

**Department of Environmental Protection  
Report to the Citizens Advisory Council  
November 2013**  
*(new information is in italics)*

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**DEP Highlights**

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**Community Environmental Project Policy**

*The Community Environmental Project (CEP) policy provides guidance on the process department staff will follow for considering a CEP, which allows a portion of the amount of a civil penalty that would be part of a settlement with DEP to be used by a person or regulated entity to conduct an environmental project. The proposed revisions to the document would update the current version, drafted in 1999, and is now available for public comment. The 30-day public comment period was announced in the Pennsylvania Bulletin on Oct. 26. The comment period will end on Nov. 25, 2013 at 5:00 p.m. The draft policy can be found at: [www.dep.state.pa.us](http://www.dep.state.pa.us), select Tools, eLibrary and in the Search/Keyword enter: Community Environmental Project.*

**Permit Review Process and Permit Decision Guarantee Quarterly Report**

Implementation of the “Policy for Implementing the Department of Environmental Protection (department) Permit Review Process and Permit Decision Guarantee” began in Nov. 2012. The effectiveness of the new process and guarantee has been evaluated on a quarterly basis during the first year. *On Nov. 1, 2013, DEP released the results of the fourth and final quarterly report detailing progress under the new Permit Review Process (PRP) and Permit Decision Guarantee (PDG) policy. Information pertaining to the department’s Permit Review Process and Permit Decision Guarantee can be found on the department’s web site at: [www.dep.state.pa.us](http://www.dep.state.pa.us), select Tools, eLibrary and in the Search/Keyword enter: Permit Decision Guarantee.*

*This fourth and final quarterly report indicates continued success of the new policy as DEP has become more efficient in issuing protective and timely permits that bring greater predictability to the permitting process.*

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

- *Permit Review Process – 96 percent*
- *Permit Decision Guarantee – 95 percent*

*The cumulative statistics presented in this report also indicate continued success with meeting target and guarantee timeframes and overall efficiency gains in the permitting process. Specifically, when compared to the previous permitting structure known as Money Back Guarantee (MBG), the following increases in efficiency have been measured for those permits included in the PDG:*

*Improved Efficiency (measured in fewer average days to process)*

- *Mining – 37 percent*
- *Oil and Gas – 13 percent*
- *Waste, Air, Radiation and Remediation (WARR) – 9 percent*
- *Water – 25 percent*

*On October 26, 2013, DEP will initiate a 30-day public comment period on PRP and PDG that will end on December 4, 2013. This will allow stakeholders an opportunity to provide feedback on the effectiveness of the new policy. Following the 30-day public comment period, a comment response document will be developed and an annual report will be drafted. This report will detail implementation highlights during the first year and any changes made to the policy and associated permits as a result of internal and external feedback.*

### **Climate Change Impacts Assessment Report**

During the CCAC meeting on Sept. 24, 2013, the committee *voted to endorse or not endorse several action plans*. The department reviewed the *draft macroeconomic analysis of the Climate Change Action Plan prepared by the Center for Climate Strategies*. A final macroeconomic analysis was received on Sept. 30, 2013. A conference call with the CCAC was held on Oct. 21, 2013, to discuss the remaining work plans. A meeting is scheduled for Dec. 5, 2013, to finalize discussion on the work plans.

On October 7, 2013, the department submitted the “*Pennsylvania Climate Impacts Assessment Update*” to the Legislature as required by Act 70. The report updates the 2009 version and evaluates the impacts to the following sectors:

- *Agriculture, Water Resources, Aquatic Ecosystems and Fisheries, Energy, Forests, Human Health, Outdoor Recreation and Tourism*

The report notes that *Pennsylvania’s economy is not likely to be greatly impacted by climate change and the effects on human health in the state would be slight*. The report recommends the state reduced SOx and NOx emissions, which is currently occurring, which in part is due to responsible shale gas development. The Oct. 2013 report is available on DEP’s air quality web page, at: [www.dep.state.pa.us](http://www.dep.state.pa.us), select Tools, eLibrary and in the Search/Keyword enter: *Climate Impacts Assessment Update*.”

### **Public Participation and Education**

DEP rolled out the new online Public Participation Center that was redesigned to consolidate and reformat information about DEP’s regulatory process and opportunities for public involvement in one central location. DEP has added several new features to promote transparency and make information more accessible. One key feature is the return of DEP’s newsletter, a biweekly electronic publication that will provide readers with information on department initiatives as well as listings of upcoming hearings and meetings, webinars and other related events. In addition to providing educational information and opportunities for public engagement, the site also features DEP’s new YouTube channel where viewers can learn more about how DEP operates, the role our staff plays in the protection of Pennsylvania’s environmental resources and protection of public hearth. DEP’s Speakers’ Bureau has been included and the new Citizen’s Guide to DEP Regulations provided.

### **Emergency Response**

DEP is assisting PEMA to update the commonwealth’s Emergency Operations Plan by providing updates to Emergency Support Functions (ESFs) 10 and 12. The DEP is the Primary Agency responsible for both ESF 10 - Oil and Hazardous Material (includes radioactive materials) and ESF 12 – Energy.

DEP has developed the “*Environmental Emergency Management System*” or EEMS for short, which is a web-based tool that staff will use to report and track damages, outages, and other operational parameters at permitted facilities during and following natural and man-made disasters/emergencies in order to provide timely situational awareness information to decision makers. The EEMS allows DEP personnel to login and report the status of the facilities they inspect to provide a clear, concise picture of where problems exist and how long outages might last. The EEMS, which was tested during the recent heavy rains, performed as expected.

DEP is working with Pennsylvania Emergency Management Agency and other commonwealth agencies on the “*Commonwealth Threat and Hazard Identification and Risk Assessment*” and will be assisting PEMA to update the “*State Preparedness Report*” once again. This is an annual requirement from the federal government.

DEP has developed an agency-wide standard operating procedure for complaint handling which became effective on Oct. 11, 2013.

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## Water Management

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### **Water Quality Standards Assessment Methodology**

Availability of the draft 2013 Assessment Methodology for a 60-day public comment period was published in the *Pennsylvania Bulletin* on Sept. 27, 2013. Comments will be accepted through Nov. 27, 2013. The Methodology is a collection of protocols used to assess the attainment status of waters for listing in the *Pennsylvania Integrated Water Quality and Assessment Report*. The protocols available for comment of note include revisions to “An Index of Biotic Integrity for Benthic Macroinvertebrate Communities in Pennsylvania’s Wadeable, Freestone, Riffle-Run Streams” and “Water Use Assessment Decision-Making on Physicochemical and Bacteriological Sampling.” In addition, there are five new field sampling protocols and revisions to the *Impairment Cause Definitions and Impairment Source Definitions tables*.

### **BWEW-GP-8, Temporary Crossings Permit**

The Bureau of Waterways Engineering and Wetlands published in the *Pa Bulletin* on Nov. 2, 2013, notice of availability for public comment regarding the proposed Chapter 105 general permit, BWEW-GP-8. The proposed permit will modify BWEW-GP-8 (Temporary Road Crossings) and reissue it as BWEW-GP-8 (Temporary Crossings and Environmental Testing or Monitoring Activities). The permit allows the construction, operation, maintenance and removal of temporary crossings across regulated waters of the commonwealth, including wetlands. The majority of Chapter 105 general permits have not been materially revised since 1996 and the revisions to BWEW-GP-8 represent the opportunity to reorganize and establish a better organized and more concise general permit. This opportunity resulted in several changes to the general permit layout and to the contents of the general permit itself. The organizational changes include the following: standardized definitions for consistency and future revisions; established independent set of instructions, forms, examples, and sample drawings; consolidated coordination and notification section; and cross-referenced terms and conditions. Additionally, the scope of BWEW-GP-8 has been expanded to include the following other temporary activities: expansion of the scope to temporary crossings which includes temporary service lines in addition to road crossings; and the inclusion of environmental testing or monitoring activities, including seismic testing lines, that are temporary in nature and are not specific to waiver provisions contained in 25 Pa Code §105.446(a). DEP will accept written comments on the proposed BWEW-GP-8 by Jan. 10, 2013.

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## Waste Management

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

The proposed Regulated Medical and Chemotherapeutic Waste rulemaking was published in the *Pennsylvania Bulletin* on Aug. 24, 2013, and the 30-day public comment period ended on Sept. 23, 2013. During the official public comment period, the EQB received comments from five commentators. DEP representatives met with Independent Regulatory Review Commission (IRRC) on Oct. 9, 2013 to discuss the IRRC’s questions on the rulemaking prior to submitting their formal comments, which were due to the EQB by Oct. 23, 2013. The Bureau of Waste Management (BWM) is currently reviewing all comments received, including IRRC’s; preparing the comment/response document; and amending the proposed rulemaking where necessary.

### **General Permits**

The following residual waste GPs are currently being modified by BWM:

- General Permit Number WMGR081 (*Processing and beneficial use of electronic equipment and components by sorting, disassembling or mechanical processing*) – BWM published notice of a six-month administrative extension of the permit term in the *Pennsylvania Bulletin* on Oct. 26, 2013. The new expiration date for the permit is Apr. 21, 2014. The comment/response document is being drafted and the permit is being amended where necessary.
- General Permit Number WMGR097 (*Research & development of the beneficial uses of residual and municipal wastes*) – The final permit and associated documents are being reviewed by the Policy Office prior to issuance and publication as final in the *Pennsylvania Bulletin*.

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## Radiation Protection

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### **Comprehensive Oil and Gas Development Radiation (TENORM) Study**

The TENORM study has been ongoing with field activities including sample collection, radiation surveys, and data analysis since mid-April 2013. As of the end of *Oct.* 2013, the first two rounds of sampling at the 25 Waste Water Treatment Plants have been completed, *and the third and final round of sampling is underway.* With respect to landfills, 54 *are being sampled* for leachate to determine if TENORM disposal is increasing the radioactivity in the landfills, and 9 landfills *have been* more extensively sampled and surveyed. Four natural gas underground storage formations have been sampled for Radon-222 during the injection of the natural gas into these storage fields. Subsequent natural gas samples will be taken as the gas is withdrawn from the geologic storage formations for customer use. Finally, 14 well pads have been extensively sampled and surveyed for radiological analysis and contamination *during the four phases of well development, which include* vertical drilling, horizontal drilling, fracking and flowback. *Dirt roads in the northern tier of PA, where brine from conventional drilling has taken place, are starting to be surveyed using radiation monitors. Soil samples are also being taken for laboratory analysis of TENORM constituents.* Sample collection will continue into the fall and winter of 2013, and possibly into early 2014. A [\*third quarter update\*](#) has been posted on the DEP website.

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## Environmental Cleanup and Brownfields

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

DEP intends to update the statewide health standard Medium-Specific Concentrations (MSCs) based on new toxicological data published since the last revisions to the MSCs. DEP is required to update the MSCs every three years so the standards include the most current scientific data. *DEP's Cleanup Standards Scientific Advisory Board (CSSAB) reviewed the draft regulation revisions at their Oct. 23, 2013, meeting and voted unanimously to endorse the package with comments. Next, the draft will go back to the Environmental Quality Board for consideration on Nov. 19, 2013.*

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## Air Quality

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

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

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

Three public hearings were held in March 2013. The public comment period closed on April 8, 2013. No members of the public provided testimony at the public hearings. Written comments were received from four commentators during the public comment period. Comments from the Independent Regulatory Review Commission were received on May 8. The comments were reviewed and a final rulemaking package has been prepared. The draft final-form regulation was considered by the Air Quality Technical Advisory Committee during the June 13, 2013 meeting. The final draft rulemaking was discussed with the CAC Policy and Regulatory Oversight Committee on June 21, 2013. The CAC voted to support the department's recommendation to move the rulemaking package to the EQB for final consideration on July 16, 2013. The SBCAC voted to support the department's recommendation to move the rulemaking package to the EQB for final consideration on July 24, 2013. The final rulemaking package was unanimously approved by the

Environmental Quality Board at the Board's Sept. 17, 2013 meeting, and was submitted to the Independent Regulatory Review Commission (IRRC) and the Standing Environmental Resources and Energy Committees on Oct. 3, 2013. IRRC will consider the final rulemaking at its Nov. 7, 2013, meeting.

### **PM2.5 Designation Recommendations**

*On Nov. 2, 2013, the department will publish a notice concerning an opportunity for public review and comment on the draft attainment designation recommendations for the 2012 annual PM2.5 National Ambient Air Quality Standard (NAAQS). The EPA revised the NAAQS in Dec. 2012, setting a new annual standard of 12 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ). As required by Section 107(d)(1) of the federal Clean Air Act, Pennsylvania's recommendations for designations of areas of the commonwealth as attainment, nonattainment or unclassifiable/attainment areas are due to EPA by Dec. 13, 2013. The proposed designation recommendations are based primarily on air quality ambient monitoring (2010-2012), as well as emissions data, meteorology, geography/topography and jurisdictional boundaries. Based on these factors, DEP will seek comment on its proposal to recommend that EPA designate as "nonattainment" areas the Greater Philadelphia Area (Chester, Delaware and Philadelphia counties), Northampton County, Lancaster County, Cambria County, the Greater Pittsburgh Area (Allegheny and Westmoreland counties) and a partial county nonattainment designation for the Liberty/Clairton Area. DEP will also seek comment on recommending that EPA designate the counties monitoring below the 2012 standard as "attainment" areas and the remaining unmonitored Pennsylvania counties as "unclassifiable/attainment" areas.*

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## **Energy Initiatives**

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### **Natural Gas Vehicles**

The 2<sup>nd</sup> round of the Natural Gas Energy Development Program (Act 13) is prepared and ready to be released. A release date of Nov. 9 has been identified. The application deadline will be Jan. 10. The Natural Gas Energy Development Program (Act 13) will be offering an estimated \$11 M to help pay for the incremental purchase and conversion of compressed natural gas (CNG), liquefied natural gas (LNG) and bi-fuel vehicles weighing 14,000 pounds or more. Those eligible to apply for the grants include local transportation organizations, incorporated non-profit entities, for-profit companies, state owned or state related universities, commonwealth or municipal authorities, and the Pennsylvania Turnpike Commission.

This round of funding for Fiscal Year 2013-14, Act 13 stipulates that 50% of the available funds be allocated exclusively for local transportation organizations, including non-profit agencies providing public transportation services and public transportation, port and redevelopment authorities, as well as school bus projects. Note that in accordance with Act 13, this is the last round for which an exclusive allocation for local transportation organizations will be made. Applicants interested in purchasing or converting one or two heavy-duty alternative fuel vehicles are encouraged to partner with other eligible applicants to aggregate their vehicles into a single application to satisfy the 5 vehicle minimum. Grant requests can be no more than 50% of the incremental purchase or retrofit cost per vehicle, with a maximum total of \$25,000 per vehicle.

### **Alternative Fuel Vehicles**

The 2013 round of the Alternative Fuels Incentive Grant Program (AFIG) closed on Friday, July 26, 2013. Programmatic review of the applications has been completed, recommendations for awards have been made and executive approval has been received. An announcement date for the awards has not been set, but expected to occur in Nov. 2013.

**Alternative Fuel Vehicle Rebate Program (AFIG):** *Rebate requests have been picking-up steadily since the beginning of the summer. Last month, DEP provided a record 89 rebates for large format battery electric vehicles and plug-in hybrid electric vehicles (EVs and PHEVs). The alternative fuel vehicle rebate program supports Pennsylvania residents who purchase a new qualified alternative fuel vehicle (AFV) registered in Pennsylvania powered by natural gas, electricity, liquid propane gas or a fuel cell. The rebate program was revised in Jan. 2013 to provide a \$3,000 rebate for 500 qualified large format EVs and PHEVs, as well as, \$1,000 for all other qualified AFVs. Nearly 80 percent of all vehicles rebated are large format EVs and PHEVs. There are 169 rebates left with each award being at \$3,000. In the prior version of the rebate program it took 18 months to expend 500 rebates at \$3,500 for EVs and PHEVs. At the current rate, the \$3,000 rebates would be expended in less than one year. We plan to continue to offer the \$3,000 rebate for PHEVs and EVs until the 500 rebates are paid out or Dec. 31, 2013, whichever occurs first. Rebate amounts offered for EVs and PHEVs will be reassessed and likely reduced if funds remain to continue to support the program.*

## **PA Sunshine Program**

*The Pennsylvania Sunshine Solar Program is nearing completion. Approximately \$1.3 M is all that remains of the \$100 M in rebates allocated to help fund solar electric (solar photovoltaic), solar hot water (solar thermal) projects, and battery back-up systems for homeowners and small businesses in Pennsylvania. This program was authorized by section 306 of the Alternative Energy Investment Act, Act of July 9, 2008, Spec. Sess., P.L 1873, No. 1 (73 P.S. §§1649.101 et seq.) and is administered by the OPPEA program. Since Jan., when only \$7.5 M remained, changes were made to the program rules such that rebates/grants were only awarded on a first-come, first-served only basis. Homeowners are eligible for rebates of up to \$7,500 for solar electric projects, with small business receiving up to \$52,500. Residential solar hot water projects have a maximum rebate of \$5,000, with \$50,000 for small commercial businesses. We continue to anticipate that the funding will be exhausted and the program closed by Dec. 31, 2013. Preparations are being made to announce the award of the final rebate and the closing of the program in the coming months.*

## **Promoting Energy Efficient Buildings**

**Keystone Home Energy Loan Program (HELP) and Geothermal Loan Program:** *DEP-supported Keystone HELP program has provided a total of 4,850 consumer loans valued at \$41,889,223.37 to PA home-owners resulting in annual energy savings of 17,256,399.67 kwhs of electricity; 107,470,273.32 kBTU reduction in heating fuel consumption; and 20,696,389.20 lbs. reduction in CO<sub>2</sub>e emissions through installed residential energy conservation and efficiency measures since the American Recovery and Reinvestment Act (ARRA) inception. The Geothermal Loan Program funded 477 of those loans, totaling \$6,241,165.37. In addition, there have been 372 PHFA Renovate and Repair loans totaling \$7,934,224.50.*

**Green Energy Loan Fund:** *The Green Energy Loan Fund was created with American Reinvestment and Recovery Act State Energy Program funds to operate as a low interest revolving loan program for energy efficiency and renewable energy building retrofits. Of the \$12 M in capitalization, \$9,953,001 of the GELF dollars are currently committed to closed energy loans. To date, the \$9.9 M in GELF funds have leveraged \$38.2 M in other public sector funds and \$175.2 M in private funds. Recently, \$550,000 GELF dollars have been approved for three loans that are expected to close in the fourth quarter 2013. The total project cost for these three projects is in excess of \$8.8 M. \$1,420,999 of GELF dollars are planned to be committed to two projects currently in active underwriting. These projects total over \$13 M in project costs are expected to close in the fourth quarter of 2013. TRF expects to have all \$11,924,000 of the available GELF lending dollars in closed energy loans by the end of calendar 2013. DEP along with TRF will work together to aggregate information regarding the upcoming loan closings and data on any completed projects so as to provide an informational press release on the success of the GELF program to date.*

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## **Oil and Gas**

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### **Draft Proposed Rulemaking – Chapter 78, Subchapter C**

On Aug. 27, 2013, the Environmental Quality Board (EQB) adopted the department's proposed rulemaking that updates 25 Pa Code Chapter 78 Subchapter C in order to strengthen environmental protection measures related to surface activities at oil and gas sites. The rulemaking includes measures to implement Act 13 of 2012 and also includes provisions that modify and update existing requirements, including those for the containment of regulated substances, waste disposal, site restoration and reporting releases. The proposed regulations also establish new provisions for borrow pits, oil and gas gathering pipelines, identification of abandoned wells and the road-spreading of brine. In addition, the proposed regulations add new provisions for unconventional gas wells regarding the identification of impacts to public resources, standards for freshwater and wastewater impoundments, well site containment systems, wastewater processing and water management plans. The rulemaking was developed with extensive input by the department's Oil and Gas Technical Advisory Board (TAB) and other partners including local government organizations, environmental organizations and industry representatives.

*The proposed rulemaking was reviewed by the Office of General Counsel and was forwarded to the Attorney General on Thursday, Sept. 26. A tolling memo was given back to DEP and DEP responded, leaving the Attorney General's office 20 days to respond from Saturday, November 2<sup>nd</sup>. After the review by the Attorney General is completed, the proposed rulemaking will be published in the Pennsylvania Bulletin for the 60-day public comment period. Six public hearings will be scheduled during the 60-day public comment period.*

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

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

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

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

On July 16, 2013, DEP presented the proposed rulemaking package to the EQB and the board voted unanimously to proceed with publication for a 30-day public comment period.

*The proposed rulemaking was published in the Pennsylvania Bulletin on Saturday, Sept. 14 and closed on Tuesday, Oct. 15, 2013 (since Oct. 14 was a state holiday). The department received comments from 6 commentators and is currently preparing responses to all comments that were received. IRRC’s comment period deadline is Nov. 14, 2013. After a Comment & Response document is developed, the department will continue advancing this rulemaking package through the final rulemaking process.*

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

Please see attachment 2.

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## **Active and Abandoned Mine Operations**

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### **ABS BF Discharge Treatment**

Progress is being made in systematically approaching the problem, with designs underway for many of the treatment facilities. Operation and maintenance continues for the facilities that are in place. Progress reports are being provided to the Office of Surface Mining to assist them in their oversight of the project. Act 157 of 2012 provides for additional funding sources to pay for the required operation and maintenance of the treatment facilities. The structural elements regarding site and operator eligibility regarding funding through Act 157 are being developed via a collaborative process with the Mining and Reclamation Advisory Board (MRAB). Approval to initiate the rulemaking process was received in April 2013. An initial draft of regulations has been prepared to review with the MRAB. A series of meetings with the Regulation, Legislative and Technical committee of the MRAB have been held. *The proposed rule was reviewed by the MRAB on Oct. 24, 2013. The MRAB recommended that the department proceed to the EQB with the rulemaking package.*

### **Report of the Impacts of Underground Mining Act 54 Report**

Act 54 is the rights and responsibilities associated with bituminous underground coal mining. It includes how impacts to water supplies, structures, wetlands, land and streams will be handled. The department has executed the documents with the University of Pittsburgh (the contractor) to begin data collection in Sept. 2012 for the 2008-2013 reporting period. The contract period is two years. Data collection and evaluation is underway. Bureau of Mining Program and California District staff are meeting regularly with University of Pittsburgh personnel to manage the contract and provide guidance. The evaluation period ended in Aug. 2013. Routine interaction with the contractor suggests that the progress is on target for completion of the report by Aug. 2014. *The first draft is due by April 2014.*

### **Surface Coal Mine Water Supply Replacement**

Preliminary drafting is underway for rulemaking packages relating to surface coal mining water supply replacement, remining and water quality, and general coal mining program improvements. Interaction with the Mining Reclamation Advisory Board (MRAB), Regulation, Legislative and Technical Committee is expected to occur *by early 2014*. Preliminary discussions have been held with the MRAB relating to the remining and program improvement regulation packages.

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

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

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

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

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

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## **Environmental Education**

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### **DEP at Home Exhibit**

*The Exhibit was featured at the Philadelphia Fall Home Show. Visitors were very interested and engaged in all aspects of the exhibit. Plans for the Farm Show version of the exhibit are ongoing.*

### **Environmental Education Grants Program**

*The grants program opened Nov. 4, 2013. Applications are due to the program on Jan. 6, 2014. For the 2014 grant round, the maximum award amount is \$3,000 with no match requirement and the option to receive upfront funding. This is being done in response projected declines in the Environmental Education Fund balances.*

## **Attachment 1**

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### **Advisory Committees and Regional Roundtables**

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<b>Nov. 2013</b>	
6	Flood Advisory Committee, Nurture Nature Center, Easton, PA
6	Sewage Advisory Committee, Rm 105, RCSOB
7	Recycling Fund Advisory Committee Meeting, Room 105, RCSOB
7	Independent Regulatory Review Commission: Air Quality Title V Fee Amendment, 14th Flr Conference Rm, 333 Market Street, Harrisburg
13	Environmental Justice Advisory Board Meeting, Delaware Room, 16 <sup>th</sup> flr, RCSOB
14	Northwest Regional Roundtable, NW Regional Office
19	Environmental Quality Board Meeting, Rm 105, RCSOB
19	Citizens Advisory Council, Rm 105, RCSOB
20	Water Resource Advisory Committee, Room 105, RCSOB



<b>Dec. 2013</b>	
2	Southeast Regional Roundtable, SE Regional Office, Delaware & Schuylkill Conf. Room
3	Storage Tank Advisory Committee Meeting, Room 105, RCSOB
4	Oil and Gas Technical Advisory Board, RCSOB
5	Climate Change Advisory Committee Meeting, RCSOB
9-11	Pennsylvania Brownfields Conference, Radisson Hotel Valley Forge, King of Prussia
10	Board of Coal Mine Safety, Ebensburg
11	Coal & Clay Mine Subsidence Insurance Fund Board Meeting, 10 <sup>th</sup> Flr Conference Rm, RCSOB
12	Air Quality Technical Advisory Committee Meeting, Room 105, RCSOB
12	Radiation Protection Advisory Committee Meeting, Room 105, RCSOB
16	South-central Regional Roundtable, SC Regional Office, Susquehanna Room
17	Radiation Protection Advisory Committee Meeting, 14 <sup>th</sup> Flr Conference Rm, RCSOB
17	Environmental Quality Advisory Board Meeting, Rm 105, RCSOB
18	Agriculture Advisory Board Meeting, South-central Regional Office, Susquehanna Room

**Cleanup Standards Scientific Advisory Board**

The CSSAB met on Oct. 23, 2013. The draft revisions to Chapter 250, the Land Recycling Cleanup Standards regulations were endorsed for consideration by the EQB. Discussion continued on vapor intrusion guidance and an update on DEP operations was provided.

**Small Business Compliance Advisory Committee**

The Small Business Compliance Advisory Committee (SBCAC) held its quarterly meeting on Oct. 23, 2013. The SBCAC heard a program update from the Small Business Ombudsman’s Office, and Ms. Nancy Crickman presented a program update from the Environmental Management Assistance Program (EMAP). Bureau of Air Quality staff discussed the Aug. 10, 2013, finalized amendments to the Air Quality Permit Exemption List for Category No. 33 and 38. These two amendments address compressed natural gas fueling and oil and gas exploration, development, production facilities and associated equipment and operations. Office of Program Integration staff presented information about the online Permit Application Consultation Tool (PACT). This tool assists potential applicants in determining which types of environmental permits, authorizations or notifications would be needed for specific projects.

Bureau of Air Quality staff provided an update on the status of recent air quality rulemaking packages including progress on the Flexible Packaging Printing Presses, Offset Lithographic Printing Presses and Letterpress Printing Presses, and Adhesives, Sealants, Primers and Solvents; 25 Pa. Code Chapter 129, Condensable Particulate Matter; Title V Emissions Fees; Phase II RACT; and Portable Fuel Containers. Also discussed were the status of work to develop rulemakings for the Control Techniques Guidelines for Fiberglass Boat manufacturing; Industrial Cleaning Solvents; Miscellaneous Metal and Plastic Parts Coatings; and Automobile and Light-Duty Truck Assembly Coatings. The Committee approved a 2014 meeting schedule of January 22, April 23, July 23 and Oct. 22, 2014.

**Solid Waste Advisory Committee**

The Nov. 7, 2013 meeting of the Solid Waste Advisory Committee (SWAC) was cancelled due to lack of agenda items. The next meeting is scheduled for Thursday, March 6, 2014.

**Radiation Protection Advisory Committee**

The Oct. 17, 2013, meeting of the Radiation Protection Advisory Committee has been cancelled. The next meeting is scheduled for Dec. 12, 2013, at 9 a.m. in the 14<sup>th</sup> Floor Conference Room of the Rachel Carson State Office Building.

**Storage Tank Advisory Committee**

The Storage Tank Advisory committee will meet on December 3, 2013, at 10:00 a.m. in room 105 of the Rachel Carson State Office Building. The committee will receive program updates and review the draft proposed Chapter 250 regulations.

**Environmental Justice Advisory Board**

The Environmental Justice Advisory Board will meet Nov. 13 to receive an update on the Climate Impact Assessment, continue discussion on Rx waste handling, discuss the Community Environmental Project policy and plan for the May 2014 listening session they will be holding in Chester, Delaware County.

**Attachment 2****Oil & Gas Weekly Workload Report - Week 10/19/2013 to 10/25/2013**

<b>YTD WELL PERMIT APPLICATIONS - 1/1/2013 to 10/25/2013</b>						
	<b>RECEIVED</b>	<b>UNDER REVIEW</b>	<b>PROCESSED</b>	<b>PERMITS ISSUED</b>	<b>WELLS PERMITTED</b>	<b>OTHER DISPOSITIONS</b>
CONVENTIONAL	1,460	237	1,368	1,320	1,317	48
UNCONVENTIONAL	2,397	218	2,478	2,416	2,310	62
<b>Sub Total</b>	<b>3,857</b>	<b>455</b>	<b>3,846</b>	<b>3,736</b>	<b>3,627</b>	<b>110</b>
AUTHORIZATIONS	352	94	286	248	N/A	38
<b>Total</b>	<b>4,209</b>	<b>549</b>	<b>4,132</b>	<b>3,984</b>	<b>3,853</b>	<b>148</b>

<b>WEEKLY WELL PERMIT APPLICATIONS - 10/19/2013 to 10/25/2013</b>						
	<b>RECEIVED</b>	<b>UNDER REVIEW</b>	<b>PROCESSED</b>	<b>PERMITS ISSUED</b>	<b>WELLS PERMITTED</b>	<b>OTHER DISPOSITIONS</b>
CONVENTIONAL	32	32	23	23	23	0
UNCONVENTIONAL	39	32	69	68	68	1
<b>Sub Total</b>	<b>71</b>	<b>64</b>	<b>92</b>	<b>91</b>	<b>91</b>	<b>1</b>
AUTHORIZATIONS	4	0	0	0	N/A	0
<b>Total</b>	<b>75</b>	<b>64</b>	<b>92</b>	<b>91</b>	<b>91</b>	<b>1</b>

<b>HISTORICAL WELL PERMIT APPLICATIONS AS OF 10/25/2013</b>						
	<b>RECEIVED</b>	<b>PROCESSED</b>	<b>PERMITS ISSUED</b>	<b>WELLS PERMITTED</b>	<b>OTHER DISPOSITIONS</b>	<b>ACTIVE PERMITS</b>
CONVENTIONAL	195,375	195,113	193,915	188,131	1,198	107,968
UNCONVENTIONAL	15,445	15,196	14,856	12,994	340	9,798
<b>Sub Total</b>	<b>210,820</b>	<b>210,309</b>	<b>208,771</b>	<b>201,125</b>	<b>1,538</b>	<b>117,766</b>
AUTHORIZATIONS	40,055	39,952	39,762	N/A	190	18,541
<b>Total</b>	<b>250,875</b>	<b>250,261</b>	<b>248,533</b>	<b>240,666</b>	<b>1,728</b>	<b>136,307</b>

<b>YTD INSPECTIONS - 1/1/2013 to 10/25/2013</b>				
	<b>INSPECTIONS</b>	<b>FACILITIES INSPECTED</b>	<b>VIOLATIONS</b>	<b>ENFORCEMENTS</b>
CONVENTIONAL	8,960	6,154	1,080	316
UNCONVENTIONAL	10,538	5,094	436	159

CLIENT/SITE	2,205	0	437	199
<b>Total</b>	<b>21,703</b>	<b>11,248</b>	<b>1,953</b>	<b>674</b>

<b>WEEKLY INSPECTIONS - 10/19/2013 to 10/25/2013</b>				
	<b>INSPECTIONS</b>	<b>FACILITIES INSPECTED</b>	<b>VIOLATIONS</b>	<b>ENFORCEMENTS</b>
CONVENTIONAL	144	137	11	7
UNCONVENTIONAL	102	102	0	1
CLIENT/SITE	37	0	6	2
<b>Total</b>	<b>283</b>	<b>239</b>	<b>17</b>	<b>10</b>

<b>WELLS DRILLED</b>					
	<b>Two Years Prior 1/1/2011 to 10/25/2011</b>	<b>One Year Prior 1/1/2012 to 10/25/2012</b>	<b>Year To Date 1/1/2013 to 10/25/2013</b>	<b>Week of 10/19/2013 to 10/25/2013</b>	<b>As of 10/25/2013</b>
CONVENTIONAL	1,068	916	819	20	195,544
UNCONVENTIONAL	1,584	1,131	1,001	21	7,248
<b>Total</b>	<b>2,652</b>	<b>2,047</b>	<b>1,820</b>	<b>41</b>	<b>202,792</b>

### Attachment 3

#### Keystone Energy Education Program (KEEP)

KEEP's 12 energy education workshop series. There will be two workshops conducted in each of the 6 DEP Regions. The workshops will be held from 8:30 a.m. – 4:00 p.m. KEEP focuses on teaching about and tracking energy efficiency in school buildings and homes. Interested schools attend one workshop as a “school team.” Six teams will be registered for each workshop, with a total of 72 school teams trained statewide. Each building team will include:

- Three teachers (grades 5-7 from one building)
- School administrator or designee
- Building maintenance or facility manager or designee

Workshop participants will learn about and explore energy conservation, efficiency, energy basics, career development, student energy teams, benchmarking the school building using the free Energy Star Portfolio Manager program and more. Educators will receive background information, 7.0 Act 48 credit hours and standards-based curricular materials.

Workshop dates and locations are as follows:

- *October 23, 2013*      *Chester County Intermediate Unit, Downingtown, in the Southeast Region*
- *October 29, 2013*      *McKeever Environmental Learning Center, Sandy Lake, in the Northwest Region*
- *November 5, 2013*      *Monroe County Conservation District, Stroudsburg, in the Northeast Region*
- *November 6, 2013*      *DEP's South Central Regional Office, Harrisburg, in the South Central Region*
- *November 13, 2013*      *Carnegie Science Center, Pittsburgh, in the Southwest Region*
- *February 18, 2013*      *Bradford County Cooperative Extension, Towanda, in the North Central Region*
- *February 24, 2014*      *Winnie Palmer Nature Reserve, St. Vincent College, Latrobe, in the Southwest Region*
- *March 5, 2014*      *Wilkes University, Wilkes-Barre, in the Northeast Region*
- *March 6, 2014*      *Penn State University, University Park, in the North Central Region*
- *March 19, 2014*      *Asbury Woods Nature Center, Erie, in the Northwest Region*
- *March 25, 2014*      *Montgomery County Intermediate Unit, Norristown, in the Southeast Region*
- *March 20, 2014*      *Juniata College, Huntingdon, in the South Central Region*