2014 (Harrisburg). IRRC comments received October 22, 2014; program is drafting the comment-response document and final rulemaking package. A draft final-form Annex was presented to the Air Quality Technical Advisory Committee (AQTAC) for consideration at a special meeting held November 7, 2014, and to the Small Business Citizens Advisory Council (SBCAC) on January 28. A conference call was held with CAC's Policy and Regulatory Oversight Committee on February 20; CAC endorsed the regulation at its March 17 meeting. The final-form regulation was adopted unanimously by EQB at its May 20 meeting.

### **Petitions**

- Hosensack Creek Watershed – Accepted for study by EQB at its April 21 meeting; notice of acceptance of petition for further study published in *Pennsylvania Bulletin* May 2. Currently under evaluation by DEP.
- Browns Creek Watershed – Accepted for study by EQB at its April 21 meeting; notice of acceptance of petition for further study published in *Pennsylvania Bulletin* May 2. Currently under evaluation by DEP.
- Stony Run Watershed – Accepted for study by EQB at its February 18, 2014 meeting; notice of acceptance of petition for further study published in May 3, 2014 edition of the *Pennsylvania Bulletin*. Currently under evaluation.
- Clearfield Creek Watershed (Three Petitions: Killbuck Run, Weyerough Run, and Beaverdam Run) – Approved for further evaluation by the EQB at its May 21, 2014 meeting. Currently under evaluation.
- Beaver Creek – Accepted for study by EQB at its August 19, 2014 meeting; notice of acceptance of petition for further study published in August 30, 2014 edition of the *Pennsylvania Bulletin*. Currently under evaluation. Letter in support of Redesignation received January 27 from the Delaware Riverkeeper Network.
- Upper Paradise Creek – Accepted for study by EQB at its August 19, 2014 meeting; notice of acceptance of petition for further study published in August 30, 2014 edition of the *Pennsylvania Bulletin*. Currently under evaluation.

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### **Proposals Open for Public Comment**

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- *Draft Program Assessment and Strategy Publication under Section 309 of the Coastal Zone Management Act (Opened 6/6/2015, Closes 7/7/2015)*
- Policy for Development and Publication of Technical Guidance (DEP ID: 012-0900-001) (Opened 5/30/2015, Closes 7/14/2015)
- *Draft Nonpoint Source Management Plan – 2014 Update (Opened 6/20/2015, Closes 7/20/2015)*
- *Proposed State Implementation Plan Revision – Attainment Demonstration for the North Reading Nonattainment Area for the 2008 Lead National Ambient Air Quality Standard (Opened 6/20/2015, Closes 7/23/2015)*
- *Clean Water and Drinking Water State Revolving Fund Programs – Federal Fiscal Year 2015 Intended Use Plans (Opened 6/20/2015, Closes 7/24/2015)*
- Draft NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (PAG-13) (Opened 5/30/2015, Closes 7/29/2015)

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## Recently Closed Comment Periods (*June 2015*)

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- *Federal Consistency Under the Coastal Zone Management Act – Spring Garden Street Waterfront Rehabilitation Project (Opened 5/23/2015, Closed 6/15/2015)*
- *Pennsylvania’s 2015-2016 Annual Ambient Air Monitoring Network Plan (Opened 5/16/2015, Closed 6/16/2015)*

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## Monthly Press Releases

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**June 1** – Chevron Fined for Fatal Lanco Gas Well Fire

**June 4** – DEP Reaches Agreement with Hyndman Borough to Resolve Safe Drinking Water Violations  
Mosquito Spraying Set for McKean County on June 8

**June 8** – DEP Solicits Comments on Draft Revised Municipal Separate Storm Sewer System Permit

**June 9** – DEP to Host Public Meeting on Proposed Landfill Expansion in Northampton County  
DEP to Host Public Hearing on Northampton Generating Request to Increase Lead Emissions in Northampton County

**June 10** – DEP Issues Orange Air Quality Action Day Forecast for June 11 for the Philadelphia Area

**June 11** – DEP Issues Orange Air Quality Action Day Forecast for June 12 for Multiple Areas Across Pennsylvania

**June 13** – Update on Aftermath of Miller Chemical Fire

**June 16** – DEP Assesses \$8.9 million Civil Penalty against Range Resources for Failure to Repair Leaking Gas Well

**June 17** – DEP Expands Drought Watch from 27 to 37 Counties

**June 19** – PDA, DEP, DOH Advise Consumers that a Recent Production Run of Niagara Bottled Spring Water may be Contaminated with Microbial Pathogens

DEP to Host Public Hearing Regarding Proposed Natural Gas-Fired Power Plant in Luzerne

Update on Aftermath of Miller Chemical Fire

**June 23** – Cabinet Secretaries Honor Nominees for U.S. Department of Education Green Ribbon Schools Award

Mosquito Spraying Set for Beaver County on June 25

**June 26** – Mosquito Spraying Set for Schuylkill County on July 1  
Mosquito Spraying Set for Crawford County on June 30

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## **Active and Abandoned Mine Operations**

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### **Act 54 Report Review**

The Bureau of Mining Programs is working with the California District Mining Office to systematically review the Act 54 report. This process will involve review of the report and the comments relating to the report. The goal is to compile and evaluate all of the recommendations and identify action items. Discussions have identified a few categories of actions items. These include issues that have been addressed, but so recently that they could not be reflected in the Act 54 report, short-term actions, such as form revisions, and longer-term actions including database enhancements. *As of the end of June, the Department is anticipating comments from CAC.*

### **Noncoal and Coal Mining Fees**

The 3-year reports for noncoal mining fees in Chapter 77 and coal mining fees in Chapter 86 are due in October and November of this year. The draft report for coal mining fees was reviewed with the Mining and Reclamation Advisory Board (MRAB) on April 23 and the draft report for the noncoal mining fees was reviewed with the Aggregate Advisory Board on May 13. The fee reports were presented to the EQB at its May 20 meeting. *The Department will be engaging with the Aggregate Advisory Board for the noncoal mining fees.*

### **Aggregate Advisory Board**

The Aggregate Advisory Board was established by Act 137 of 2014. The first meeting of this board was held on May 13. The members identified topics for the Department to provide information on at future meetings. The primary focus of the topics is the Noncoal Surface Mining Conservation and Reclamation Fund, from the perspective of revenue, expenses and reclamation liabilities for abandoned mine sites.

### **Final Rulemaking – Land Reclamation Financial Guarantees and Bioenergy Crop Bonding**

This rulemaking implements Acts 95 and 157 of 2012, which provide an incentive for the reclamation of coal mine sites with bioenergy crops and establish the Land Reclamation Financial Guarantee Program, respectively. The rulemaking will provide the ground rules for implementing the biofuels incentive. Act 95 allows for reclamation bond coverage for operators who re-mine and reclaim the area with biofuel crops for no cost. The regulation also will provide the framework for bonding assistance underwritten by existing Commonwealth funds and premiums paid by the operators. Act 157 specifically requires that EQB promulgate regulations to implement the Land Reclamation Financial Guarantee program. The regulations will establish eligibility requirements, program limits and operational standards. The rulemaking also includes amendments to Chapters 77, 87, 88, 89, 90 and 211 that are exclusively related to the correction of the citation for the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1- 1396.19b) due to the addition of section 19.2 in Act 157. Numerous corrections are also included in Chapter 86.

Approval to initiate the rulemaking process was received in April 2013. An initial draft of the rulemaking was prepared to review with the MRAB and a series of meetings with the Regulation, Legislative and Technical committee of the MRAB were held. The proposed rule was reviewed by the MRAB on October 24, 2013. The MRAB recommended that DEP proceed to EQB with the rulemaking package. The proposed rulemaking was approved by EQB at its July 15, 2014 meeting and published for comment in the October 25, 2014 edition of the *Pennsylvania Bulletin*. Comments were received from three public commenters and the Independent Regulatory Review Commission. Minor revisions to the proposed rulemaking were required as a result of the comments. Draft final regulatory language was presented to the MRAB at its January 22 meeting. The MRAB recommended that DEP pursue the final rulemaking as quickly as possible. The rulemaking was approved at the April 21 EQB meeting. *The final rule is on the agenda for the July 9 IRRC meeting.*

### **Other Coal Mining Program Rulemakings**

Preliminary discussion is underway for rulemaking packages relating to surface coal mining water supply replacement, remining and water quality, and general coal mining program improvements. Staff met with the

MRAB's Regulation, Legislative and Technical Committee on November 25, 2014, to discuss the coal mining program improvements rulemaking. The MRAB committee expressed the concern that it may be premature to proceed, specifically relating to the definition of surface mining activities, since there is litigation related to this underway in the federal system. The proposed remining rulemaking was reviewed by the MRAB at their meeting on October 23, 2014. The MRAB recommended that DEP proceed with the rulemaking process for the remining regulations. The EQB adopted the proposed remining rulemaking at its meeting on May 20. The water supply replacement rulemaking will be deferred until the remining and program improvement packages are completed due to priorities identified by MRAB. The proposed rulemaking for the explosives program was reviewed with the MRAB and the Aggregate Advisory Board. Each recommended that the Department proceed with the rulemaking process. It is anticipated that the proposed rulemaking will be presented to the EQB in the fourth quarter of 2015.

### **NPDES Permitting for Mine Sites**

The Mining Program continues to work with EPA to implement NPDES permitting and compliance improvements. The focus has shifted from developing tools (e.g. TGD, SOP, Permit Document and Inspection Report) to deploying the tools. EPA is working with the Mining Program to identify the parameters of further interaction between the agencies. A two-year work plan has been drafted. A checklist that would eventually provide an alternative to submission of draft permits is under discussion; some progress has been made in identifying the content of the checklist, but a final draft has not yet been prepared. Monthly calls with EPA to discuss program issues have been reinstated. A number of workgroups are being established to address on-going issues. One of the workgroups will be evaluating the best way to integrate remining in TMDL watersheds. EPA has recently identified an example of a draft permit and fact sheet that provided them with the information they needed in a very clear and concise manner.

### **Guidance Document Revisions**

The Bureau of Mining Programs is systematically reviewing the library of Technical Guidance Documents (TGDs) to identify all of the documents which require changes. The following TGDs are under active development:

Use of Reclamation Fill at Active Noncoal Sites (563-2000-301): This TGD describes the process of and conditions in which DEP may permit the use of certain fill materials (deemed "Reclamation Fill") obtained from an off-site source in the reclamation plan of an active noncoal mine site. It was originally published as final at the end of 2013. The PA Aggregates and Concrete Association (PACA) pointed out some discrepancies after this final publication. The Mining Program actively engaged PACA to address their concerns, resulting in a major revision to the guidance. This revision was published in the *Pennsylvania Bulletin* on December 27, 2014, and DEP accepted comments on the revision until January 26. This guidance will replace the existing qualifications for reclamation fill to be consistent with the environmental clean-up standards of Chapter 250. The Comment-Response document has been finalized and minor revisions have been made to the guidance as a result of comments. *The final guidance and Comment-Response document are under review.*

Guidelines for the Beneficial Use of Coal Ash at Coal Mines (563-2112-228): This guidance explains new requirements for the beneficial use of coal ash under the provisions of Chapter 290, including clarification of the implementation of new requirements in the areas of water monitoring, ash quality monitoring and certification of coal ash sources. Revisions to this TGD were published in the *Pennsylvania Bulletin* on December 13, 2014; the comment period closed on January 13. Comments were received from one commentator. No substantive changes will result from the comments.

Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities (563-2112-115): This guidance provides direction in establishing effluent limits for NPDES permits associated with mining activities to ensure timely and compliant point source permitting. It was revised in consultation with US EPA. The revisions were published in the *Pennsylvania Bulletin* on December 27, 2014 and DEP accepted comments until January 26. No changes are necessary as a result of the comments.

Blaster's License Suspension and Revocation Procedure (562-2402-501): This TGD describes the procedures for the suspension, modification or revocation of blaster's licenses and/or penalty assessment actions; it was substantially revised to be more transparent and provide new procedures for these actions. The substantive revisions were published in the *Pennsylvania Bulletin* on May 5, 2014 and DEP accepted comments until July 7, 2014. Comments are being reviewed, a comment response document is being developed and changes will be made to the TGD where necessary.

In addition, the Engineering Manual for mining has been revised with input from PACA and the Pennsylvania Coal Alliance. It is anticipated that the Engineering manual will be published for comment in August.

### **Board of Coal Mine Safety (BCMS)**

Final Rulemaking: Standards for Surface Facilities – This *final* rulemaking will allow for the implementation of existing federal regulations that broadly relate to the surface work areas of underground bituminous coal mines and govern surface installations, thermal dryers, safeguards for mechanical equipment, electrical equipment, trailing cables, grounding, surface high-voltage distribution, low- and medium-voltage alternating currents, ground control, fire protection, maps, personnel hoisting, wire ropes, trolley wires and trolley feeder wires, and slope and shaft sinking. As a result, the existing federal regulations will become independently enforceable by the Commonwealth. Adopting these proposed regulations will ensure that surface operations at underground bituminous coal mine sites are safely conducted and maintained. Although underground bituminous coal mine operators are already required to comply with these regulations, implementing this proposed rulemaking will provide DEP with the independent authority to enforce the federal requirements. This will result in improved efficiency and enhanced autonomy for the Commonwealth. The rulemaking was adopted by the BCMS at its June 10, 2014, meeting. It was published for comment in the August 2 *Pennsylvania Bulletin*. No public comments were received. Two comments were received from IRRC on October 2, 2014, asking for language clarification. DEP legal staff addressed these points and the final regulation package is completed. The final rulemaking *was approved* by the Board at the June 23 meeting.

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## **Air Quality**

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### **Climate Change Advisory Committee (CCAC)**

*A special meeting (to be held via WebEx) of the CCAC is scheduled for July 7, 2015, at 11 a.m.*

### **Air Quality Technical Advisory Committee (AQTAC)**

The next AQTAC meeting is scheduled for August 6 at 9:15 a.m. in Room 105 of the RCSOB.

### **Air Quality Rulemaking Packages**

Control of VOC Emissions from Fiberglass Boat Manufacturing Materials –The proposed rulemaking for fiberglass boat manufacturing materials would establish RACT as recommended in the applicable EPA Control Technique Guidelines (CTG) document. The EQB approved the proposed rulemaking for public comment at its May 21, 2014 meeting. The proposed rulemaking was published in the *Pennsylvania Bulletin* on July 19, 2014 (44 Pa.B. 4502). The public comment period closed September 22, 2014. The IRRC comment period closed October 22, 2014. On November 7, 2014, the AQTAC voted to support DEP's recommendation to forward the draft final-form Annex to the EQB for consideration. The draft final-form Annex was discussed with members of the CAC Policy and Regulatory Oversight Committee on December 15, 2014. On January 28, the Small Business Compliance Advisory Committee voted to support DEP's recommendation to forward the draft final-form Annex to the EQB for consideration. A follow-up conference call with CAC's Policy and Regulatory Oversight Committee was held on February 20. The CAC endorsed the regulation during the March 17 meeting. The EQB unanimously adopted the final-form rulemaking at its May 20 meeting.

Control of VOC Emissions from Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Coating Processes and Pleasure Craft Surface Coatings – At the AQTAC meeting on February 20, 2014,

the committee unanimously concurred with DEP's recommendation to submit the proposed Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Coating Processes and Pleasure Craft Surface Coatings rulemaking to the EQB for consideration. The proposed rulemaking would establish RACT as recommended in EPA Control Technique Guideline (CTG) documents. On March 18, 2014, the CAC concurred with DEP's recommendation to forward the proposed rulemaking to the EQB. The Small Business Compliance Advisory Committee (SBCAC) was briefed on the proposed rulemaking on April 23, 2014. The SBCAC voted unanimously to concur with DEP's recommendation to forward the proposed rulemaking to the EQB for consideration with a recommendation that DEP consider flexibility for small businesses during the development of the proposed rulemaking. The EQB approved the proposed rulemaking for public review and comment at its October 21, 2014 meeting. Publication of the proposal in the *Pennsylvania Bulletin*, opening the public comment period, is anticipated for the *third* quarter of 2015.

Control of VOC Emissions from Industrial Cleaning Solvents – At its February 20, 2014 meeting, the AQTAC concurred with DEP's recommendation to submit the proposed Control of VOC Emissions from Industrial Cleaning Solvents rulemaking to the EQB for consideration. The proposed rulemaking would establish RACT requirements for industrial cleaning solvents as recommended in the EPA CTG documents. The SBCAC was briefed on the proposed rulemaking on April 23, 2014. The SBCAC voted unanimously to concur with DEP's recommendation to forward the proposed rulemaking to the EQB for consideration with a recommendation that DEP consider flexibility for small businesses during the development of the proposed rulemaking. The CAC Policy and Regulatory Oversight Committee discussed this rulemaking during a conference call on May 6, 2014. On the recommendation of the Policy and Regulatory Oversight Committee, on June 17, 2014, the CAC concurred with DEP's recommendation to forward the proposed rulemaking to the EQB. It is anticipated that the EQB will consider the proposed rulemaking in the *fourth* quarter of 2015.

Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOCs – The proposed Reasonably Available Control Technology (RACT) rulemaking was approved by the EQB on November 19, 2013, and published for public comment in the *Pennsylvania Bulletin* (44 Pa.B. 2392) on April 19, 2014. Three public hearings were held May 27, 28 and 29, 2014. The public comment period closed on June 30, 2014. IRRC comments were received July 30, 2014. The total number of commentators is 134, including IRRC. By a vote of 11 to 5, the AQTAC voted to move to the EQB for consideration the RACT requirements at its November 7, 2014 meeting. The draft final-form Annex was discussed with the CAC Policy and Regulatory Oversight Committee on December 15, 2014, and the SBCAC on January 28. A follow-up conference call with the CAC's Policy and Regulatory Oversight Committee was held on February 20; the Committee voted unanimously to recommend EQB consideration of the RACT regulation by the full CAC on March 17. CAC tabled action on this proposal at the March 17 meeting. The draft final-form Annex was again discussed with AQTAC at its April 16 meeting. Anticipated for EQB consideration third quarter 2015.

Control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coating Operations and Heavier Vehicle Coating Operations – At its April 3, 2014 meeting, the AQTAC concurred with DEP's recommendation to submit the draft proposed rulemaking to EQB for consideration. The proposed rulemaking would establish RACT as recommended in EPA's CTG. The CAC's Policy and Regulatory Oversight Committee discussed this rulemaking with staff during a conference call on May 6, 2014. On the recommendation of the Policy and Regulatory Oversight Committee, the CAC concurred with DEP's recommendation to forward the proposed rulemaking to the EQB on June 17, 2014. The EQB approved unanimously the proposed rulemaking for public comment and review at its April 21 meeting. *Publication of the proposal in the Pennsylvania Bulletin, opening the public comment period, is anticipated for the third* quarter of 2015.

### **EPA Actions on Redesignation Requests and Maintenance Plans for the 1997 and 2006 PM<sub>2.5</sub> National Ambient Air Quality Standards**

Redesignation of the Lancaster Area to Attainment of the 1997 and 2006 PM<sub>2.5</sub> Standards – On May 1, EPA proposed to approve Pennsylvania's April 30, 2014, request to redesignate the Lancaster County nonattainment area to attainment for both the 1997 annual and the 2006 24-hour fine particulate matter (PM<sub>2.5</sub>) NAAQS.

EPA is also proposing to approve as a revision to the Pennsylvania SIP the maintenance plan that shows maintenance of the 1997 annual and the 2006 24-hour PM<sub>2.5</sub> NAAQS through 2025. The maintenance plan includes the 2017 and 2025 PM<sub>2.5</sub> and NO<sub>x</sub> MVEBs for Lancaster, which EPA is proposing to approve for transportation conformity purposes. EPA is also proposing to approve the 2007 emissions inventory that is included in the maintenance plan.

*Redesignation of the Pittsburgh-Beaver Valley Area to Attainment of the 1997 and 2006 PM<sub>2.5</sub> Standards – On May 20, EPA proposed to approve Pennsylvania's December 22, 2014, request to redesignate the Pittsburgh-Beaver Valley nonattainment area to attainment for both the 1997 annual and the 2006 24-hour fine particulate matter (PM<sub>2.5</sub>) NAAQS. EPA proposed to determine that the Area continues to attain the 1997 and 2006 PM<sub>2.5</sub> standards. EPA is proposing to approve, as a revision to the Pennsylvania SIP, the maintenance plan that shows maintenance of the 1997 annual and the 2006 24-hour PM<sub>2.5</sub> NAAQS through 2025. EPA is also proposing to approve as revisions to the Pennsylvania SIP, the 2007 emissions inventories for the 1997 annual PM<sub>2.5</sub> NAAQS and the 2011 emissions inventories for the 2006 24-hour PM<sub>2.5</sub> NAAQS included in the maintenance plan. In addition, EPA is proposing to approve the NO<sub>x</sub> motor vehicle emissions budgets (MVEBs) for the Area for the 1996 and 2006 PM<sub>2.5</sub> standards for conformity purposes.*

### **Proposed 2015 Ambient Air Quality Monitoring Network Plan**

The DEP Air Monitoring Network consists of 72 air monitoring stations located in 39 counties in Pennsylvania. Criteria pollutant monitoring is performed at 63 of the 72 monitoring stations, and sampling for air toxics is performed at 20 of the 72 monitoring stations. On May 16, the DEP published notice of the 2015 Air Quality Monitoring Network Plan. As required by 40 CFR Parts 53 and 58, state and local agencies must enhance air monitoring to "improve public health protection and better inform the public about air quality in their communities." The plan must be made available for public inspection for at least 30 days prior to final submission to the EPA Regional Administrator. The plan, which is due to EPA by July 1, includes a statement of purpose for each monitor and provides evidence that siting and operation of each monitor meets Federal requirements. The plan also identifies proposed installations for new monitors including near-roadside NO<sub>x</sub> samplers, CO, ozone, PM<sub>2.5</sub> and SO<sub>2</sub> samplers and the relocation or termination of certain monitoring stations including PM<sub>10</sub>, NO<sub>2</sub>, ozone and SO<sub>2</sub>. DEP's public comment period will end on June 16, 2015. EPA may also provide an opportunity for review and comment prior to approving or disapproving a state's Monitoring Network Plan. *During the 30-day public comment period, DEP received comments on the Network Plan from six commentators. The final plan will be submitted to EPA in July 2015.*

### **EPA Approves Motor Vehicle Emission Budgets and General Conformity Budgets for the Scranton/Wilkes-Barre Maintenance Area**

*On June 15, EPA approved State Implementation Plan (SIP) revisions for Pennsylvania, as a direct final rule, to update the motor vehicle NO<sub>x</sub> emissions budgets for the 1997 8-Hour Ozone NAAQS maintenance SIP for the Scranton/Wilkes-Barre 1997 8-Hour Ozone NAAQS Maintenance Area. The approved SIP revisions also include general conformity budgets for the construction of the Bell Bend Nuclear Power Plant and updated point and area source NO<sub>x</sub> emission inventories.*

### **EPA Approves PA's Control Technique Guidelines for Offset Lithographic Printing and Letterpress Printing; Flexible Package Printing; and Adhesives, Sealants, Primers, and Solvents**

*On June 25, EPA approved a State Implementation Plan (SIP) revision submitted for Pennsylvania pertaining to control of volatile organic compound (VOC) emissions from offset lithographic printing and letterpress printing, flexible package printing, and adhesives, sealants, primers, and solvents. The SIP revision also adopts the revisions as Reasonably Available Control Technology (RACT) requirements for source categories covered by EPA's Control Technique Guidelines including the following categories: offset lithographic printing and letterpress printing, flexible package printing, and adhesives, sealants, primers, and solvents. The final rule will become effective on July 27.*

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## **Energy Initiatives**

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### **Alternative Fuel Fleet Vehicles**

On January 14, *the final round of Act 13* funding was awarded to 18 companies, organizations and partnerships making the switch to natural gas for their heavy-duty fleet vehicles. *Combined, the three rounds of Act 13 funding awarded \$20 million to 62 companies and organizations. To date, DEP has reimbursed grantees for the purchase or conversion of 171 heavy duty vehicles under the Act 13 program totaling more than \$3.8 million in program funds disbursed. The 171 vehicles supported to date with grant funds are estimated to be displacing over 2.1 million gasoline gallon equivalents per year.*

*Since 2013, the Alternative Fuel Incentive Grant Program has provided \$7 million to 66 awardees to support the purchase or conversion for light and medium duty natural gas vehicles as well as propane and electric fleet vehicles of any size. So far, DEP has reimbursed grantees for the purchase or conversion of 188 vehicles totaling just over \$1 million in program funds disbursed. The 188 vehicles are estimated to be displacing approximately 435,989 gasoline gallon equivalents per year.*

### **Alternative Fuel Vehicle Rebate Program**

On May 9, the alternative fuel vehicle rebate program announced continuing support and a new commitment of rebates for EVs and PHEVs at \$2,000. This new commitment of 250 rebates at \$2,000 resulted in another \$500,000 pledged to support alternative fueled vehicles purchased and registered by Pennsylvania residents. The \$2,000 rebate level will remain available until December 31, 2015, or until 250 rebates are issued, whichever occurs first. *As of June 26, 187 rebates remain at \$2,000.*

### **PA Turnpike Electric Vehicle Charging**

DEP has been working with the PA Turnpike on the deployment of direct current (DC) fast charging stations on the PA Turnpike. *At the last update meeting on June 25, Car Charging Group, Inc. (CCGI), the technology provider for the Turnpike project, reported that the DC fast charging station at Bowmansville has been installed. The charging unit at Peter J. Camiel will be completed on June 29, and the King of Prussia charging unit is being installed July 2. It is expected that all of the aforementioned units will be commissioned and operational the following week. The western plaza group (Oakmont, New Stanton, North & South Somerset and North & South Midway) has been bid. The work is anticipated to be awarded by mid-July. The engineering evaluations on the central plazas (Sideling Hill, Blue Mountain, Cumberland Valley, Highspire and Lawn) have also been completed. CCGI will prepare bid for distribution with bidding by the end of July. The chargers will be the first DC Level III chargers capable of fully charging an electric vehicle in 20 minutes on the Turnpike. It is anticipated that the Turnpike mainline will be fully electrified by the end of the year.*

### **Promoting an Energy Efficient Work Force**

**Building Operator Certification (BOC)/Building Re-Tuning (BRT) Training:** Building Operator Certification (BOC) is a national, competency-based training program that empowers facilities personnel with the job skills and knowledge to transform workplaces into more comfortable and energy-efficient spaces. A variety of building management topics including lighting systems, heating ventilation & air conditioning (HVAC), indoor air quality, sustainability, and energy conservation are addressed. *BRT trains facility managers in a systematic approach to finding low-to-no-cost energy efficiency improvements in a target building. DEP has entered into a contract with Penn State University to conduct BOC and BRT Training for facility managers from K-12 schools and local governments from July 1, 2015 through June 30, 2016. Additional BRT Trainings will be offered to Community Colleges as well. Funding is provided by the U.S. Department of Energy's (DOE) State Energy Program (SEP).*

**BOC/BRT Class at Penn State University:** *Throughout the fall semester 2014, a course entitled Building Retuning Design for Energy Efficiency Leadership was offered for the first time to 8 undergraduate and graduate students at Penn State's University Park campus. This course, focused on energy efficient building*

operations, was based on the training materials from Building Operator Certification (BOC) and Building Retuning (BRT) programs. DEP has entered into a contract with Penn State University for FY 2015-2016 to further develop the course and expand the offering to other colleges and universities. Funding is provided by the U.S. Department of Energy's (DOE) State Energy Program.

### **Industrial Energy Efficiency Assistance**

DEP contracts with the Pennsylvania State University's Technical Assistance Program (PennTAP) to help Pennsylvania companies improve their competitiveness by providing technical assistance and information. *DEP and PennTAP entered into a new contract for FY 2015 – 2016 to provide 10 -12 energy efficiency assessments for small to mid-sized manufacturers. PennTAP will also provide ISO 5001 and DOE Superior Energy Performance technical assistance for several manufacturers. PennTAP's technical staff is in the outreach planning stages.* Funding is provided by EPA's Pollution Prevention Incentives for States and the DOE's SEP.

*PennTAP staff provided an ISO 5001 and Superior Energy Performance Gap Analysis for Barry Callebaut, Eddystone, PA, who is among the world's largest cocoa producers and grinders.*

### **Energy Efficient Building Codes Training**

Pennsylvania's acceptance of \$99.6 million dollars from the American Recovery and Reinvestment Act (ARRA) carries with it a number of obligations regarding enforcement of the 2009 International Energy Conservation Code (IECC) across the state. Specifically, DEP has provided assurance to DOE that it will develop and implement a program that will measure and ensure that DEP has achieved 90 percent statewide compliance with the code by 2017. *DEP entered into a SFY 2015 – 2016 sub-grant with Department of Community and Economic Development, who contracts with the Pennsylvania State Association of Township Supervisors to provide residential and commercial energy code trainings that will include guides and tools. The trainings, guides and tools will be developed as a result of the benchmarking study conducted by Performance System Developments.*

*The Pennsylvania Code Collaborative (PECC) held their last conference call for the SFY 2014 – 2015 on June 25. The final strategic report was reviewed and plans were made to continue future PECC meetings. The Northeast Energy Efficiency partnership agreed to facilitate future meetings. They will be scheduling the next meeting in early September 2015.*

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## **Environmental Cleanup and Brownfields**

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### **Cleanup Standards Scientific Advisory Board (CSSAB)**

The next CSSAB meeting is scheduled for August 26 at 9 a.m. in Room 105 of the Rachel Carson State Office Building.

### **Storage Tank Advisory Committee (STAC)**

*The next STAC meeting is scheduled for September 1 at 10 a.m. in Room 105 of the Rachel Carson State Office Building.*

### **EPA Issues Final Underground Storage Tank (UST) Regulations**

*EPA's Office of Underground Storage Tanks (OUST) hosted a call on the morning of June 22 to announce that a pre-publication version of the final revisions to the Federal UST regulations would be released to their website that afternoon. For non-State Program Approval (SPA) states, the regulations will be effective 90 days after publication in the Federal Register, which is anticipated in mid-July. Since Pennsylvania has SPA, DEP will have 3 years to update the UST regulations in 25 Pa. Code Chapter 245 and reapply for SPA. The Federal regulations will include new requirements to perform operational testing of release detection and prevention components, conduct walk-through inspections and perform visual sump checks. In addition, a new subpart will remove the deferral of the regulation of airport hydrant systems and field-constructed tanks and require these*

systems to meet release detection requirements. The regulations will also include release detection requirements for emergency generator tanks. OUST will schedule outreach for the States regarding the final regulations to include: one or more webinars this summer, discussion at the National Tanks Conference in Phoenix this September, and an ASTSWMO October workshop as part of the ASTSWMO end-of-year meeting. In addition, OUST announced plans to streamline the SPA process.

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## **Environmental Education**

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### **Environmental Education Grants Program (EEGP)**

DEP's Environmental Education and Information Center (EEIC) awards grants to colleges and universities, K-12 schools, county conservation districts, businesses, and non-profit organizations, municipalities to do professional development, curriculum integration, hands-on lessons as well as covering costs associated with a variety of environmental education topics. This program is funded through a portion of fines and penalties collected by DEP.

The 2015 grant round opened October 6, 2014 and closed December 19, 2014. There were 180 applications approved and accepted by the program; the total requested amount was just under \$500,000. Grants awards totaling \$304,137 were made to 110 schools, universities, non-profit organizations, and conservation districts across Pennsylvania. Funded projects include: farm field days, summer camps, inquiry-based learning activities, professional development, and interpretive watershed signage. Grantees and EEIC staff are coordinating to execute contracts. Grantees *were able to* begin their projects July 1. *The next EEGP grant round will open the first week in October 2015.*

### **DEP at Home Exhibit**

DEP at Home is an interactive, educational exhibit that promotes water conservation, clean watersheds, sustainable building materials, green/healthy products, energy efficiency and alternative transportation technologies, including electric (EV) and compressed natural gas (CNG) vehicles.

The exhibit was featured most recently on May 20 at the State Envirothon Event, hosted by the University of Pittsburgh at Johnstown. High school students working in school teams of five completed a scavenger hunt involving portions of the display, including various sustainable building materials, DEP's CNG van, and a Nissan LEAF.

Remaining Show Schedule for 2015:

- Sustainable Energy Fund's annual EnergyPath Conference & Expo – July 23-24; University of Scranton
- Ag Progress Days – August 18-20; PSU Ag Research Grounds, Rock Springs (near State College)

### **Keystone Energy Education Program (KEEP)**

KEEP focuses on teaching about and tracking energy efficiency in school buildings and homes. Interested schools may attend workshops as a "building team." Each building team may include any or all of the following:

- Teachers in grades 4-8
- School administrator or designee
- Building maintenance or facility manager or designee

Workshop participants learn about and explore energy conservation, efficiency, energy basics, student energy teams, benchmarking the school building using the free Energy Star Portfolio Manager program, and more. The first KEEP workshop of 2015 was held on April 7, at Westtown School in Chester County, a second at Slippery

Rock University on May 12, and a third on June 17 at Ferguson Township Elementary School in Pine Grove Mills. One additional workshop is scheduled for the following date and location:

- Fall 2015: Springside Chestnut Hill Academy, 500 West Willow Grove Avenue, Philadelphia, PA (Register by May 21, 2015). To register, visit: <https://eventbrite.com/event/15879264307/>

### **PA Falcon Reintroduction Program**

The banding event was held May 21; over 100 teachers, students, DEP/DCNR/PGC staff and falcon program volunteers attended. Wildlife managers determined the brood of three chicks to be all female. Watch and rescue activities began May 30. *Two of the three fledglings were rescued from the street after failed attempts to fly and returned to the ledge. The blue-banded female later flew into a building window and perished. Typically, mortality is high at any nest sight in the first few days/weeks after fledging. The watch and rescue program often gives the juvenile falcons a second chance at survival, increasing the numbers of breeding adults in the longer term.*

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## **Oil and Gas**

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### **Mechanical Integrity Assessment Program**

To ensure well construction materials are functioning as intended over the life of a gas well, Pennsylvania's Oil and Gas Regulations include requirements for regular inspections of the well components accessible to the surface. Specifically, operators are required to conduct quarterly inspections to ensure all operating wells are in compliance with well construction and operating standards described in the regulations. During 2013, DEP developed the Mechanical Integrity Assessment an inspection form and instructions along with supporting guidance. The Office of Oil and Gas Management subsequently conducted multiple training sessions throughout the state, with over 300 operators in attendance. The quarterly inspection program began in the fourth quarter of 2013. The deadline for the first annual inspection report, consisting of quarterly inspection data for the 2014 calendar year, was February 15. *On June 23, the Office of Oil and Gas Management issued Notices of Violation to 374 operators that failed to submit their 2014 reports. The department is committed to ensuring compliance with this program.*

### **Oil and Gas Workload Report**

Please see Attachment 2.

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## **Radiation Protection**

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### **Radiation Protection Advisory Committee (RPAC)**

The next RPAC meeting is scheduled for *July 23*, at 9 a.m. in the 14<sup>th</sup> Floor Conference Room of the RCSOB. Final discussion and solicitation of a recommendation from the Committee on the Radiological Health rulemaking package will be the focus of this meeting.

### **Radiation Protection Rulemaking Packages**

Security Rule for Radioactive Material – This rulemaking incorporates by reference selected regulations from Title 10, Chapter I, of the U.S. Nuclear Regulatory Commission (NRC) Code of Federal Regulations (CFR) relating to radiation protection and control of radioactive materials. Recently NRC implemented new security-related regulations, known as 10 CFR Part 37, which Pennsylvania is required to adopt by March 2016. The purpose of this amendment is to reference the new Part 37, except for those subsections which only apply to the NRC. The rulemaking was recommended as proposed for presentation to EQB by the Radiation Protection Advisory Committee (RPAC) at its June 2014 meeting. The EQB accepted the proposed rulemaking at its October 21, 2014, meeting. It was published in the Pennsylvania Bulletin on March 21, opening a 30-day public comment period that ended April 20. The Independent Regulatory Review Commission's (IRRC) 30-day

comment period closed on May 20. No comments were received from the public or the IRRC. EQB consideration of the final-form rulemaking is anticipated in the *September EQB meeting*.

**Radiation Protection Program Fees** – This rulemaking amends Chapters 218 and 240 relating to fees. DEP must review the adequacy of established fees every three years, and the current fee review indicates the need for a fee increase in two program areas. The Radiation Protection Program found that the fees for Radioactive Materials and Decommissioning Program and Radon Program are insufficient to cover program costs. This information was presented in a 3-year Fee Report to the RPAC and EQB in 2014 meetings of these bodies. RPAC has endorsed the increases. Specific fee amounts and regulatory language are being finalized for EQB consideration as proposed rulemaking *at the September EQB meeting*.

**Radiological Health** – This draft proposed rulemaking will amend 25 Pa. Code Chapters 215-240 to update Computed Tomography and Fluoroscopic regulations; to address new X-ray technology that is not addressed in current regulations; and to include comprehensive updates to the radon regulations to incorporate procedures and protocols that are not addressed in the current regulations. Additional items of clarification are 45-day reporting and application requirements, specifying the number of mitigation firm employees, and numerous changes and additions to the definitions section. This rulemaking has been discussed at length with RPAC in 2014 and at its *June 4, 2015*, meeting; DEP will seek the Committee’s final recommendation on the package at its *July 23* meeting.

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## **Waste Management**

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### **Solid Waste Advisory Committee (SWAC)**

*The SWAC will hold an ad hoc subcommittee meeting at 10 a.m. on Thursday July 9, 2015, in Conference Room 13B of the Rachel Carson State Office Building in Harrisburg. The committee will discuss the possibility of establishing “Convenience Centers” in rural areas that would accept recyclable materials and potentially municipal waste.*

### **Highly Pathogenic Avian Influenza**

*In May, the Department of Agriculture formed a Task Force to begin preparing for the eventual outbreak of Highly Pathogenic Avian Influenza (HPAI). This Task Force includes a Dead Bird Disposal Subcommittee. The subcommittee is made up of representatives from PDA, PSU, DEP and the Poultry Industry because of the probability that the HPAI currently in the Midwest will find its way to the Commonwealth. The DEP Director of Environmental Emergency Response was requested to serve on that subcommittee as the DEP representative. The goals of the Subcommittee are to develop a decision tree for poultry disposal as well as protocols for such disposal options as; composting, landfilling, on-site burial, burning (incinerator vs. pyre), rendering, ensiling and chemical decomposition (i.e. alkaline digestion). Additionally, DEP is assisting in preparing for this potentiality by identifying permittees who may be able to provide necessary raw materials or end stage disposal of wastes. DEP has provided the Task Force through the subcommittee with recommendations for isolation distances for on-site burial of poultry carcasses. We have also conducted a preliminary analysis of the potential to use transportable pathogenic waste incinerators, so the diseased birds would not have to be moved off the farm for disposal and neutralization of the virus.*

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## **Water Management**

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### **Nutrient Trading Program**

*On April 18, DEP published in the Pennsylvania Bulletin a request for public comment on its intention under the Nutrient Credit Trading Program (Trading Program) to issue a mass credit certification for all point sources within the Chesapeake Bay watershed with an assigned Cap Load. These point sources are listed in Table 7-1 of the Wastewater Supplement to the Phase 2 Chesapeake Bay Watershed Implementation Plan dated April 18, 2015. The comment period ended May 20. One comment relative to the credit calculation methodology was received and modifications were made to the Nutrient Trading Supplement to the Phase 2*

*Chesapeake Bay Watershed Implementation Plan made in response. A final notification of DEP's certification of these systems for credit generation will be published in the Pennsylvania Bulletin in the near future. See the Nutrient Trading Program webpage at [www.depweb.state.pa.us/Nutrient\\_Trading](http://www.depweb.state.pa.us/Nutrient_Trading) for further information and copies of both supplements to the Phase 2 Chesapeake Bay Watershed Implementation Plan.*

### **NPDES Permitting**

*On May 30, DEP published a draft NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (PAG-13). The PAG-13 General Permit currently in effect does not expire until March 2018. If the reissued PAG-13 General Permit is published as final prior to the existing PAG-13 expiration date, it will not become effective until March 2018. DEP is seeking input on the draft PAG-13 early due to the possibility of changes to the General Permit that may necessitate significant efforts on the part of MS4 permittees in preparing future Notices of Intent (NOIs) for General Permit coverage. The most significant proposed change involves the development of Pollutant Reduction Plans for stormwater discharges to waters draining to the Chesapeake Bay and to waters impaired for nutrients and sediment, with mandatory reductions in pollutant loadings. DEP is providing a 60-day comment period in lieu of the standard 30-day comment period. The comment period for the draft PAG-13 ends on July 29.*

### **Proposed Rulemaking: Revised Total Coliform Rule**

The purpose of the proposed RTCR Chapter 109 rulemaking package is to incorporate necessary federal requirements needed to obtain primacy and to provide for the increased protection of public health. The proposal does the following:

- Strengthens public health protection by ensuring the integrity of drinking water distribution systems and monitoring for the presence of microbial contamination.
- Establishes a Maximum Contaminant Level (MCL) for *E.coli*.
- Creates a treatment technique for coliforms that requires public water supplies (PWSs) to assess their system and correct any problems that have been identified.

The Bureau of Safe Drinking Water presented the draft proposed Revised Total Coliform Rule (RTCR) rulemaking package to the EQB at its April 21 meeting. The EQB approved the RTCR rulemaking as proposed with modifications. The modifications included separating the rulemaking into 2 parts: the proposed RTCR provisions, which were approved for publication for a 60-day public comment period; and the non-RTCR provisions, which will undergo additional stakeholder input.

The proposed rulemaking package was discussed at the April 30 Small Water Systems Technical Assistance Center (TAC) Board meeting, where the Board was apprised of the modifications made by EQB. At the meeting, the TAC Board voted to recommend that DEP further break down the general Chapter 109 rulemaking into two parts: the first dealing solely with the disinfectant residuals provisions required for primacy; and the second with the remaining portions of the general update. DEP began soliciting input from the larger water systems on the rulemakings at *three* additional TAC Board meetings held May 18 and 26, and June 16 in Harrisburg. Additional discussion and final recommendations were given by the TAC at its meeting on June 30.

### **Survey of Effectiveness of the Abandoned Mine Discharge (AMD) Program**

*DEP is conducting an evaluation of the impact of the 2011 reorganization on the AMD program. A key component of this evaluation is stakeholder input. A questionnaire was developed and placed on the DEP website in early June. This questionnaire was also circulated to key stakeholders for distribution. The questionnaire asks stakeholders to comment on reorganization effectiveness and also solicits input on AMD program policy. The Bureau of Conservation and Restoration is collecting completed stakeholder questionnaires through June 30. After collecting this information, a program evaluation document will be developed for Department consideration/action in the fourth quarter of 2015.*

## Attachment 1

### 2015 Events Calendar

Please consult the DEP Calendar of Events for a comprehensive listing of upcoming events. The Calendar can be accessed in the Public Participation Center on the DEP website. Click on “Public Participation Center;” “News and Events.”

<b>July</b>	
7	<i>Climate Change Advisory Committee; 11 a.m., via WebEx (register on DEP website)</i>
8	Technical Advisory Committee on Diesel-Powered Equipment; 10 a.m., Westmoreland Room, New Stanton Office
9	Mining and Reclamation Advisory Board; 9 a.m., Pottsville District Mining Office
9	<i>Solid Waste Advisory Committee Convenience Center Ad Hoc Subcommittee; 10 a.m., Conference Room 13B, RCSOB</i>
15	<i>Pipeline Infrastructure Task Force; 9:30 a.m., Room 105, RCSOB</i>
22	Small Business Compliance Advisory Committee; 10 a.m., 12 <sup>th</sup> floor Conference Room, RCSOB
23	<i>Radiation Protection Advisory Committee; 9 a.m., 14<sup>th</sup> floor Conference Room, RCSOB</i>
<b>August</b>	
4	Environmental Justice Advisory Board; 8:30 a.m., Delaware Room, RCSOB
6	Air Quality Technical Advisory Committee; 9:15 a.m., Room 105, RCSOB
12	State Board for Certification of Water and Wastewater Systems Operators; 10 a.m., 10th floor Conference Room, RCSOB
12	Water Resources Advisory Committee; 9:30 a.m., Room 105, RCSOB
18	Climate Change Advisory Committee; 10 a.m., 12 <sup>th</sup> floor Conference Room, RCSOB
18	Environmental Quality Board; 9 a.m., Room 105, RCSOB
19	Agricultural Advisory Board; 9 a.m., Susquehanna Room A, SCRO
25	Oil and Gas Technical Advisory Board; 10 a.m., Room 105, RCSOB
26	Cleanup Standards Scientific Advisory Board; 9 a.m., Room 105, RCSOB
<b>September</b>	
1	Storage Tank Advisory Committee; 10 a.m., Room 105, RCSOB
8	Board of Coal Mine Safety; 10 a.m., Cambria Office, Ebensburg
15	Environmental Quality Board, 9 a.m., Room 105, RCSOB
17	Small Water Systems Technical Assistance Center Board, 9 a.m., Room 105, RCSOB
22	Sewage Advisory Committee; 10:30 a.m., Room 105, RCSOB
23	State Board for Certification of Sewage Enforcement Officers; 10 a.m., Conference Room 11B, RCSOB
24	Radiation Protection Advisory Committee; 9 a.m., 14 <sup>th</sup> floor Conference Room, RCSOB
24	Solid Waste Advisory Committee/Recycling Fund Advisory Committee; 10 a.m., Room 105, RCSOB
30	Laboratory Accreditation Advisory Committee; 9 a.m., Bureau of Laboratories Building, Harrisburg
<b>October</b>	
2	Climate Change Advisory Committee; 10 a.m., 12 <sup>th</sup> floor Conference Room, RCSOB
2	Low-Level Waste Advisory Committee; 10 a.m., Room 105, RCSOB
8	Air Quality Technical Advisory Committee; 9:15 a.m., Room 105, RCSOB

14	Technical Advisory Committee on Diesel-Powered Equipment; 10 a.m., Westmoreland Room, New Stanton Office
20	Environmental Quality Board, 9 a.m., Room 105, RCSOB
21	Agricultural Advisory Board; 9 a.m., Susquehanna Room A, SCRO
22	Mining and Reclamation Advisory Board; 10 a.m., Room 105, RCSOB
27	Oil and Gas Technical Advisory Board; 10 a.m., Room 105, RCSOB
28	Small Business Compliance Advisory Committee; 10 a.m., 12 <sup>th</sup> floor Conference Room, RCSOB
29	State Board for Certification of Water and Wastewater Systems Operators, 10 a.m., 10 <sup>th</sup> floor Conference Room, RCSOB
<b>November</b>	
5	Environmental Justice Advisory Board; 8:30 a.m., Delaware Room, RCSOB
17	Environmental Quality Board, 9 a.m., Room 105, RCSOB
<b>December</b>	
2	Laboratory Accreditation Advisory Committee; 9 a.m., Bureau of Laboratories Building, Harrisburg
4	Climate Change Advisory Committee; 10 a.m., Room 105, RCSOB
8	Board of Coal Mine Safety; 10 a.m., Cambria Office, Ebensburg
8	Storage Tank Advisory Committee; 10 a.m., Room 105, RCSOB
10	Air Quality Technical Advisory Committee; 9:15 a.m., Room 105, RCSOB
10	State Board for Certification of Water and Wastewater Systems Operators, 10 a.m., 10 <sup>th</sup> floor Conference Room, RCSOB
15	Environmental Quality Board, 9 a.m., Room 105, RCSOB
16	Agricultural Advisory Board; 9 a.m., Susquehanna Room A, SCRO
16	Cleanup Standards Scientific Advisory Board, 9 a.m., Room 105, RCSOB
16	State Board for Certification of Sewage Enforcement Officers; 10 a.m., Conference Room 11B, RCSOB
17	Small Water Systems Technical Assistance Center Board, 9 a.m., Room 105, RCSOB

**Attachment 2**  
**OFFICE OF OIL AND GAS MANAGEMENT**  
**Workload Report**

YTD WELL PERMIT APPLICATIONS - 1/1/2015 to 6/26/2015						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	206	20	251	248	247	3
UNCONVENTIONAL	1,086	215	1,139	1,117	1,093	22
<b>Sub Total</b>	<b>1,292</b>	<b>235</b>	<b>1,390</b>	<b>1,365</b>	<b>1,340</b>	<b>25</b>
AUTHORIZATIONS	283	135	174	160	N/A	14
<b>Total</b>	<b>1,575</b>	<b>370</b>	<b>1,564</b>	<b>1,525</b>	<b>1,495</b>	<b>39</b>

WEEKLY WELL PERMIT APPLICATIONS - 6/20/2015 to 6/26/2015						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	3	1	4	4	4	0
UNCONVENTIONAL	27	23	56	51	51	5
<b>Sub Total</b>	<b>30</b>	<b>24</b>	<b>60</b>	<b>55</b>	<b>55</b>	<b>5</b>
AUTHORIZATIONS	10	3	15	15	N/A	0
<b>Total</b>	<b>40</b>	<b>27</b>	<b>75</b>	<b>70</b>	<b>70</b>	<b>5</b>

HISTORICAL WELL PERMIT APPLICATIONS AS OF 6/26/2015						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	196,999	196,965	195,748	189,778	1,217	105,855
UNCONVENTIONAL	20,362	20,124	19,714	16,419	410	10,151
<b>Sub Total</b>	<b>217,361</b>	<b>217,089</b>	<b>215,462</b>	<b>206,197</b>	<b>1,627</b>	<b>116,006</b>
AUTHORIZATIONS	41,038	40,840	40,570	N/A	270	18,519
<b>Total</b>	<b>258,399</b>	<b>257,929</b>	<b>256,032</b>	<b>246,395</b>	<b>1,897</b>	<b>134,525</b>

YTD INSPECTIONS - 1/1/2015 to 6/26/2015				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	4,892	3,676	424	115
UNCONVENTIONAL	6,907	3,823	172	66
CLIENT/SITE	1,798	0	539	278
<b>Total</b>	<b>13,597</b>	<b>7,499</b>	<b>1,135</b>	<b>459</b>

WEEKLY INSPECTIONS - 6/20/2015 to 6/26/2015				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	172	161	16	8
UNCONVENTIONAL	182	178	20	15
CLIENT/SITE	70	0	26	33
<b>Total</b>	<b>424</b>	<b>339</b>	<b>62</b>	<b>56</b>

<b>WELLS DRILLED</b>					
	<b>Two Years Prior 1/1/2013 to 6/26/2013</b>	<b>One Year Prior 1/1/2014 to 6/26/2014</b>	<b>Year To Date 1/1/2015 to 6/26/2015</b>	<b>Week of 6/20/2015 to 6/26/2015</b>	<b>As of 6/26/2015</b>
CONVENTIONAL	397	352	155	9	195,003
UNCONVENTIONAL	611	622	419	3	9,247
<b>Total</b>	<b>1,008</b>	<b>974</b>	<b>574</b>	<b>12</b>	<b>204,250</b>

This report was prepared by Laura Henry, Executive Policy Specialist, DEP Policy Office. For questions or requests, please email [lahenry@pa.gov](mailto:lahenry@pa.gov) or call (717) 705-3769.