

November 2017 Report to the Citizens Advisory Council
(New and updated information in italics)

DEP Highlights

Environmental Justice Listening Session Tour

DEP has published the transcripts and a document listing all comments received during DEP's statewide listening tour on environmental justice. The comments received will help drive revisions to the Environmental Justice Public Participation Policy.

New Flexible Flow Management Program (FFMP) negotiated to manage interstate Delaware River flows

Pennsylvania, along with New York, New Jersey, Delaware and New York City are parties to the Supreme Court Decree of 1954 which provides for water quantity management of the Delaware River. The previous FFMP expired on May 31, 2017, and the parties have been negotiating a new agreement since that time. The new agreement was executed on October 21, 2017. Over the next six months, a work plan and schedule will be created to implement the studies (salt venier dynamics and sea level rise; partitioning of water between various banks; management for endangered dwarf wedgemussels). The agreement will be in effect until May 13, 2023, when the parties will have the option of continuing the agreement for an additional five years.

2016 Alternative Fuel Incentive Grant (AFIG)

The AFIG Program offers grant funding for clean, alternative fuel projects in Pennsylvania, and investment in Pennsylvania's energy sector. The Pennsylvania FAST Act Alternative Fuel Corridor Infrastructure solicitation opened on September 30, 2017. Approximately \$1 million in grants will be available to install: public-use electric, hydrogen, propane, and compressed natural gas refueling infrastructure along the highway corridors in Pennsylvania. Applications will be accepted until November 17, 2017.

Governor's Awards for Environmental Excellence

The Wolf Administration invites all individuals and organizations who have recently worked on successful environmental projects to [apply](#) for the state's top environmental recognition: the 2018 Governor's Awards for Environmental Excellence. DEP oversees the application and award selection process. Projects are evaluated on the basis of seven criteria: degree of environmental protection, climate change, sustainability, partnership, economic impact, innovation, and environmental education and outreach. A project does not have to meet all criteria to merit an award. The deadline for submission is Monday, January 8, 2018, at 5 p.m. Eligible projects must have been completed before November 1, 2017.

Federal Regulations

Recently Submitted DEP Comments

EPA Request for Scientific Views: Draft Updated Aquatic Life Ambient Water Quality Criteria for Aluminum in Freshwater (10/26/17)

Regulations Planned for DEP Comment

None at this time.

Regulatory Update (detailed summaries included in respective program sections)

Please refer to the [DEP Rolling Regulatory Agenda](#) for the Regulatory Update.

Proposals Open for Public Comment

- *Proposed Rulemaking: Triennial Review of Water Quality Standards (Opened 10/21/17; Closes 12/29/17)*
- *Draft Statement of Policy: Water Quality Toxics Management Strategy (Opened 10/21/17; Closes 12/29/17)*
- *DRAFT: Policy for the Development and Publication of Technical Guidance (012-0900-001) (Opened 10/14/17; Closes 12/13/17)*
- *DRAFT: Policy for the Development and Review of Regulations (012-0820-001) (Opened 10/14/17; Closes 12/13/17)*
- *DRAFT: Advisory Committee Guidelines (Opened 10/14/17; Closes 12/13/17)*
- *Draft Technical Guidance – Processing Completion Reports for Coal Mining Operations (563-2504-411) (Opened 9/30/17; Closes 10/30/17)*

Recently Closed Comment Periods

- *Federal Consistency Notice under the Coastal Zone Management Act: City of Philadelphia – Bartram’s Garden proposal to deploy temporary buoys in the Schuylkill River to display local tidal changes (Opened 9/30/17; Closed 10/10/17)*
- *Draft Reclamation Fee Fiscal-Year Report 2017 (Opened 9/23/17; Closed 10/17/17)*
- *Draft Technical Guidance: Coal and Noncoal Surface Mining Activity Permit Pre-Application Review (563-2112-214) (Opened 9/16/17; Closed 10/16/17)*
- *Environmental Assessment Approval for PENNVEST Funding Consideration (Opened 9/2/17; Closed 10/2/17)*
- *Proposed Rulemaking: Safe Drinking Water General Update and Fees (Opened 8/26/17; Closed 9/25/17)*
- *Proposed State Implementation Revision: Attainment Demonstration for the Indiana Nonattainment Area for the 2010 Sulfur Dioxide NAAQS (Opened 8/12/17; Closed 9/15/17)*

Communications Monthly Press Releases (All New, not Italicized)

Press Releases Issued

September 29 – DEP Offers Grants to Support Alternative Fuel Infrastructure Projects in Pennsylvania

October 12 – MEDIA ADVISORY – DEP to Hold Public Hearing on Proposed Natural Gas-Fired Power Plant in Greene County

October 12 – ADVISORY – CLEARFIELD – MONDAY – Wolf Administration to Provide Tour of Pine Grove Waterline AML Pilot Project Site

October 12 – DEP Collects \$220,000 Penalty from Ohio Lab for Violations

October 13 – DEP Accepting Feedback on Enhancing Public Engagement

October 13 – DEP to Cover Cost of at Least 800 Agricultural Plans for Clean Water in Pennsylvania’s Part of Chesapeake Bay Watershed

October 16 – Wolf Administration Announces Project to Provide Drinking Water to 148 Homes and Businesses Affected by Legacy Mining Operations in Clearfield County

October 17 – ADVISORY – MILLVILLE – THURSDAY – Wolf Administration to Tour Camp Victory Pond and Wetland Restoration Site

October 18 – ADVISORY – LANCASTER COUNTY - FRIDAY – Wolf Administration and Partners to Announce 16 Pennsylvania Projects to Receive NFWF Chesapeake Bay Stewardship Grants

October 18 – DEP to Hold Public Hearing for Proposed Berks County Natural Gas Power Generation Facility

October 19 – Wolf Administration Tours Camp Victory Pond and Wetland Restoration Project funded by Growing Greener Program

October 20 – ADVISORY – WILKES-BARRE – MONDAY – DEP Secretary to Tour Mine Reclamation Project in Luzerne County

October 20 – DEP Warns Public to Not Dispose Tires at Luzerne County Business

October 20 – National Fish and Wildlife Foundation Awards \$750,000 Grant to Wolf Administration for Stream Buffers in Chesapeake Bay Watershed

October 23 – DEP Receives Updated Phase II Application from Elcon Recycling Services, LLC

October 23 – Wolf Administration Visits Abandoned Mine Reclamation Project in Luzerne County

October 23 – Wolf Administration Signs Agreement to Regulate, Monitor Water Releases to Delaware River

October 24 – ADVISORY – LEHIGH VALLEY– TOMORROW – DEP Secretary to Visit Wildlands Conservancy Stream Restoration Work

October 25 – Wolf Administration Tours Monocacy Creek Revitalization Project

October 25 – GO-TIME: DEP Grant Modernization Is Increasing Efficiency, Improving Review Timelines

October 25 – DEP Orders PWSA to Make Critical Infrastructure Upgrades to Ensure Adequate Drinking Water Supplies

Active and Abandoned Mine Operations

Act 54 Report Review

The Bureau of Mining Programs is working with the California District Mining Office to systematically review the Act 54 report. A few categories of action items have been identified. DEP received the CAC comments and will work with the Council to address their concerns. The TGD Surface Water Protection-Underground Bituminous Coal Mining Operations will be revised to address some of the issues raised in the Act 54 report and in response to recent litigation. BMP started to draft the next report and will soon select the party that will undertake the project.

Final Rulemaking

Draft Final-Form Rulemaking – Handling and Use of Explosives

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. The EQB approved the package on September 15, 2015, but the Attorney General's Office tolled the regulation on November 10, 2015. Program staff and Regulatory Counsel developed a response which was submitted to the Attorney General's Office on December 29, 2015. This was published in the Pennsylvania Bulletin on February 27, 2016, opening the public comment period. The final-form rulemaking was presented to the MRAB at their July 2016 meeting, resulting in a recommendation to proceed. This rulemaking was presented to the Aggregate Advisory Board at their November 2016 meeting which also resulted in a recommendation to proceed. This rulemaking is tentatively scheduled for EQB consideration during the fourth quarter of 2017.

Proposed Rulemaking

Non-Coal Mining Fees

The Noncoal Mining program fees are the subject of a proposed rulemaking package *that was unanimously adopted* by the EQB at its October 17, 2017 meeting. The rulemaking proposes to revise fee amount to reflect the full cost of implementing the Noncoal Surface Mining Act. The proposal includes fee increases that are phased in three two-year increments. After these phases, the fees would be adjusted using an index for employment costs.

Aggregate Advisory Board Work Groups

The Aggregate Advisory Board has identified several issues that it would like to review and weigh in on in collaboration with the Department. The most prominent of these issues is the evaluation of factors contributing to sink hole development near quarry sites. The Aggregate Advisory Board has pointed out that sink hole development is a complex issue which, while it can be related to pumping done by quarries, it is also subject to other influences which need to be identified and evaluated. Some of these factors go beyond the scope of the noncoal mining laws and regulations. Other work group topics include permit application reviews, bonding, inspections and overall program implementation.

NPDES Permitting for Mine Sites

The Mining Program continues to work with EPA to implement NPDES permitting and compliance improvements. EPA is working with the Mining Program to identify the parameters of further interaction between the agencies. A checklist that would eventually provide an alternative to submission of draft permits is under discussion; some progress has been made in implementing the checklist, aimed at beginning its use soon. Monthly calls with EPA to discuss program issues have been reinstated. Several workgroups are being established to address on-going issues.

Guidance Document Revisions

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

Processing Completion Reports for Coal Mining Operations (563-2504-411)

This draft guidance explains the process operators should follow to submit a completion report to have their bond liability reduced. On completion of a stage of reclamation, the operator or any other person having an interest in the bond, may file a Completion Report requesting a bond release. A 30-day comment period *opened* on September 30, 2017.

Blaster's License Suspension and Revocation Procedure (562-2402-501)

Substantive changes have been made to the draft based on public comment. The changes enhance clarity and transparency, and ensure that the necessary actions taken are reasonable. This guidance document is expected to be published as final this Fall.

Board of Coal Mine Safety (BCMS)

Draft Final-Form Rulemaking - Proximity Detection Systems for Continuous Mining Machines

The Mine Safety and Health Administration (MSHA) issued a final rule on proximity detection systems for continuous mining machines in underground coal mines on January 15, 2015. The MSHA rule excludes full-face continuous mining machines. Miners working near continuous mining machines are at risk of pinning, crushing, and striking hazards. This rule provides for greater protection for miners regarding these hazards. The rule was distributed to the BCMS for review prior to their June meeting. At the June meeting the Board directed DEP to draft initial regulatory language to incorporate the MSHA rule on proximity detection systems for continuous mining machines in underground coal mines into PA mine safety regulations. The package was approved by the Board of Coal Mine Safety on December 8, 2015, and sent to Office of General Counsel and Budget for review. The rulemaking was signed off by the Office of General Counsel, the Governor's Budget Office, and the Office of Attorney General. This was published on March 19, 2016, opening the 30-day public comment period. No comments were received. On May 18, 2016, a no comments letter was received from IRRC. If a final-form regulation is delivered without revisions and if the House and Senate Environmental Resources and Energy Committees do not take any action, it will be deemed approved. While implementation is proceeding, an issue has emerged concerning instances where a miner wearing a proximity pad is close to a source interfering with radio frequencies (RFI) (e.g., dust sampler, radio, energized cable), the proximity pad may be rendered inoperable. MSHA and equipment manufacturers are working on solutions including carriers that will keep the proximity pad separated from the RFI and developing software for the pads that will give the miner an audible and visual warning if RFI interference is causing a malfunction. The Board tabled action on this rule at their December 13, 2016, meeting pending resolution of MSHA implementation issues.

Final Form – Sensitive Ground Fault

The Board undertook the issue of performance based cable standards to address both shielded cables and sensitive ground fault. Typical low and medium voltage systems use a 15-ampere grounding resistor with a ground fault relay that trips at no more than 50% of the resistor value. It was determined that sensitive ground

fault protection, set at an appropriate level, would not only decrease the potential hazard of handling a damaged cable, thereby increasing cable safety, it would also afford protection from inadvertent contact with energized circuits while troubleshooting or performing maintenance. Since the 1980's some components, such as the shearer and face motors, of the high-voltage longwall systems have used a ground fault relay which trips at no more than 0.125 amperes. A similar protection scheme can be used on low- and medium-voltage systems and can increase the protection of miners. This has been under development for several years. Draft language was presented and discussed at the March 23, 2016, meeting of the Board. Based on the Board's review, final language was developed by Department staff and presented to the Board at their July 7, 2016 meeting. The draft was reviewed by the Board at their September 13, 2016, meeting where it was approved with some minor changes brought up by the Pennsylvania Coal Alliance. This was delivered to IRRC, the House and Senate Environmental Resources and Energy Committees, and Legislative Reference Bureau on March 3, 2017. It was published on March 18, 2017 opening the public comment period through April 17, 2017. On May 17, 2017, IRRC submitted comments regarding concern over the 60-day phase in period protecting the safety of miners and the need for the regulation to require rebuilt load centers at existing mines. The June meeting was cancelled. *The Board adopted the regulation at its September 5, 2017 meeting. The rule is scheduled for consideration by the Independent Regulatory Review Commission on November 16, 2017.*

Future regulatory issues that will be taken up by the Board include a better way to define what is a reportable accident and consolidating required ventilation plans into one package to simplify the entire plan approval process.

Air Quality

Air Quality Technical Advisory Committee (AQTAC)

The next AQTAC meeting is scheduled for Dec. 14, 2017, at 9:15 a.m. in Room 105, RCSOB.

Climate Change Advisory Committee (CCAC)

The Nov. 8, 2017, CCAC meeting has been rescheduled for Dec. 4, 2017, at 10:00 a.m. in Room 105, RCSOB.

Small Business Compliance Advisory Committee (SBCAC)

The next SBCAC meeting is scheduled for Jan. 24, 2018, at 10:00 a.m. in the 12th Fl. Conference Rm, RCSOB.

VW Beneficiary Mitigation Plan

On Oct. 2, 2017, a final settlement agreement between the U. S. Department of Justice, the state of California and Volkswagen was approved by the Northern District Court of California, relating to Volkswagen's unlawful emissions from its 2.0-liter and 3.0-liter diesel vehicles, model years 2009 through 2016. The final settlement allocates \$118,569,539.52 to Pennsylvania for economic and environmental damages. The final settlement includes the final State Environmental Mitigation Trust Agreement, as well as final documents needed to become certified as a beneficiary and to submit funding requests to the Trustee of the Mitigation Trust Fund. Pennsylvania must submit a Certification of Beneficiary Status to the Trustee within 60 days of the Trust Effective Date (Oct. 2, 2017). Pennsylvania will designate DEP as the Lead Agency. As Lead Agency, DEP will be responsible for developing and administering programs to solicit projects and distribute funding from the Mitigation Trust Fund. DEP developed a draft Beneficiary Mitigation Plan (Plan) that provides an overview of how Pennsylvania's portion of the trust fund will be spent. A public comment period was held May 20 - July 5, 2017, on the draft Plan, and six listening sessions were held throughout the state in June 2017. In general terms, the Plan calls for DEP to receive proposals for projects and rate the projects on established and publicized criteria, such as cost effectiveness, emission reductions, and the air quality where the project is located. DEP will grade project applications to determine the best eligible projects, confirm the eligibility of the projects, and then apply to the Trustee for funding for those projects. The draft Plan is available on the Department's Volkswagen web page at <http://www.dep.pa.gov/Business/Air/Volkswagen/Pages/Environmental-Mitigation-Trust-Agreement.aspx>. DEP is currently working to finalize the draft Plan in response to the comments, testimony, and other input, as well as developing the project solicitation programs.

Pennsylvania's Methane Reduction Strategy for the Oil and Natural Gas Industry

Methane is the primary component of natural gas and has been identified by the EPA as the second most prevalent greenhouse gas emitted from human activities in this nation. Pennsylvania is the second largest producer of natural gas in the United States. In 2016, Governor Tom Wolf announced a four-point methane emission reduction strategy for unconventional natural gas operations in Pennsylvania. This strategy includes the development of a general permit for new unconventional well pad operations (GP-5A) and modifications to the existing general permit (GP-5) for compressors and natural gas processing facilities. The proposed general permits were presented to the AQTAC, CCAC and Citizens Advisory Council (CAC) and published in the Pennsylvania Bulletin with notice of a 120-day public comment period. Approximately 10,000 comments were received. AQ program staff are drafting a comment and response document prior to finalizing the general permits and making them available for use.

DEP is also developing a proposed rulemaking to implement EPA's 2016 Control Technique Guidelines (CTG) for the Oil and Gas Industry. The EPA established a deadline of two years from the date of issuance of the final guidelines to submit the state's SIP revision, making the state's SIP revision due to the EPA on or before Oct. 27, 2018.

Ozone Designations

In 2015, EPA lowered the ozone National Ambient Air Quality Standard (NAAQS) from 75 ppb to 70 ppb. Following promulgation of a new or revised air standard, states are given the opportunity to submit recommendations for the designation of attainment, unclassifiable and nonattainment areas. Using 2013, 2014, and 2015 ozone season data and EPA guidance, DEP proposed the following ozone nonattainment areas:

- A 7-county Pittsburgh-Beaver Valley Area;
- A 5-county Philadelphia Area;
- Indiana County; and
- Lebanon County.

After a public comment period and public hearing, the Department submitted its recommendations to the EPA on Oct. 3, 2016. On Feb. 28, 2017, the Department submitted certified 2016 ozone data to the EPA. Based on 2014, 2015 and 2016 certified ozone season data, on April 11, 2017, the Department recommended that the 7-county Pittsburgh-Beaver Valley Area and Indiana County be designated as attainment. In addition, the Department is completing two exceptional event analyses with respect to forest fires contributing to high ozone concentrations across the Commonwealth in 2016. This analysis may confirm the design values for Lebanon County and Berks County meet the 2015 Ozone NAAQS, leaving only the 5-county Philadelphia Area in nonattainment for the 2015 ozone standard of 70 ppb. The EPA will perform its own analysis to determine nonattainment areas, while taking the Commonwealth's recommendations into account. On June 6, 2017, the EPA extended the deadline for promulgating initial area designations for the 2015 ozone NAAQS by one year but on August 2, 2017, EPA withdrew the extension.

2010 SO₂ NAAQS Attainment Demonstration SIP Revisions

On March 18, 2016, effective April 18, 2016, the EPA published a final action finding that several states, including Pennsylvania, failed to submit SIP revisions to satisfy nonattainment area planning requirements of the Clean Air Act (CAA) for the 2010 1-Hour Primary SO₂ NAAQS. *The Department submitted the required SIP revisions for Beaver, Warren and Allegheny Counties on Oct. 2, 2017, and received completeness letters from EPA on Oct. 5, 2017. The Department also submitted the Indiana/Armstrong County SIP revision on Oct. 11, 2017, and a received completeness letter on Oct. 13, 2017. The SIP revisions correct the deficiency identified in EPA's finding of failure and stop potential sanctions.*

2008 Ozone NAAQS SIP Revisions

On Jan. 13, 2017, the EPA notified 15 states, including Pennsylvania, and the District of Columbia that they had failed to submit certain SIP revisions to address Clean Air Act requirements for the 2008 Ozone NAAQS. The states affected are overdue in submitting SIP revisions for either their designated nonattainment areas or their entire state as a member of the Ozone Transport Region, or both.

Five areas in Pennsylvania were identified: Allentown-Bethlehem-Easton area; Lancaster area; Philadelphia-Wilmington-Atlantic City area; Pittsburgh-Beaver Valley area and the Reading area. Pennsylvania must submit a SIP revision certifying that our current Nonattainment New Source Review (NNSR) regulation meets the requirements of the 2008 Ozone NAAQS. The proposed NNSR certification was open for public comment from July 15 through Aug. 18, 2017. No comments were received. DEP is preparing a SIP revision for submission to EPA.

DEP must also finalize the Industrial Cleaning Solvents (ICS) rulemaking, implementing the last of the 2006-2008 Federal Volatile Organic Compound Control Technique Guidelines (CTGs) (see below). *DEP will also be certifying the implementation of 44 other VOC RACT CTGs before the sanctions deadline of Sept. 6, 2018.*

Air Quality Rulemaking Packages

Control of VOC Emissions from Industrial Cleaning Solvents

The proposed rulemaking would establish RACT requirements for industrial cleaning solvents (ICS) as recommended in the EPA's 2006 Control Techniques Guidelines for ICS. In 2014 the AQTAC, SBCAC, and CAC concurred with DEP's to submit the proposed ICS rulemaking to the EQB. However, in response to comments heard at the various committee meetings, substantive changes were made to the proposed rulemaking. A revised draft proposed rulemaking was presented to the AQTAC, CAC and SBCAC in early 2016. All three committees again concurred with DEP's recommendation to submit the proposed rulemaking to the EQB for consideration. The proposed ICS rulemaking was considered and unanimously approved by the EQB at its March 21, 2017, meeting. The proposed rulemaking was open for public comment from June 17 through Aug. 21, 2017. Three public hearings were held on July 18, 19, and 20, 2017, and seven comments were received. A comment/response document is being prepared before bringing a draft final rulemaking back to the AQTAC.

Low Reid Vapor Pressure (RVP) Gasoline Volatility Requirements Repeal

The gasoline volatility requirements regulation requires that summertime gasoline with a Reid vapor pressure (RVP) limit of 7.8 pounds per square inch (psi) or less per gallon be sold at the retail level in the Pittsburgh-Beaver Valley Area (Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland counties) between May 1 and September 1. The EQB adopted the regulation in 1997 to address a violation of the 1-hour ozone standard in the Pittsburgh-Beaver Valley Area and the EPA approved the SIP revision in 1999. Given mandatory vapor recovery technology (carbon canister) requirements for all new vehicles since 2007, this regulation has had a diminishing effect on ozone precursor emissions.

In 2014, the Pennsylvania General Assembly enacted Act 50 of 2014, requiring DEP to develop a SIP revision for the removal of the low RVP fuel provisions from the SIP. The law also directs the EQB to promulgate a regulation repealing the low RVP regulation. AQTAC, SBCAC and CAC concurred with DEP's recommendation to submit the proposed rulemaking to the EQB for consideration, and in Oct. 2016, the EQB voted favorably on DEP's recommendation to publish the rulemaking in the *Pennsylvania Bulletin* for public comment. The public comment period was from Feb. 25 to May 1, 2017, and public hearings were held on March 28, 29 and 30, 2017. No testimony was received at the hearings; however, the Department prepared responses to several written comments that were submitted to the EQB. Based upon comments received from the Independent Regulatory Review Commission, the Department has revised the rulemaking to conform more with Act 50. Instead of revoking the RVP requirement before receiving EPA approval for the SIP revision, the regulatory language was changed to make low RVP requirements no longer effective upon EPA's approval of the Department's SIP revision. This is a change from past practice and guidance from EPA; however, the outcome is the same. On June 15, 2017, AQTAC concurred by a vote of 12-2-1 with DEP's recommendation to submit the final-form rulemaking to the EQB for consideration. The Department anticipates EQB consideration of this final rulemaking on Dec. 12, 2017.

Air Program Fee Schedule for Emission, Plan Approval and Operating Permit Fees

A proposed rulemaking is under development that would amend existing AQ fee schedules to ensure that the fees are sufficient to cover the costs of administering the air program, as required by the Clean Air Act (CAA) and the Air Pollution Control Act (APCA). Existing emission, plan approval application and operating permit fees would be increased and fees would be established for requests for determination (RFD) of whether a plan approval is required, risk assessment reviews, and asbestos notifications. *Various options for these fees were presented to AQTAC and the SBCAC on Sept. 6 and Oct. 25, 2017, respectively. More information will be presented and the options will be discussed further at AQTAC's Dec. 14, 2017 meeting.*

Energy Initiatives

Finding Pennsylvania's Solar Future

On Nov. 2, Governor Tom Wolf announced that a statewide planning project led by the Pennsylvania Department of Environmental Protection (DEP) called "Finding Pennsylvania's Solar Future," was selected to receive \$550,000 grant from the U.S. Department of Energy. The project will help to equip Pennsylvania to produce more solar energy and increase solar-generated in-state electricity sales to at least 10 percent by 2030. The project began on January 1, 2017. Recent work includes maintaining an active stakeholder process that helps to inform, review, and refine a plan identifying and investigating alternative future solar scenarios for Pennsylvania. During the most recent quarter, the total number of project stakeholders increased by 50% (96 new stakeholders). Our current stakeholder group of 289 reflects an adequate representation across multiple sectors such as the solar industry, academia, associations, and private citizens.

PA Solar Future Webinar and Quarterly Stakeholder Meeting:

On August 23 from 2:00 to 3:00pm the PA Solar Future Team *hosted* a webinar *which included* a panel of experts to explore the impacts of alternative ratemaking on solar and how this could influence PA's Solar Future. The webinar will be recorded and placed on the PA Solar Future Webpage prior to the upcoming stakeholder meeting. The next stakeholder meeting will take place on September 14th at The Inn at Villanova University, Villanova, PA. The stakeholder meeting will be a full day event with registration beginning at 8:30 AM. Registration and other information are provided on the PA Solar Future Website. Presentations during the morning sessions and over lunch will be live streamed. These sessions will be recorded and posted later to the website.

Pennsylvania Energy Development Authority (PEDA)

The Pennsylvania Energy Development Authority (PEDA) is an independent public financing authority that was created in 1982 by the Pennsylvania Energy Development Authority and Emergency Powers Act and that was revitalized through an April 8, 2004, Executive Order. The authority's mission is to finance clean, advanced energy projects in Pennsylvania. Pennsylvania projects that could potentially qualify for funding from the Authority include solar energy, wind, low-impact hydropower, geothermal, biomass, landfill gas, fuel cells, integrated gasification combined cycle, waste coal, coal-mine methane, and demand management measures. The authority presently can award grants, loans, and loan guarantees. Tax-exempt and taxable bond financing for clean, advanced energy projects also are available through the Pennsylvania Economic Development Financing Authority (PEDFA).

Currently, there are 22 PEDA projects being deployed. Of those, eighteen projects have been completed and are operating and four projects are still underway. For the 22 projects, the anticipated energy savings are 13,840,945 KWh/yr, projected generation is estimated to 64,873,111 KWh/yr of alternative energy and an additional savings of 72,145 Mcf each year. Total savings/generation equals to 99,843,883 KWh/yr. The conversion of energy savings/generation to average household consumption in Pennsylvania equals to 9,600 households for a year. Projected carbon dioxide emission savings from the projects is approximately 64,399 tons each year which equals to greenhouse gas emissions savings from 13,702 typical passenger vehicles on road for a year. As projects are completed, PEDA will receive at least one, follow-up annual report which will detail alternative energy generation and energy savings. *The PEDA annual report is currently under development and will be available in the next 30-60 days.*

2016 Alternative Fuel Incentive Grant (AFIG)

The AFIG Program offers grant funding for clean, alternative fuel projects in Pennsylvania, and investment in Pennsylvania's energy sector. During the AFIG 2016 program, a total of 43 awards for approximately \$5.5 million were made. These projects are estimated to eliminate from use an estimated 2.8 million gallons of gasoline annually.

The 2017 Alternative Fuel Incentive Grant Program opened in May with two submission due dates of July 14 and December 15, 2017. The first submission period resulted in a total of 14 applications submitted, including: 11 applications for vehicle retrofit and/or purchase projects and 3 applications for refueling infrastructure projects. DEP staff have scored the received applications and are developing award recommendations.

The Pennsylvania FAST Act Alternative Fuel Corridor Infrastructure solicitation opened on September 30, 2017. The FAST Act is a special solicitation under the Alternative Fuels Incentive Grant Program (AFIG) designed to support the installation of alternative fuel infrastructure along Pennsylvania Interstate Highway Corridors. Approximately \$1 million in grants will be available to install: public-use electric, hydrogen, propane, and compressed natural gas refueling infrastructure along the highway corridors in Pennsylvania. Applications will be accepted until November 17, 2017.

Alternative Fuel Fleet Vehicles

Since 2012, the Act 13 Natural Gas Energy Development Program has awarded \$20 million to 62 companies and organizations. In total, DEP has reimbursed grantees for the purchase or conversion of 713 heavy duty vehicles under the Act 13 program totaling more than \$13.8 million in program funds disbursed. The 713 vehicles supported to date with grant funds are estimated to be displacing over 8.9 million gasoline gallon equivalents per year. Over \$37.4 million in actual incremental costs have been expended on alternative fuel vehicles due to this program. The program concluded in December 2016 and all projects have closed out. DEP is currently compiling data from annual fuel usage follow up reports.

Since 2013, the Alternative Fuel Incentive Grant Program has provided \$17 million to 116 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 652 vehicles totaling over \$4.1 million in program funds disbursed. The 652 vehicles are estimated to be displacing over 2.7 million gasoline gallon equivalents per year. \$9.7 million in actual incremental costs have been expended on alternative fuel vehicles due to this program.

Alternative Fuel Vehicle Rebate Program

The alternative fuel vehicle rebate program provides rebates to PA residents for EVs and PHEVs. DEP has provided 610 rebates since January 1, 2017, resulting in \$879,250 of support. The program transitioned to an online electronic submission format on March 18, 2017, and revised to the rebate amounts to \$1,750 for large-sized battery EVs, \$1,000 for mid-sized battery EVs and PHEVs, and \$750 for small battery EV and PHEVs. The program was renewed for the remainder of 2017 on September 6. Additional changes to the program include a cap of \$50,000 MSRP on vehicle eligible for rebates and the availability of rebates for one-time pre-owned alternative fuel vehicles. These rebates are available to vehicles registered in Pennsylvania counties designated as an Air Quality Non-Attainment Area for Ozone or for applicants meeting low income eligibility requirements in any Pennsylvania county.

Green Energy Revolving Loan Fund (GELF)

As of September, 2017, GELF has closed over \$17.2 million of loans supporting the deployment of energy efficiency and alternative energy measures in Pennsylvania. In early September, a GELF loan with *Brickstone Realty Corporation* for the *historic Hale Building in Center City Philadelphia* was closed in the amount of \$1.39 million; work on the *full gut-rehab* project is underway. *The GELF loan covers the energy measures including a variable refrigerant flow HVAC system with controls, roof insulation, and high efficiency lighting and controls, and anticipates a 49% energy savings over comparable buildings. The building has already been fully leased and occupancy should begin in late 2018 or early 2019 once construction is complete.* There is now available over \$500,000 in revolved funding. DEP and GELF are working to further develop the marketing of successes of completed projects by developing outreach tools designed to attract projects which

can utilize the funds revolving back into the loan fund. These success stories will be posted on the GELF website and links provided on the DEP site.

Combined Heat and Power (CHP)-Enabled Renewable, Distributed Energy Technology via Leveraged Use of Pennsylvania Marcellus Shale Gas

The Climate Change Action Plan Update contains a work plan that recommends increasing deployment of CHP systems in PA and recently the PUC has proposed a policy statement intended to promote CHP investments; encourage electric distribution companies (EDCs) and natural gas distribution companies (NGDCs) to make CHP an integral part of their energy efficiency and resiliency plans.

The project is to demonstrate the use of natural gas and solar energy in a hybrid, CHP-Enabled Renewable Energy distributed energy configuration at the newly constructed Building 7R facility at the microgrid within the Philadelphia Navy Yard. This demonstration will establish a path to a more pervasive use of renewable energy technology by the application of hybrid (CHP + Solar Photovoltaic + Electric and Thermal Energy Storage combinations) systems that enable a resilient, low carbon footprint path that rationally incorporates cost-effective advances in solar cells, energy storage and distributed energy based electric grid designs. The project will provide the data and system operation experience for a transferrable design guide to enable interested municipal, industrial and rural co-op organizations to assess implementation feasibility for particular applications.

CHP Enabled Renewable Energy Guide is being developed and delivery will take place in year 2 of the effort.

The Capstone microturbine is on-site at Penn State at The Navy Yard. PSU is in the process of issuing a contract for detailed engineering design, permitting, and installation of the microturbine. They are evaluating alternative controller hardware solutions and costs for the controller scheme to interface between the microturbine and the existing smart inverter / solar and battery storage subsystems. PSU is developing a collaboration with NETL/NREL on microgrid research and development.

Industrial Energy Efficiency Technical Assistance

The Climate Change Action Plan Update contains a work plan that calls for greatly increasing the number of energy assessments for the manufacturing sector and this proposal directly coincides with that recommendation. For state fiscal year 2017 – 2018, DEP contracted with the Pennsylvania Technical Assistance Program at the Pennsylvania State University (PennTAP) and Emerging Technology Applications Center (ETAC) to provide energy efficiency technical assistance, such as energy efficiency assessments, and information for small to medium sized industrial companies. PennTAP will focus on companies in the Western and parts of the central part of the state and ETAC will focus on companies in the Eastern and parts of the central part of the state, however, service is not limited geographically depending upon the needs of industry. PennTAP is additionally providing energy management systems trainings on ISO 50001 (the national standard for energy management systems) and DOE's new "50001 Ready" Program which is an energy management system program targeted to small and medium-sized businesses. Funding is provided by the DOE's State Energy Program.

PennTAP's technical staff provided four energy efficiency assessments in the month of September 2017 to companies that manufacture food, chemical and rubber, and wood, lumber and paper in the southcentral, northcentral and southwestern regions of PA.

ETAC provided three energy efficiency assessments in the month of September 2017 to companies that represent the plastic and foundry sectors in the northeast and northcentral regions.

Energy Assessments and Retrofits for Restaurants and Corner Stores

For 2016-2017, DEP contracted with the Energy Outreach and Assessment Center (EOAC) at the Philadelphia Navy Yard to design and demonstrate a scalable approach to facilitating building energy assessments that will lead to energy retrofits in small and medium sized facilities. This demonstration will focus initially on the Philadelphia PA region as a model for broader statewide applications and specifically on convenience stores and restaurants which are the most energy intensive type of commercial building (3 to 5 times higher than office buildings). The project was continued for 2017-2018.

This initiative will continue to draw from recent investments by Penn State, the U.S. Department of Energy (DOE) and the DEP in Building Operator Certification and Building Retuning Training designed to engage entry-level workers in building energy assessments.

The first year of the project resulted in three cohorts of students from multiple colleges and universities trained in energy assessment and proposal writing for a total of 30 students. Four students were employed in the fourth quarter of the project, with a total of 19 employed as part-time interns across the various partners including Penn State, Private Energy Partners, Philadelphia Energy Authority, and Delaware Technical College. The interns and partners were able to complete 54 assessments, generate and present 30 energy retrofit proposals for business owners, and in the first year one project was funded through the PA Small Business Assistance Grant Program. Approximately 15-20 proposals are under consideration by business owners and some intend to apply for funding now that the PA Small Business Assistance Grant Program opened again in July of 2017. Projected annual energy savings from retrofit proposals is ~32,559 kWh per store (averaging ~\$2759 per store), with the estimated impact from the multi-measure proposals projected to be twice the size of the savings from measures covered by the regional utility direct install program.

The second year of the project is *underway, with more cohorts of trained student assessors and a projection of over 100 additional assessments before June 30, 2018. Businesses who were provided assessments last year have been applying for Small Business Advantage Grants. They are using lessons learned from last year to determine best how to streamline implementation of projects for business owners, and identify how the project can be expanded to other communities where bridge funding and small business financing opportunities are in place to overcome the barrier of funding of energy projects these business owners often encounter.*

Building Construction Technology Extension Center

DEP has contracted with the Pennsylvania Technical Assistance Program at the Pennsylvania State University (PennTAP) to provide Building Re-Tuning (BRT) training to K-12 school district and local government facility managers. Three workshops will be held, coupled with the preparation of a recorded webinar for registered attendees to watch prior to the workshops. The webinar will provide basic information on BRT and introduce the five steps of BRT: Initial Data Collection, Fundamentals, Identification, Implementation, and Documentation. PennTAP had a request from, and is working closely with, a member of the Delaware Valley School Facilities Managers Association to plan the first workshop. At this time, PennTAP is planning to hold a series of 3 workshops in the Delaware Valley of PA, since there is an interested audience in this region of the state. The first workshop is scheduled for November 16, 2017 at the Montgomery County Intermediate Unit. The morning will include classroom presentations, with the afternoon including two building walk-throughs. Marketing for the event will start soon, through resources such as the Pennsylvania Association of School Business Officials (PASBO), EPA's Green and Health Schools Coordinator, and the Delaware Valley Regional Planning Commission. Funding is provided by the DOE's State Energy Program.

Energy Efficient Building Codes Outreach and Education

OPPEA contracted with The Pennsylvania Municipal League (PML) to administer 2009 International Energy Conservation Code trainings to code officials, contractors, developers, and other energy code professionals. The trainings will be provided by the Pennsylvania Code Construction Academy and

Performance Systems Development. *PML is preparing outreach materials and planning the next series of trainings.*

EV Everywhere

DEP, Clean Cities, and PADOT hosted our quarterly Drive Electric PA Coalition (formerly, PA EV Coalition) meeting on Thursday, July 27, 2017. During the meeting, M.J. Bradley & Associates presented on its December 2016 published report titled, “Plug-in Electric Vehicles Cost-Benefit Analysis: Pennsylvania.” The presentation was followed by the Education and Outreach, Procurement, and Charging Infrastructure providing a “report-out” of various goals, objectives, activities, and plans being discussed in committee. Handouts were provided. The full Drive Electric PA Coalition was asked to review and comment on those plans.

In August 2017, DEP hired a contractor, using State Energy Program funds, to develop a Roadmap for increasing adoption of Electric Vehicles in Pennsylvania. Yborra & Associates and Meister Consultants Group, Inc. (Yborra/Meister) was awarded the bid contract which will expire on June 30, 2018. Yborra/Meister will: 1) Gather and compile state, federal, and local EV and EVSE data, 2) provide professional facilitation for the Drive Electric Pennsylvania quarterly meetings; 3) develop EV adoption modeling scenarios; and 4) create a Pennsylvania EV Roadmap. Yborra/Meister will work closely with DEP and the members of the Drive Electric PA Coalition over this time period to develop this Road map, which is expected to serve as an important policy document to support EVs in the Commonwealth.

The next Drive Electric PA Coalition meeting (and the first meeting facilitated by Yborra/Meister) is scheduled for November 1, 2017 at 10AM in the Pennsylvania Turnpike Commission Headquarters, 700 S. Eisenhower Blvd., Middletown, PA.

Alternative Fuels Technical Assistance (AFTA)

The AFTA Program provides professional consulting assistance to PA municipalities, school districts, authorities, and non-profits interested in adopting alternative fuel strategies for their fleet vehicles. Eligible entities that are accepted into the program are assigned to an alternative fuels consulting firm who will evaluate the organization’s fleet and operating profile. The result is a report that provides alternative fueling recommendations that consider the economic and environmental circumstances unique to that organization. AFTA was formally opened at the end of January, 2017. Since then, DEP has received seven applications for technical assistance. Six of the applications received were approved for inclusion in the program, and the contractor, Philadelphia Region Clean Cities, was given notice to proceed with their analysis of each fleet. A draft report for each project is due within 90 of assignment. The first draft report, Capital Region Water was received in May OPPEA has extended the program 90 day to insure completion of all reports within the period of performance. DEP continues to market AFTA to eligible entities in the hopes of getting an additional technical assistance projects completed by June 30. AFTA is funded through use of a limited portion of funds (\$48,000), from the Alternative Fuels Incentive Fund.

National Energy Efficiency Registry (NEER)

OPPEA partnered with six states and The Climate Registry and the National Association of State Energy Officials (NASEO) to develop a strategy to help create a NEER. Tennessee is the prime recipient of a competitive grant from the Department of Energy for this project. NEER will allow states to track initiatives within their own programs as well as demonstrate progress towards energy goals and potential compliance with existing and future state and federal environmental regulations. NEER will also allow the public and private sectors to transparently track attributes associated with energy efficiency initiatives. This will help states reduce emissions cost-effectively and will support using energy efficiency investments to improve economic competitiveness and environmental quality. OPPEA has been working with NASEO and other NEER partners to develop a PA-specific roadmap. We *reached* out to other state agencies and electricity industry partners to

help develop the roadmap. PA's roadmapping meeting was held on Friday, August 25th at the RCSOB. *NASEO is finalizing the roadmaps. A press release announcing the completion of the operating rules and principles will be released in the near future.*

2017 State Energy Program (SEP)

USDOE's Office of Energy Efficiency and Renewable Energy has approved Pennsylvania's 2017 SEP Plan. OPPEA will receive an additional \$1,530,360 for the final year of our 3-year grant, beginning July 1, 2017 and ending June 30, 2018, when all activities must be completed and all funding spent. SEP 2017 energy activities include technical assistance to small and medium size businesses, training for local governments and schools, support for the 2018 update to the Climate Change Action Plan, outreach on microgrids, planning support for DEP's EV Everywhere program, and energy assurance, among others. Contracting has been completed for most of these programs. The SEP Program provided resources to states and territories to increase market transformation of energy efficiency and renewable energy technologies through policies, strategies, and public-private partnerships that facilitate their adoption and implementation.

Green Schools

OPPEA staff have worked since 1999 with schools, school districts, and partner organizations to improve school facility operations, energy and environmental content of curriculum, and the overall health of the school learning environment across Pennsylvania. DEP staff serve on the Advisory Council and working task forces of the PA Green and Healthy Schools Partnership (PAGHSP), a collaborative effort formed to promote healthy and high performing places of learning across the Commonwealth that seeks to bring together a network of non-profits, governmental agencies, and others who are committed to ensuring that all schools are healthy, environmentally friendly and cost efficient places of learning. The PAGHSP selected Eco-Schools USA as the platform to promote across the Commonwealth as the best way to allow for other green initiatives already underway at PA schools (such as those with PA Department of Agriculture). The Eco-Schools program was started in 1994 by the Foundation for Environmental Education (FEE) with support by the European Commission. It was identified by the United Nations Environment Program (UNEP) as a model initiative for Education for Sustainable Development in 2003. Currently, there are over 59 countries around the world participating in the program. In December 2008, the National Wildlife Federation (NWF) was granted host status for K-12 schools in the United States by the Foundation for Environmental Education (FEE). Through school-based action teams of students, administrators, educators and community volunteers, NWF's Eco-Schools USA combines effective "green" management of the school grounds, the facilities and the curriculum; truly providing students with a unique, research and application based learning experience.

At the May 24 Envirothon, DEP staff and the PAGHSP led the teacher session introducing the Eco-Schools program and providing time for 100+ teachers to work on their Eco-Action plans. This fall DEP will work with the PAGHSP to follow-up with these teachers and assist those working on implementation of Eco-Schools. DEP will also receive assistance from PAGHSP in marketing another round of the Keystone Energy Education Program professional development workshops. This updated version of the workshop will include guidance on implementing Eco-Schools, specifically the Energy Pathway.

Environmental Cleanup and Brownfields

Cleanup Standards Scientific Advisory Board (CSSAB)

The next CSSAB meeting is scheduled for December 13, 2017, at 9:00 a.m. in Room 105 of the RCSOB.

Proposed Final-Omitted Rulemaking, 25 Pa. Code, Chapter 250 (relating to Administration of the Land Recycling Program)

The final-omit rulemaking corrects three errors in the medium-specific concentration (MSC) values that were discovered after the latest rulemaking became effective on August 27, 2016. The final-omit rulemaking package includes the Executive Summary, Preamble, Annex A, and the Regulatory Analysis Form.

Sections 104 and 303 of the Land Recycling and Environmental Remediation Standards Act (Act 2) require the EQB to adopt and amend periodically by regulation Statewide health standards for each environmental medium. These Statewide health standard MSCs are listed in Appendix A of Chapter 250. Three errors in MSC values were discovered since the latest rulemaking became effective.

Aldrin

The numeric values used to determine the MSCs are calculated in spreadsheets. The tables are then manually transcribed into Microsoft Word to be properly formatted for review. During the development of the most recent Chapter 250 rulemaking, the used aquifer TDS $\leq 2,500$ residential groundwater numeric value of 0.043 μL for Aldrin was incorrectly transcribed from the spreadsheet to the Microsoft Word table as 0.43 μL . The Aldrin MSC in Table 1 has been corrected.

Beryllium and Cadmium

The Department's MSCs are calculated using toxicity values from the sources listed in 25 Pa. Code \S 250.605, which includes California Environmental Protection Agency's (Cal EPA) toxicity value database. MSCs are calculated by inputting toxicity values into exposure models for different routes of exposure. The toxicity value used for the ingestion model is the Oral Cancer Slope Factor (CSF_o), and the toxicity value used for the inhalation model is the Inhalation Unit Risk (IUR). IUR is calculated using an Inhalation Cancer Slope Factor (CSF_i) and accounts for the inhalation rate of a receptor. CSF_o values are based on oral exposure (ingestion) while CSF_i values are based on exposure from inhalation.

During the development of the MSC values for the most recent rulemaking, the CSF_i values from Cal EPA's database were incorrectly interpreted as CSF_o values for both beryllium and cadmium. This error resulted in the incorrect toxicity values to be posted in Table 5B, which resulted in the direct contact soil MSCs for these compounds to be artificially low.

Thus, the CSF_o values of 8.4 $(\text{mg/kg/day})^{-1}$ and 15 $(\text{mg/kg/day})^{-1}$ for beryllium and cadmium, respectively, have been removed from Table 5B. Changes to Table 4A (direct contact numeric values for inorganic regulated substances in soil) include correcting the beryllium residential MSC value from 2 mg/kg to 440 mg/kg and the non-residential surface soil MSC value from 11 mg/Kg to 6,400 mg/kg. The cadmium residential MSC value changed from 1.2 mg/kg to 110 mg/kg, and the non-residential surface soil MSC value changed from 6 mg/kg to 1,600 mg/kg.

This final-omit rulemaking was discussed with and received the support of the CSSAB in September 2017 and is expected to be presented to the EQB at its December 2017 meeting.

Storage Tank Advisory Committee (STAC)

The next STAC meeting is scheduled for December 5, 2017, at 10 a.m. in Room 105, RCSOB, in Harrisburg.

Proposed Amendments to 25 Pa. Code, Chapter 245 (relating to Administration of the Storage Tank and Spill Prevention Program)

DEP is proposing to amend Chapter 245, Administration of the Storage Tank and Spill Prevention Program, to strengthen the underground storage tank (UST) requirements by increasing the emphasis on properly operating and maintaining equipment. Currently, UST owners and operators are required to have spill prevention, overflow prevention, and release detection equipment in place, but are not required to periodically verify the functionality of some of that equipment. With the last comprehensive rulemaking occurring nearly 10 years ago, the program is also looking to address a number of areas of Chapter 245 that have been problematic, have lacked clarity, or simply need correction.

Comprehensive federal regulations for USTs exist at 40 CFR Part 280. These regulations were initially promulgated in 1988. On July 15, 2015, the first revisions to 40 CFR Part 280 were published in the Federal Register as final. In addition, on July 15, 2015, the U. S. Environmental Protection Agency (EPA) updated the state program approval requirements in 40 CFR Part 281. Under these changes, EPA is requiring that states revise their UST regulations and apply for initial or revised state program approval within 3 years of the effective date of the final EPA rule. The effective date of the final EPA rule was October 13, 2015 (90 days after publication in the Federal Register). Currently, Pennsylvania has state program approval. Therefore, the DEP will need to revise Chapter 245 to be no less stringent than the federal requirements and apply for revised state program approval by October 13, 2018. In states that do not have state program approval and in Indian country, the EPA regulations took effect on October 13, 2015.

DEP has worked with the Storage Tank Advisory Committee (STAC) during development of this proposed rulemaking. Initially, STAC members were provided with the opportunity to review DEP conceptual ideas and present concepts that they would like to see incorporated into Chapter 245. This occurred at the December 8, 2015, and June 7, 2016, meetings. The STAC was also afforded the opportunity to review and discuss draft proposed regulatory language at the December 6, 2016, and March 7, 2017, meetings. At the March 7, 2017, meeting, the STAC voted unanimously to recommend presenting Chapter 245 to the Environmental Quality Board (EQB) as proposed rulemaking.

On October 17, 2017, the EQB unanimously adopted the proposed rulemaking for publication and public comment.

Environmental Education

Environmental Education Grants Program (EEGP)

At this time, 64 of the 2017 Environmental Education grants have fully executed grants, while 8 are still going through the signature process. 7 grants were withdrawn due to lack of execution of the grant.

The grant manual for a potential 2018 mini grant round is currently under review.

PA Falcon Reintroduction Program

Three new microphones have been purchased to improve the sound quality of PA Falcon Cam. A new procedure to access the 15th floor ledge is currently under development. Once this procedure has been developed the new microphones will be installed and the ledge box will be cleaned.

Farm Show

The EE and Communications staff are currently working with Graphics and an outside vendor to develop a new exhibit for the 2018 PA Farm Show. Non-point source pollution and stormwater management are the key themes for this year's exhibit.

Pennsylvania Envirothon

The 2017-18 High School event is scheduled for May 22 and 23, 2018 at Susquehanna University and Camp Mount Luther. DEP's Environmental Education staff will be delivering a Falcon Reintroduction Teacher Workshop on May 22, 2018.

"Weathering the Storm" Stormwater Workshop

A Stormwater Workshop is being planned for June of 2018 for the Northcentral Region. This collaborative workshop will feature cooperation between DEP, DCNR, and the PA SeaGrant staff. This workshop will include a tour of downtown Erie highlighting Stormwater BMPs currently in use.

Keystone Energy Education Program (KEEP)

A survey of KEEP past participants is underway. This survey directs participants to highlight their needs for the upcoming KEEP workshops. The plan is to offer 4-6 workshops across the Commonwealth. Upon completion of the survey, specific dates for these workshops will be scheduled by early November. Workshops will begin in January of 2018 followed by a follow-up survey to be conducted in March of 2018.

Pennsylvania Environmental Literacy and MWEE Programming Capacity Building

This grant from NOAA objective is to address environmental literacy initiatives which advance implementation of meaningful watershed educational experiences (MWEEs) – that is, locally relevant, hands-on programs that promote experiential learning, critical thinking, and actions to improve freshwater resources. This initiative is led by the Pennsylvania Watershed Education Task force, which has brought together approximately 20 collaborators from a mix of state agencies, leading informal environmental education organizations, business and industry leaders in the environmental workforce, post-secondary institutions, and K-12 schools. The task force will meet and be present at the Pennsylvania Science Teachers Association (PSTA) and Pennsylvania Association of Environmental Educators (PAEE) conferences over the next three years.

Oil and Gas

Pennsylvania Geologic Mapping Advisory Committee, Middletown, Dauphin County

Technical staff from the Office of Oil and Gas Management participated in the Pennsylvania Geologic Mapping Advisory Committee (GMAC) meeting at the Pennsylvania Bureau of Topographic and Geologic Survey office in Middletown, Dauphin County on September 27th. GMAC membership consists of representatives from academia, federal, state and local government agencies, regional associations and consulting industries. The purpose of the meeting was to seek the benefits of collaboration and work experience to identify geologic mapping priorities for the state of Pennsylvania and the Federal STATEMAP program.

Oil & Gas Management Program Staff Safety SOP Training, Multiple Counties

On September 25th - 26th and October 4th - 5th, staff from the Bureau of Oil & Gas Planning and Program Management provided training to Bureau of Oil & Gas District Operations' field staff, supervisors and managers on the program's new Safety Standard Operating Procedure (SOP) titled "Health and Safety Program for the Office of Oil and Gas Management." The four-hour training provided an overview of the Department's safety policies and program specific safety policies. Staff also learned about the PA Worker & Community Right to Know Act. The course also covered the use of personal protective equipment and the standards they must meet. The training was offered in the California, Cambria, Meadville and Williamsport offices. Attendance was strong with a total of 110 people participating.

Coal-Gas Industry-Agency Committee Meeting, October 12th, DEP New Stanton District Office, New Stanton, Westmoreland County

DEP oil and gas program, mining program, Mine Safety and Health Administration, and National Institute for Occupational Safety and Health technical staff met with coal and gas industry representatives on October 12th in New Stanton as part of the Coal-Gas Committee assembled to discuss critical matters relating to coordination between the two industries. Committee members first briefly reviewed the most recent changes to the draft technical guidance and the process for publishing the document as interim final. The remainder of the meeting was dedicated to developing future topics for discussion and focused on: (1) regulatory and technical processes for drilling in active longwall mining districts after panel extraction; (2) regulatory and technical processes for converting historical plugged wells to gob vent boreholes; (3) developing guidance on plugging wells in anticipation of mine-through activities; and (4) improving procedures for archiving information on previously uncharted legacy wells that are accidentally mined through. The next committee meeting is scheduled for November 9th in New Stanton.

Oil and Gas Workload Report

Please see Attachment 2.

Radiation Protection

Radiation Protection Advisory Committee (RPAC)

The next RPAC meeting is *being* scheduled for *March 21, 2018*, at 9:00 a.m. in Room 105, RCSOB.

Radiation Protection Rulemaking Packages

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 indicated the need for a fee increase in two program areas. The fees for Radioactive Materials and Decommissioning Program and the Radon Program *were* 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 endorsed the increases. The proposed rulemaking was approved by the EQB on April 19, 2016, and published in the Pennsylvania Bulletin on July 2, with a 60-day public comment period that closed Aug. 30, 2016. The draft final annex was reviewed and endorsed by the RPAC on Nov. 17, 2016. The EQB approved the final-form rulemaking at its June 20, 2017, meeting. On Aug. 24, 2017, IRRC unanimously approved the final-form rulemaking, *and it was published as final on Oct. 21, 2017.*

Radiological Health

This proposed rulemaking is diverse in scope and will amend 25 Pa. Code Chapters 215-240 to establish and maintain adequate radiation protection standards and oversight due to significant technological advances in the use of radiation sources. The revisions will delete Agreement State transitional language and outdated requirements as well as add definitions for clarity of new and existing regulatory provisions. The amendments also contain comprehensive amendments for radon testing, mitigation, and laboratory analysis that largely reflect current practice. This rulemaking has been reviewed at length with RPAC at its meetings in 2014 and 2015. DEP received the Committee's endorsement of the package in July 2015. The proposed rulemaking was unanimously approved by the EQB on Oct. 18, 2016, and published in the Pennsylvania Bulletin on May 13, 2017, with a 45-day public comment period that closed on June 26. The Bureau of Radiation Protection conducted two webinars for the regulated community, one for Chapters 215-237 and one for Chapter 240 (Radon), on May 31, 2017. The Department received IRRC's comments on July 26, 2017. *Revisions made to the rulemaking based on public comments were discussed with and endorsed by RPAC at its Oct. 19 meeting. The Department is finalizing the rulemaking and tentatively plans to present it to the EQB in Spring 2018.*

Waste Management

Solid Waste and Recycling Fund Advisory Committees (SWAC & RFAC)

The next SWAC/RFAC meeting is scheduled for Wednesday, Dec. 6, 2017, at 10 a.m. in Room 105 of the Rachel Carson State Office Building. *Current agenda items include a Meet and Greet with Secretary McDonnell and an overview of the proposed drafts of three policies pertaining to public participation recently published by the DEP Policy Office for comment. This meeting will also include a meeting of the Act 101 Workgroup.*

Hazardous Waste Generator Improvements Rule

EPA published the Hazardous Waste Generator Improvements Rule in the Federal Register (FR) on Nov. 28, 2016. The rule has an effective date of May 30, 2017. Pennsylvania incorporates the federal regulations by reference under 25 Pa. Code § 260a.3. As such, the Hazardous Waste Generator Improvements Rule will be effective in Pennsylvania on May 30, 2017, as well. Information on the Final Rule may be found at <https://www.epa.gov/hwgenerators/final-rule-hazardous-waste-generator-improvements>.

This final rule includes approximately 60 changes to the hazardous waste generator regulations that clarify existing requirements, increase flexibility, and improve environmental protection. These changes also reorganize the regulations to make them easier to follow and make certain technical corrections. Some examples of the changes in the final rule include the following:

- Allowing very small quantity generators (VSQGs) to send hazardous waste to a large quantity generator (LQG) that is under the control of the same person and consolidate it there before sending it on for management at a RCRA-designated facility, provided certain conditions are met.
- Allowing a VSQG or a small quantity generator (SQG) to maintain its existing generator category in the case of an episodic event that would otherwise bump the generator into a more stringent generator regulatory category.
- Requiring periodic re-notification for SQGs every four years (SQGs only notify once under the current federal system). States with more frequent re-notifications can retain their existing requirements.
- Replacing the phrase “conditionally exempt small quantity generator” with the phrase “very small quantity generator” to be consistent with the other two generator categories—LQGs and SQGs.
- Reorganizing the hazardous waste generator regulations by moving VSQG regulations from § 261.5 into 40 CFR Part 262, where the regulations for SQGs and LQGs are located, and by moving many of the generator regulations that are currently located in other parts of the hazardous waste standards into Part 262 to replace the current lists of cross references.

On May 17, 2017, EPA’s Office of Resource Conservation and Recovery, provided training to DEP Central and Regional Office staff and EPA Region III staff regarding the Hazardous Waste Generator Improvements Rule. Approximately 80 people attended the training held at DEP’s Southcentral Regional Office. The Department is aware that the reorganization of the hazardous waste generator regulations will cause the federal and state regulations to be out of synchronization. DEP is currently considering whether a formal rulemaking will be appropriate.

Water Programs & Water Resources Planning

PAG-02 NPDES General Permit Administrative Extension

DEP announced in the October 21, 2017 edition of the Pennsylvania Bulletin that the PAG-02 NPDES General Permit for Stormwater Discharges Associated with Construction Activities (PAG-02), which expires on December 7, 2017, will be administratively extended until December 7, 2018. DEP administratively extended PAG-02 to provide additional time to develop a final, reissued PAG-02 for a new 5-year term and to allow those with existing PAG-02 coverage to continue discharging. The effect of an administrative extension of an NPDES general permit is that new coverage cannot be approved during the extension period. During the extension period, the only mechanism for new NPDES coverage for earth disturbance activities requiring a permit under Chapter 102 is an individual NPDES permit. DEP is planning to publish a draft of the reissued PAG-02 General Permit in December 2017 and finalize PAG-02 sometime during Spring 2018. Updates will be posted to DEP's construction stormwater website, www.dep.pa.gov/constructionstormwater.

New Flexible Flow Management Program (FFMP) negotiated to manage interstate Delaware River flows

Pennsylvania, along with New York, New Jersey, Delaware and New York City are parties to the Supreme Court Decree of 1954 which provides for water quantity management of the Delaware River. The previous FFMP expired on May 31, 2017, and the parties have been negotiating a new agreement since that time. The new agreement was executed on October 21, 2017. Over the next six months, a work plan and schedule will be created to implement the studies (salt venier dynamics and sea level rise; partitioning of water between various banks; management for endangered dwarf wedgemussels). The agreement will be in effect until May 13, 2023, when the parties will have the option of continuing the agreement for an additional five years.

eDMR Registration

On October 22, 2015, the EPA published the NPDES Electronic Reporting Rule (“eReporting Rule”) in the Federal Register. The eReporting Rule amended EPA’s NPDES regulations at 40 CFR § 122.41(l)(4)(i) to require the submission of Discharge Monitoring Reports (DMRs) electronically by December 21, 2016. DEP’s regulations require that permittees report monitoring results using a format or process established by DEP (25 Pa. Code § 92a.61(g)). Under EPA’s revised regulations, use of the eDMR system is mandatory *for most facilities*. On September 9, 2016, DEP mailed a letter to permittees not currently using eDMR requesting that they submit the necessary registration paperwork to use DEP’s eDMR system. The deadline to submit the form and Agreement was December 21, 2016 (Failure to register for use of the eDMR system constitutes a violation of 25 Pa. Code § 92a.61(g)). Since beginning to use eDMR, DEP currently has a total of 3,227 active permittees using eDMR, of which 335 of those are newly processed registrants since August 1, 2017. In addition, 1,792 new eDMR registrations are awaiting processing by DEP staff, some of which require additional information from the permittees. On April 11, 2017, DEP mailed 1,164 Notice of Violation (NOV) letters to permittees who have not mailed in completed registration paperwork or have failed to submit additional, required information as requested by DEP. Of this number, 270 permittees have not complied by responding to the NOV. Due to this extensive volume of registrations requiring manual input into the data system, DEP did not meet EPA’s target of having over 90 percent participation in the eDMR system by June 2017. Therefore, to address this backlog, DEP has adjusted staffing levels to register permittees who have submitted completed registration documents. DEP requests that facilities respond promptly to DEP’s information requests relating to their submitted eDMR registration applications and DEP is asking applicants to be patient while their registrations are being processed due to the extensive workload of registrations to process. DEP will notify new users by email when their registration is complete.

Pennsylvania Sewage Facilities Act

On July 20, 2017, Governor Tom Wolf signed an amendment to the Sewage Facilities Act, Act 26 of 2017. The changes to the Act have ramifications for the sewage facilities planning process for on-lot systems and on-lot system permitting. The Planning Section of the Municipal Facilities Division is currently working with legal

counsel and policy staff to develop an implementation strategy for Act 26. *A draft Act 26 implementation strategy was presented and discussed at the Sewage Advisory Committee Meeting that was held on October 4, 2017. As required by Act 26, DEP is developing scientific, technical and field testing standards for alternate onlot systems. Alternate systems are demonstrated onlot treatment and disposal systems that are not described in regulation. Development of the standards is to be done in consultation with the Sewage Advisory Committee. A workgroup has been formed by the Sewage Advisory Committee and three workgroup meetings have been scheduled to review and discuss the proposed standards.*

Stream Redesignations – Sobers Run, et al. Proposed Rulemaking

As part of its continuing water quality management program and ongoing review of water quality standards, DEP is currently drafting proposed rulemaking and related documentation to support recommended revisions to stream redesignations in Pennsylvania’s Water Quality Standards (Chapter 93), for consideration by the Environmental Quality Board (EQB). The recommended amendments are to revise 25 Pa. Code Chapter 93, §§93.9c, 93.9f, and 93.9i.

Section 303(c)(1) of the federal Clean Water Act requires states to periodically review and revise, as necessary, water quality standards. This proposed rulemaking contains waterbodies that are candidates for redesignation. Stream evaluations were conducted by DEP to determine the appropriate designated use of the candidate waterbodies. The streams in this proposed rulemaking were all evaluated in response to petitions as follows:

Stream	County	Petitioner
Swiftwater Creek	Monroe	Brodhead Creek Watershed Association
Sobers Run	Northampton	Bushkill Township
Mill Creek	Berks, Chester	Delaware Riverkeeper Network
Silver Creek	Susquehanna	Silver Lake Association

Additionally, the Department is recommending corrections to some stream names as they appear in §93.9c. The United States Geologic Survey (USGS) maintains the National Hydrography Dataset (NHD) Flowline. These corrections are being proposed to maintain consistency between the Pennsylvania Code and the NHD Flowline. The proposed rulemaking was presented to the EQB at their April 19, 2016 meeting. The final rulemaking was approved by the EQB on August 15, 2017, and is expected to be considered by IRRC at their November 16, 2017 meeting.

Triennial Review of Water Quality Standards

Section 303(c)(1) of the Clean Water Act and Federal regulations at 40 CFR Section 131.20 require that states periodically, but at least once every three years, review and revise as necessary, their water quality standards. Pennsylvania’s Water Quality Standards are set forth in 25 Pa Code Chapter 93 (Water Quality Standards) and Chapter 16 (Water Quality Toxics Management Strategy – Statement of Policy).

On April 18, 2017, DEP presented proposed rulemaking and related documentation to support recommended revisions to Pennsylvania’s Water Quality Standards (Chapter 93) for consideration by the Environmental Quality Board (EQB). In addition, DEP is recommending related amendments to the Water Quality Toxics Management Strategy – Statement of Policy (Chapter 16). Water quality standards include designated uses, numeric and narrative criteria and antidegradation requirements for surface waters. The regulatory changes in this proposed rulemaking are the result of on-going reviews and evaluations of water quality standards conducted by DEP. This proposed rulemaking fulfills the federally required triennial review of water quality standards as mandated by the federal Clean Water Act.

The proposed rulemaking will be published for comment on October 21, 2017. Public hearings are tentatively scheduled for December 2017. The final rulemaking is anticipated in 2018, which will then be submitted to the U.S. Environmental Protection Agency for formal review and approval in accordance with the Federal Clean Water Act.

Proposed Rulemaking: Disinfection Requirements Rule

The purpose of the proposed Disinfection Requirements Rule Chapter 109 rulemaking package is to strengthen requirements relating to microbial protection and disinfection by ensuring the adequacy of treatment designed to inactivate microbial pathogens and by ensuring the integrity of drinking water distribution systems. The amendments include:

- New monitoring and reporting requirements to ensure compliance with existing treatment techniques regarding log inactivation and CT requirements. Without this data, there is no way to determine compliance with the existing requirement.
- Increasing the minimum disinfectant residual requirements in the distribution system to 0.2 mg/L free or total chlorine. The Department's existing disinfectant residual requirements for the distribution system have not been substantially updated since 1992 and require the maintenance of a detectable residual that is defined as 0.02 mg/L. This is not protective of public health because a residual of 0.02 mg/L does not represent a true detectable residual and the level is inadequate to protect against microbial growth within the distribution system.
- The amendments also include minor clarifications to the Stage 2 Disinfectants/Disinfection Byproducts Rule (Stage 2 DBPR), Long Term 2 Enhanced Surface Water Treatment Rule (LT2) and the Lead and Copper Rule Short-Term Revisions (LCRSTR) in order to obtain or maintain primacy.

The proposed rulemaking was approved by EQB on Nov 17, 2015, and was published in the PA Bulletin on February 20, 2016. Three hearings were held on March 28 (Harrisburg), April 5 (Norristown), and April 7 (Pittsburgh). The public comment period closed on April 19, 2016. IRRCs comment period closed on May 19, 2016. The draft final rulemaking was presented to the TAC Board on July 13, 2017, and August 24, 2017. *The final-form rulemaking is scheduled to be presented to the EQB in late 2017.*

Safe Drinking Water General Update and Fees

There are three main purposes for this rulemaking. The first is to incorporate the remaining general update provisions that were separated from the proposed RTCR as directed by the EQB on April 21, 2015. These general updates are intended to:

- Clarify the source water assessment, source water protection area, and source water protection program elements and requirements.
- Revise the treatment technique requirements for pathogenic bacteria, viruses and protozoan cysts by adding specific turbidity performance requirements for membrane filtration.
- Revise the disinfection profiling and benchmarking requirements to clarify that public water systems that did not previously conduct these activities must now conduct them.
- Revise the permit requirements to clarify the components that must be included in a permit application for a new source, including a source water assessment, pre-drilling plan, evaluation of water quantity and quality, and hydrogeologic report.
- Revise the design and construction standards to require public water systems (PWS) using surface water or groundwater under the direct influence of surface water (GUDI) sources to be equipped

with alarm and shutdown capabilities. These provisions would be required for plants that are not staffed continuously while the plant is in operation.

- Update the system management requirements for community water systems (CWSs) to strengthen system service and resiliency by requiring auxiliary power or an alternate provision such as finished water storage or interconnections.
- Revise the corrective action timeframes in response to a significant deficiency for PWSs using groundwater and surface water sources to be consistent.
- Delete the provision that allows a PWS to avoid the requirement for a corrective action by collecting five additional source water samples after an E. coli-positive triggered source water sample.

The second purpose is to include additional general update provisions that will:

- Establish the regulatory basis for the issuance of general permits for high volume, low risk modifications or activities to streamline the permitting process.
- Clarify that non-community water systems (NCWS) require a permit or approval from the Department of Environmental Protection (DEP) prior to construction and operation.
- Address concerns related to gaps in the monitoring, reporting and tracking of back-up water sources and entry points. As per state and federal regulations, all sources and entry points must be included in routine compliance monitoring to ensure water quality meets safe drinking water standards. Sources and entry points that do not provide water continuously are required to be monitored when used. However, monitoring requirements for back-up sources are not currently tracked, which means there are no verifiable controls in place to ensure that all sources and entry points meet safe drinking water standards.

The third purpose is to add new annual fees and amend (update) permit fees. Pennsylvania is ranked 4th in the nation in terms of the number of PWSs, with nearly 9,000 water systems across the Commonwealth. The DEP is responsible for regulating all PWSs and ensuring that safe and potable drinking water is continuously supplied to the 10.7 million customers they serve. To carry out these responsibilities, the DEP must ensure adequate funding for the Safe Drinking Water Program.

The proposed rulemaking is necessary to fulfill the DEP's fiscal responsibility to cover most, if not all, of its state program costs. Program costs are directly tied to the resources needed to meet federal and state mandates for minimum program elements and for the administration of an effective State Drinking Water Program. Failure to meet minimum program elements may result in increased risk to public health as well as the loss of primacy for the Safe Drinking Water Program.

The proposed rulemaking was presented to the Small Water Systems Technical Assistance Center (TAC) Advisory Board in November. A webinar was held in December to reach additional stakeholders. All proposed rulemaking documents and webinar materials can be found on the Department's General Update and Fees webpage at the following link: <http://tinyurl.com/109update>. The final comments were received by TAC at their January 5, 2017 meeting. The proposed rulemaking was presented to the EQB on May 17, 2017. The EQB approved the proposed rulemaking for publication in the Pa Bulletin, *which occurred on August 26, 2017. The public comment period closed on September 25, 2017. IRRCs comments are due on October 25, 2017.*

Chesapeake Bay Program

Phase III Watershed Implementation Plan (WIP)

DEP has started the development process for the Phase III WIP. The intention of this process is to develop a final plan that:

1. Is implementable to achieve the Total Maximum Daily Load (TMDL) nutrient and sediment load reduction allocations for Pennsylvania.
2. Results in local water quality improvement while restoring the Chesapeake Bay.
3. Addresses the US Environmental Protection Agency's expectations as described in their finalized "Expectations for the Phase III Watershed Implementation Plans" documentation including:
 - a. Pollutant Source Sector-specific plans for reductions.
 - b. Local area planning goals.
 - c. Consideration of climate change, Conowingo Dam and sector growth, depending on partnership resolution of these issues.
4. Addresses the additional special conditions and expectations EPA has delineated for Pennsylvania due to the Commonwealth's current "backstop" status for the agriculture and urban sectors.
5. Includes stakeholder input, public engagement and comment.

To accomplish this the Phase III WIP will build upon the principles of the Chesapeake Bay Restoration Strategy released in January 2016 to:

1. Achieve water quality improvement and protection through an effective combination of technical and financial assistance, outreach and inspection, and where needed, compliance and enforcement.
2. Focus on local water quality improvement through:
 - a. Effective targeting and prioritization of available resources
 - b. Data collection, monitoring and continuous analysis
3. Document progress and performance through effective data collection and analysis and practice verification.
4. Look for innovative technical and finance strategies to maximize available public and private sector funding.

To accomplish this task a steering committee has been formed to provide input and recommendations to the Department for the development of the Phase 3 WIP. Members include:

1. Department of Environmental Protection, Chair – Secretary Patrick McDonnell
2. Department of Agriculture – Secretary Russell Redding
3. Department of Conservation and Natural Resources – Secretary Cindy Dunn
4. State Conservation Commission – Karl Brown, Executive Secretary
5. Chesapeake Bay Commission – Representative Garth Everett, Chair
6. Susquehanna River Basin Commission – Drew Dehoff, Executive Director
7. Interstate Commission of the Potomac River Basin – Carlton Haywood, Executive Director
8. Pennsylvania Infrastructure Investment Authority – Paul Marchetti, Executive Director
9. Co-chairs of the Workgroups

The steering committee has met *six times*. The six workgroups, each chaired by a state agency representative and one to two representatives from an organization with expertise in the issues that workgroup will need to address, have been formed and the members selected. A coordinator is also assigned to each workgroup to facilitate completion of the assignments given to each workgroup. The workgroups and co-chairs are:

- a. Local Area Goals, Priority Areas & Practices
 - Lisa Schaefer, Director of Government Relations, County Commissioners Association of Pennsylvania and Co-chair of the Chesapeake Bay Local Area Planning Target Action Team
 - Davitt Woodwell, President and CEO, Pennsylvania Environmental Council
 - Steve Taglang, Bureau of Clean Water

- Coordinator: Kristen Wolf
- b. Stormwater
- Felicia Dell, Director, York County Planning Commission
 - Sean Furjanic, Bureau of Clean Water
 - Coordinator: Lee Murphy, Bureau of Clean Water
- c. Agriculture
- Matt Royer, Representative of the PA in the Balance Steering Committee
 - John Bell, Senior Government Affairs Counsel, Pennsylvania Farm Bureau
 - Greg Hostetter, Department of Agriculture
 - Doug Goodlander, Bureau of Clean Water
 - Coordinator: Jill Whitcomb, Bureau of Clean Water
- d. Wastewater
- John Brosious, Deputy Executive Director, Pennsylvania Municipal Authorities Association
 - Jay Patel, Bureau of Clean Water
 - Coordinator: Brian Schlauderaff, Bureau of Clean Water
- e. Forestry
- Katie Ombalski, Woods and Water Consulting, formerly with ClearWater Conservancy
 - Matthew Keefer, Department of Conservation and Natural Resources
 - Coordinator: Teddi Stark, DCNR Riparian Forest Buffer Coordinator
- f. Funding
- Representative Garth Everett, Chair, Chesapeake Bay Commission
 - Marel King, PA Director, Chesapeake Bay Commission
 - Brion Johnson, Deputy Executive Director, PENNVEST
 - Coordinator: Nicki Kasi, *Chesapeake Bay Office*

The Chesapeake Bay Program Partnership has completed the review of the set of modeling tools to complete the Midpoint Assessment described below. As a result, final calibration of these modeling tools is slightly delayed and will impact completion of the Phase III WIP. Key milestones in the completion of the plan and the modified scheduled are:

- January 19, 2017 – EPA released interim final expectations for completion of revised Phase III WIPs to be developed by the states. Appendices will be added to this expectations document as decisions are made over the coming months regarding Conowingo Dam, Climate Change and the actual planning targets for each state.
- May 8, 2017 – EPA released final Pennsylvania state-specific expectations for the completion of Pennsylvania’s Phase III WIP.
- Late December 2017– EPA releases draft Phase III planning targets. These are revised nutrient and sediment reduction goals for each state by major basin.
- February 8, 2019– States must submit draft Phase III Watershed Implementation Plans to EPA for review and approval. These plans must be developed in concert with stakeholders and include a public outreach and comment process.
- June 7, 2019 – Final Pennsylvania Phase III WIP is approved and released.

Key issues of interest to Pennsylvania now under review as part of a midpoint assessment of the TMDL by the Chesapeake Bay Program Partnership include:

- Conowingo Dam – This dam is no longer serving as a trap of nutrients and sediment. This reduction in trapping capacity is having an impact on the water quality of the Chesapeake Bay.

- Climate Change – Increases in flow and temperature by 2025 due to climate change are being analyzed as to their potential impact on future water quality and living resources habitat. *Both qualitative and quantitative options have been developed to address this impact. A final decision will be made in late December, 2017.*
- Sector Allocations and Sector Growth – The wastewater systems, or point source sector, have all reached their targeted allocations. Agriculture and Urban stormwater have not. *Revised draft planning targets will be released in late December. The questions now become: How much should each sector do, how should they get it done, and where in the watershed is the most impact on water quality achieved? In addition, sector growth and land use change between now and 2025 will need to be accounted for as plan development and implementation is done.*
- Local Planning Goals – EPA included criteria for local planning goals in the interim final expectations document. These criteria were developed by the Chesapeake Bay Program Partnership Local Planning Target Task Force. The intent behind these local planning goals is to more effectively target resources and achieve success. *The Steering Committee is now looking at different options, depending on scale for defining these local planning goals.*

Incorporated into the development of the Phase III WIP *will* also be a re-evaluation of Pennsylvania’s commitments under the 2014 Watershed Agreement. This Agreement sets goals and outcomes for the following main categories: Sustainable Fisheries; Vital Habitats; Water Quality; Toxic Contaminants; Healthy Watersheds; Stewardship; Land Conservation, Public Access; Environmental Literacy and Climate Resiliency. Some outcomes are combined into a single management strategy, resulting in a total of 31 strategies with associated two year workplans and action items. Pennsylvania developed a strategy and workplan for of the strategies. (The four strategies that Pennsylvania did not develop a strategy and workplan for involve areas such as blue crabs, where Pennsylvania has minimal expertise and daily involvement). *The Chesapeake Bay Program Partnership has created a focus group to look at options for incorporating outcomes from the Watershed Agreement into the Phase III WIP. This focus group has narrowed down the potential list of outcomes to the following 11:*

- *Climate Resiliency*
- *Healthy Watersheds*
- *Land Conservation -- Protected Lands*
- *Public Access*
- *Sustainable Fisheries -- Fish Habitat*
- *Vital Habitats -- Brook Trout*
- *Vital Habitats -- SAV*
- *Vital Habitats – Forest Buffers*
- *Vital Habitats -- Tree Canopy*
- *Vital Habitats -- Wetlands*
- *Vital Habitats -- Stream Health*

A one-day Kick-Off and Listening Session was held June 5, 2017 at the Radisson Hotel Harrisburg in Camp Hill. Over 240 people representing agricultural, municipal, environmental and different levels of local, state and federal government attended this session

The goal for the session was to begin to solicit input and comments on the key elements that must be incorporated into the Phase III WIP to ensure successful implementation. A 35-day written comment period running from June 3, 2017 through July 7, 2017 was provided to solicit additional input.

A summary of this Listening Session and the public comment is completed and posted on the Phase III WIP webpage at www.dep.pa.gov/chesapeakebay/phase3. A summary of DEP's recommendations for topics that each workgroup should specifically consider in the development of their section of the WIP was presented to the Steering Committee at the August 24 meeting. However, this is merely a starting point, and is not necessarily a comprehensive list. It was further recommended that the workgroups review the information from all the topics to foster cross-sector collaboration and input.

Chesapeake Bay Agriculture Inspection Activities

As part of the January 2016 Chesapeake Bay Restoration Strategy, DEP and County Conservation District staff are conducting inspections of farm operations to ensure compliance with existing Pennsylvania regulatory requirements. This element of the restoration strategy is addressing pollutant reduction deficiencies by addressing the EPA goal of inspecting 10 percent of the farms or farmland in the Bay watershed annually. This increased inspection and compliance effort directed towards the agriculture sector is being accomplished using existing DEP and Conservation District staff. DEP staff completed training sessions for the Chesapeake Bay Initial Ag Inspection program in the summer of 2016. The goal is for 50 inspections to be performed by each full-time conservation district Chesapeake Bay Technician (Southcentral Regional Office to complete 300 inspections, Northcentral Regional Office 200 inspections, Northeast Regional Office 100 inspections and the Southeast Regional Office 30 inspections by the end of June, 2017). The DEP Regional Office inspection numbers include both initial and follow-up inspections. As of June 30, 2017, the total number of inspections of unique agricultural operations reported by regional offices and conservation districts for the Chesapeake Bay Agriculture Inspection Program (CBAIP) was 2,080, totaling approximately 245,664 acres. There were 743 inspections performed by delegated conservation district staff through the Act 38 Nutrient Management Program, totaling an additional 147,762 acres. The total overall inspections performed through the CBAIP and the Act 38 Programs were 2,823 agricultural operations inspected, totaling 393,426 acres. As of the end of June 2017, these districts completed 1,572 inspections. Through *October 18, 2017*, the conservation districts have referred 56 operations to DEP for follow up enforcement action, 50 of which were located in DEP's Southcentral Region. Three of the operations were referred due to water quality violations. To date, DEP has sent 36 Notices of Violation to the farms that were referred to the Department for non-compliance with Manure Management and/or Ag Erosion and Sedimentation Control planning obligations. For those operations that have lapsed the time frame allotted by the NOV, Bureau of Clean Water staff have obtained assistance from DEP's Bureau of Investigation to serve Field Orders to 6 operations thus far as a last chance opportunity to provide the required plans prior to assessment of penalty. DEP has received administratively complete plans for 17 of the farms that received NOV's and for *two* farms prior to sending the NOV.

Environmental Justice

Environmental Justice Listening Session Tour

DEP has published the transcripts and a document listing all comments received during DEP's statewide listening tour on environmental justice. The comments received will help drive revisions to the program and the process of engaging the public during permitting, enforcement, and grantmaking.

Environmental Justice Advisory Board

Six new Board members have been appointed. The next meeting is currently scheduled for November 14, 2017.

Attachment 1

2017 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 Tab on the DEP website. Click on “Public Participation;” “Calendar of Events.”

November	
1	Aggregate Advisory Board, 10:00 a.m., Susquehanna Room, DEP Southcentral Regional Office, Harrisburg, PA
1	Oil and Gas Technical Advisory Board Meeting, RCSOB, 400 Market St., Harrisburg, PA, 10:00 a.m. to 3:30 p.m., Room 105
2	<i>Sewage Advisory Committee Act 26 Workgroup, 10:30 a.m., RCSOB, 400 Market St., Harrisburg, PA</i>
14	Joint Meeting of Environmental Justice Advisory Board and Citizens Advisory Council, 9:00 a.m. to 3:00 p.m., RCSOB, 400 Market St., Harrisburg, PA
15	<i>Sewage Advisory Committee Act 26 Workgroup, 10:30 a.m., Desert Room of the Keystone Building Meeting Center, 400 North St, Harrisburg, PA</i>
16	PA Grade Crude Development Advisory Council, Keystone Building, 400 North Street, Harrisburg, 12:00 pm to 5:00 pm, PUC Hearing Room #1
16	<i>Small Water Systems Technical Assistance Center (TAC) Board, 9:00 a.m., 105 RCSOB</i>
30	<i>Chesapeake Bay Phase 3 Watershed Implementation Plan Steering Committee, 1:00 p.m., Room 105, RCSOB</i>
30	<i>Sewage Advisory Committee Act 26 Workgroup, 10:30 a.m., 4th Floor Training Rm RCSOB, 400 Market St., Harrisburg, PA</i>
December	
4-5	<i>Interstate Commission on the Potomac River Basin Quarterly Business Meeting, 30 9:30 a.m., 30 W. Gude Drive, Rockville, MD.</i>
5	Board of Coal Mine Safety, 10:00 a.m., Conference Room 1A and 1B, DEP Cambria Office, Ebensburg, PA
5	<i>Sewage Advisory Committee, 10:30 a.m., 105 RCSOB, 400 Market St., Harrisburg, PA</i>
6-7	<i>Susquehanna River Basin Commission Quarterly Business Meeting, Location and time to be determined.</i>
7	<i>Small Water Systems Technical Assistance Center (TAC) Board, 9:00 a.m., 105 RCSOB</i>
13-14	<i>Delaware River Basin Commission Quarterly Business Meeting, Washington Crossing Historic Park Visitor Center, 1112 River Rd., Washington Crossing, PA</i>
14	<i>State Board for the Certification of Water and Wastewater Systems Operators, 10:00 a.m., 10th Floor, RCSOB.</i>
14	Aggregate Advisory Board, 10:00 a.m., Susquehanna Room, DEP Southcentral
20	<i>State Board for Certification of Sewage Enforcement Officers (SEOs), 10:00 a.m., Conference Room 11b, 11th Floor, RCSOB</i>
21	<i>Agricultural Advisory Board, 9:00 a.m., Susquehanna Room B, DEP South-central Regional Office, 909 Elmerton Avenue, Harrisburg</i>

Attachment 2

Oil and Gas Workload Report (As of October 20, 2017)

YTD WELL PERMIT APPLICATIONS - 1/1/2017 to 10/20/2017						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	174	22	184	181	181	3
UNCONVENTIONAL	1,694	560	1,552	1,508	1,444	44
Sub Total	1,868	582	1,736	1,689	1,625	47
AUTHORIZATIONS	442	138	468	363	N/A	105
Total	2,310	720	2,204	2,052	1,953	152

WEEKLY WELL PERMIT APPLICATIONS - 10/14/2017 to 10/20/2017						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	7	7	5	5	5	0
UNCONVENTIONAL	34	34	66	65	65	1
Sub Total	41	41	71	70	70	1
AUTHORIZATIONS	3	2	16	12	N/A	4
Total	44	43	87	82	75	5

HISTORICAL WELL PERMIT APPLICATIONS AS OF 10/20/2017						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	197,550	197,501	196,277	190,130	1,224	102,574
UNCONVENTIONAL	24,591	24,006	23,502	18,982	504	10,945
Sub Total	222,141	221,507	219,779	209,112	1,728	113,519
AUTHORIZATIONS	42,897	42,498	42,030	N/A	468	18,701
Total	265,038	264,005	261,809	250,367	2,196	132,220

YTD INSPECTIONS - 1/1/2017 to 10/20/2017				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	11,815	9,321	2,447	206
UNCONVENTIONAL	12,791	6,451	595	97
CLIENT/SITE	3,845	1	745	169
Total	28,451	15,773	3,787	472

WEEKLY INSPECTIONS - 10/14/2017 to 10/20/2017				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	504	486	38	3
UNCONVENTIONAL	229	222	9	2
CLIENT/SITE	60	1	6	7
Total	793	709	53	12

WELLS DRILLED					
	Two Years Prior 1/1/2015 to 10/20/2015	One Year Prior 1/1/2016 to 10/20/2016	Year To Date 1/1/2017 to 10/20/2017	Week of 10/14/2017 to 10/20/2017	As of 10/20/2017
CONVENTIONAL	264	80	87	3	193,237
UNCONVENTIONAL	670	363	660	22	10,773
Total	934	443	747	25	204,010

This report was prepared by Neil Bakshi, Executive Policy Specialist, DEP Policy Office. For questions or requests, please email nebakshi@pa.gov or call (717) 772-3612.