

May 2014 Report to the Citizens Advisory Council
(new and updated information in italics)

DEP Highlights

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

The Department of Environmental Protection (DEP) presented the proposed Chapter 78, Subchapter C regulations to the Environmental Quality Board on Aug. 27, 2013, who adopted the proposal for public comment. The proposed rulemaking was then reviewed by the Office of General Counsel and was forwarded to the Attorney General on Sept. 26. After DEP responded to a tolling memo, the proposed rule was published in the Pennsylvania Bulletin for the 60-day public comment period.

The public comment period opened on Dec. 14, 2013 and was initially scheduled to close on Feb. 12, 2014. The EQB intended to host seven public hearings throughout each of the regions of Pennsylvania between Jan. 9 and 27. However, as a result of comments received during the initial public hearings, and to promote an even greater level of public participation, the Environmental Quality Board (EQB) and DEP jointly announced on Jan. 22, 2014 that the public comment period would be extended for 30 days to March 14 and additional public hearings would be held. The extension provided for a total of 90 days for public comment and nine public hearings.

Approximately 290 commentators provided comment during the series of public hearings and the Department received at least 24,000 comments electronically and in hard copy. *Of those comments, over 1,100 represented “individual” comments and the balance came into the Department as form letters. The Independent Regulatory Review Commission (IRRC) submitted a 19-page comment letter to the Department on April 14, formally closing the comment period.*

The Department will consider all comments received as it proceeds with the development of the final rulemaking. The Department pledged to the Oil and Gas Technical Advisory Board (TAB) to present a summary of the comments received at the June 26, 2014 TAB meeting. The Department anticipates being able to provide initial draft final rulemaking language to TAB at its Sept. 25, 2014 meeting. As it proceeds to develop the final rulemaking language based on the comments received, the Department will consider using the Advanced Notice of Final Rulemaking process to take additional public comment on the draft changes included in the final rulemaking.

Community Environmental Project Policy

The *Policy for the Consideration of Community Environmental Projects in Conjunction with Assessment of Civil Penalty* provides guidance on the process department staff will follow for considering a *community environmental project* (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 revisions to the document update the current version, drafted in 1999. The 30-day public comment period was announced in the Pennsylvania Bulletin on Oct. 26 and ended on Nov. 25, 2013. *After the comment-response document and revised policy were drafted, the policy was distributed to the regional offices for feedback prior to finalization. The CEP policy was published as final in the Apr. 19, 2014, Pennsylvania Bulletin. The final policy and associated comment-response document are available for viewing on eLibrary at www.eLibrary.dep.state.pa.us/dsweb/View/Collection-12030.*

Environmental Education Grants Program

DEP awards grants to colleges and universities, K-12 schools and school districts, county conservation districts, municipalities and municipal authorities, businesses and incorporated NGOs to do professional development, curriculum revision and integration, outdoor learning resources, environmental literacy planning and programming, hands-on lessons as well as covering materials and transportation costs associated with watershed, energy, air, sustainability and other topics. *On April 22 the program awarded \$309,626 in environmental education grants to 111 schools, universities, non-profit organizations and conservation districts across Pennsylvania.*

PA Falcon Cam Program

The Falcon Cam chronicles the resident pair of Peregrine Falcons with four cameras on the 15th floor ledge of the Rachel Carson State Office Building (RCSOB). *All four of the eggs have hatched. The young eyases are growing rapidly. As part of this program DEP hosted an educator's workshop on Tuesday, Apr. 8, 2014, in the RCSOB's Auditorium in partnership with the Pennsylvania Game Commission and Zoo America. The teachers attending the workshop were invited to attend the banding event with their students. The live webcast event will be held on Tuesday, May 13 in the Rachel Carson State Office Building Auditorium.*

DEP at Home Exhibit

As a component of DEP's State Energy Plan (SEP) the 20x30 foot exhibit was featured at the State Farm Show, NEPA Home and Garden Show, Philadelphia's Suburban Home and Garden Show, Erie Home and Garden Show, Red Goes Green Days at Citizens Bank Park and Earth Week at the State Capitol. The exhibit is scheduled to appear at the Energy Path Expo event at Albright College in Reading on June 18th. The exhibit is transported, set-up staffed and taken down as a cooperative effort from DEP's Environmental Education Center, Energy Office and Communications Office.

Pennsylvania Energy Development Authority

PEDA's 2014 financial assistance offering is expected to open in June. Approximately \$12.5 million will be available for awards. \$10 million of the \$12.5 million will be allocated exclusively for renewable and energy efficiency deployment projects. Eligible Applicants are corporations, partnerships, limited liability companies, associations and other legal business entities, non-profit corporations, Pennsylvania schools, colleges and universities, municipalities, public corporation, authorities etc. PEDA expects to fund projects that request grant amounts of \$500,000 and under, however, request for grant funds between \$500,000 and \$1 million will be considered but will require additional justification and special approval by the PEDA Board. It is expected that awards will be announced in October.

Congressional Hearing on Draft EPA "Waters of the U.S. Rule"

On Monday, April 28 DEP participated in a hearing of the U.S. House of Representatives Transportation and Infrastructure Committee to discuss EPA's Draft Rule for "Waters of the U.S." in Altoona. The testimony provided by DEP related to our joint permitting program with the Army Corps of Engineers. The majority of the hearing focused on the permitting of natural gas pipelines.

Pennsylvania Auditor General's Audit of the Oil and Gas Program

The Auditor General (AG) has conducted over 40 interviews, including visits to three regional offices and a tour of the DEP laboratory. DEP has actively worked to educate the audit staff on this very technical industry by demonstrating our process for field inspections and the scientific analysis that goes into researching and resolving complaints. DEP has submitted over 5,300 pages of information and over 2 million records from its eFACTS database so as to give a comprehensive look into our processes that cross disciplines and is ever evolving with legislative and regulatory improvements. DEP has made staff available to answer complex questions and tried to help streamline the audit to maximize both of our agencies' time and efforts. DEP has received a draft of the audit report and has conducted closeout interviews with Auditor General staff. We anticipate Auditor General publication of the final report in the coming weeks.

Regulatory Update (detailed summaries included in respective program sections)

Draft Proposed Rulemakings

- Control of VOC Emissions from Fiberglass Boat Manufacturing Materials – *Scheduled for May 21, 2014, EQB meeting*
- Miscellaneous Metal and Plastic Parts Coatings – CAC voted to support moving to the EQB on March 18, 2014; *SBCAC voted to support moving to EQB on Apr. 23, 2014*
- Industrial Cleaning Solvents – CAC voted to not recommend movement to EQB on March 18, 2014, pending receipt of additional information; *SBCAC voted to support moving to the EQB on Apr. 23, 2014*
- *Land Reclamation Financial Guarantees and Bioenergy Crop Bonding (Listed in April CAC Report as Alternative Bond System Bond Forfeiture) – Tentatively planned for July 15, 2014, EQB meeting*
- Standards for Surface Facilities – Tentatively scheduled for June 10, 2014, Board of Coal Mine Safety (BCMS) meeting
- Automobile and Light Duty Truck Assembly Surface Coating Processes – Tentatively planned for *Aug. 19, 2014 EQB meeting*

Proposed Rulemakings

- Administration of Land Recycling Program – *Planned for publication in the May 17, 2014 Pa Bulletin*
- Additional RACT Requirements for Major Sources of NO_x and VOCs – *Published in the Apr. 19, 2014, PA Bulletin; public hearings will be held May 27, 28 and 29, 2014; public comment period ends June 30, 2014*
- *Environmental Protection Performance Standards at Oil and Gas Well Sites – Comment/Response document under development*

Draft Final Rulemakings

- *Regulated Medical and Chemotherapeutic Waste – Tentatively planned for July 15, 2014, EQB meeting*

Final Form Rulemakings

- Control of VOC Emissions from Flexible Packaging Printing Presses (FlexoLitho) – *The final form regulation was unanimously approved by IRRC at its public meeting on May 1, 2014*
- Measurement and Reporting of Condensable Particulate Matter Emissions – *Published as final on Apr. 12, 2014*
- Oil & Gas Well Permit Fee Amendments – *The final form regulation was unanimously approved by IRRC at its public meeting on May 1, 2014*
- Requirements for High-Voltage Continuous Mining Machines – *Scheduled for IRRC public meeting on May 22, 2014*

Petitions

- Clearfield Creek Watershed (Three Petitions: *Killbuck Run, Wyerough Run, and Beaverdam Run*) – *Scheduled for May 21, 2014, EQB meeting*
- *Ashley Funk and Kids vs. Global Warming – Tentatively planned for July 15, 2014, EQB meeting*

Proposals Open for Public Comment

- *Nutrient Credit Training Program Certification Requests (Opened 5/3/14, Closes 5/23/14)*
- *Civil Penalty Assessment Informal Hearing Procedure for the Office of Oil and Gas Management Technical Guidance Document (810-4180-002) (Opened 4/26/14, Closes 5/27/14)*

- *Pennsylvania's 2014-2015 Annual Ambient Air Monitoring Network Plan (Opens 5/10/14, Closes 6/9/14)*
- *2014 Draft Integrated Water Quality Monitoring and Assessment Report (Opened 4/26/14, Closes 6/10/14)*
- *Proposed State Implementation Plan Revisions – Redesignation Request and Maintenance Plan for the Pennsylvania Portion of the Philadelphia-Wilmington, PA-NJ-DE Nonattainment Area for the 1997 Annual and 2006 24-Hour Fine Particulate Matter National Ambient Air Quality Standards (Opens 5/10/14, Closes 6/13/14)*
- *Pennsylvania Lacustrine Condition Level 2 Rapid Assessment Protocol Technical Guidance Document (310-2137-004) (Opened 3/8/14, Extended 5/3/14, Closes 6/23/14)*
- *Pennsylvania Riverine Condition Level 2 Rapid Assessment Protocol Technical Guidance Document (310-2137-003) (Opened 3/8/14, Extended 5/3/14, Closes 6/23/14)*
- *Pennsylvania Wetland Condition Level 2 Rapid Assessment Protocol Technical Guidance Document (310-2137-002) (Opened 3/8/14, Extended 5/3/14, Closes 6/23/14)*
- *Pennsylvania Function Based Aquatic Resource Compensation Protocol Technical Guidance Document (310-2137-001) (Opened 3/8/14, Extended 5/3/14, Closes 6/23/14)*
- *Blaster's License Suspension and Revocation Procedure Technical Guidance Document (562-2402-501) (Opened 5/3/14, Closes 7/7/14)*

Monthly Press Releases

April 30, 2014

DEP, DCED and PennDOT Participate in Successful Meeting of the Council of Great Lakes Governors

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20490&typeid=1>

DEP Southeast Region Hosts "Tossed & Found" Recycled Art Exhibit

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20491&typeid=1>

DEP Fines Environmental Laboratory \$220,000 for Various Violations

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20493&typeid=1>

April 29, 2014

DEP Cleanup of Harrisburg's Morrison Park a Success

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20489&typeid=1>

April 28, 2014

Governor Corbett Issues Proclamation Celebrating Air Quality Awareness Week

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20486&typeid=1>

DEP Accepting Applications for 2013 Pennsylvania State Clean Diesel Grants

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20487&typeid=1>

April 25, 2014

DEP Revokes Waste Permit for Tire Recycling Operation in Franklin County

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20480&typeid=1>

DEP Releases 2014 Integrated Waters Report

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20482&typeid=1>

DEP Warns Consumers that a Recent Production Run of Tyler Mountain Water in Three, Four and Five Gallon Sizes are Contaminated with Total Coliform and E. Coli Bacteria

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20483&typeid=1>

April 24, 2014

DEP Issues Air Monitoring Report for Chevron Well Fire Site

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20479&typeid=1>

April 23, 2014

DEP Announces Public Meeting, Hearing for Ridgway Landfill

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20477&typeid=1>

April 22, 2014

Environmental Justice Advisory Board to Hold Listening Session in Chester

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20470&typeid=1>

Governor Corbett Awards 111 Grants for Environmental Education and Stewardship

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20471&typeid=1>

DEP North-central Regional Citizens' Roundtable Celebrates 30th Anniversary

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20472&typeid=1>

Governor Corbett Issues Proclamation Celebrating April 22, 2014, as "Earth Day"

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20473&typeid=1>

April 21, 2014

DEP Announces International Energy Conservation Code Workshop in Exton

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20468&typeid=1>

April 16, 2014

DEP Releases 2014 Susquehanna River Sampling Plan

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20465&typeid=1>

April 15, 2014

DEP Announces Free Brownfields Redevelopment Seminar in Pittsburgh

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20461&typeid=1>

DEP Reminds Fleet Managers of Natural Gas Vehicle Workshop in Dauphin County

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20462&typeid=1>

DEP Awards 26 Counties Nearly \$2.1 Million in West Nile Virus Grants

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20463&typeid=1>

April 11, 2014

DEP Fines Range Resources-Appalachia LLC \$75,000 for Lycoming County Brine Spill

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20459&typeid=1>

April 10, 2014

DEP Announces Alternative Fuels Incentive Grant Workshop in Allegheny County

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20456&typeid=1>

DEP Urges EPA to Consider State Differences When Developing Framework for Emissions Guidelines for Existing Fossil Fuel-Fired Power Plants

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20458&typeid=1>

April 9, 2014

DEP Announces Earth Day Event at Erie Explosion Home Game

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20454&typeid=1>

April 8, 2014

DEP Announces Alternative Fuels Incentive Grant Workshops in Southwest

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20451&typeid=1>

DEP Announces Regional Keystone Energy Education Program Workshop in Huntingdon

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20452&typeid=1>

DEP Announces New District Mining Manager

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20453&typeid=1>

April 7, 2014

DEP to Monitor Restart of ArcelorMittal Monessen Coke Works

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20447&typeid=1>

April 3, 2014

DEP Issues Permit Requiring Closure of FirstEnergy's Little Blue Run Impoundment

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20442&typeid=1>

DEP Releases Annual Natural Gas Drilling Emissions Inventory Data

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20445&typeid=1>

April 2, 2014

DEP Announces Free Brownfields Redevelopment Seminar in Meadville

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20435&typeid=1>

DEP Announces Regional Keystone Energy Education Program Workshop in Erie

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20436&typeid=1>

DEP Fines Steelton Borough Water Authority \$55,200 for Drinking Water Violations

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20438&typeid=1>

DEP to Hold Webinar on Chapter 105 Proposed Technical Guidance Documents

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20439&typeid=1>

April 1, 2014

DEP Reminds Pennsylvanians to "Pick it up" During Earth Month

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20432&typeid=1>

Governor Corbett Announces 2014 Environmental Excellence Award Winners

<http://www.portal.state.pa.us/portal/server.pt/community/newsroom/14287?id=20434&typeid=1>

Energy Initiatives

Natural Gas Vehicles

DEP awarded \$7.7 million during the second round of the Natural Gas Energy Development Program (Act 13) to 25 companies and organizations making the switch to natural gas for their heavy-duty fleet vehicles. *Grant agreements were recently mailed to the awardees and a webinar will be held for grant recipients on May 12 to explain grant conditions and help them execute grant agreement paperwork.*

The first round awarded \$6.3 million to 19 companies and organizations making the switch to natural gas. The third and final round is slated to open in late summer with an expected \$5.7 million available.

Alternative Fuel Incentive Grant Program

On Mar. 1, 2014, DEP began seeking applications for innovative, advanced fuel and vehicle technology projects resulting in cleaner advanced alternative transportation within the state. Approximately \$8 million in grants is available for school districts, municipal authorities, political subdivisions, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in the Commonwealth to retrofit vehicles

to operate on alternative fuels, or support next-phase advanced research, development and training related to alternative fuels and alternative fuel vehicles.

The grant funds available will include an opportunity to propose projects which will convert or purchase natural gas vehicles weighing 26,000 pounds or less, as well as, convert or purchase electric, propane, or other alternative fuel vehicles of any vehicle weight. Applicants interested in purchasing or converting one or two alternative fuel vehicles will be encouraged to join forces and aggregate into a single application to satisfy the five vehicle minimum required for application.

The program guidelines and application instructions are available on the DEP website at www.dep.state.pa.us (select “DEP Programs;” “Alternative Fuels”). Applications will be accepted online through the eGrants system by visiting www.grants.dcnr.state.pa.us (select “Find a Grant,” scroll down to “AFIG;” select “Apply for this grant”). The application period will open on Saturday, March 1. Applications must be submitted no later than 4 p.m. on Friday, May 30.

AFIG is assisting with funding the deployment of electric vehicle charging stations at all Pennsylvania Turnpike service plazas. As of May, the Pennsylvania Turnpike has at least one level II electric vehicle charging operable at 4 service plazas; Bowmansville, King of Prussia, New Stanton and Oakmont. One Level II and two (Level III) direct current fast chargers are expected be operable at all 4 service plazas in May/June. Work at other service plazas will continue over the summer, including Peter J. Camiel, North and South Somerset, Sideling Hill, and Blue Mountain.

Keystone Energy Education Program (KEEP)

As a component of the department’s Energy Education Report for the State Energy Plan, a vendor, Gove Group, in cooperation with DEP’s Energy Office and Environmental Education staff have developed an energy education workshop series. Twelve workshops were scheduled, two in each DEP region. *Ten* workshops have been conducted to date. *There were a total of 42 participants at the workshops held on March 25th & April 22nd. The final two workshops will take place in May 2014.* For each workshop, school teams consisting of teachers, administrators and facilities managers work together to enhance curriculum and learn how to implement benchmarking through Energy Star Portfolio Manager. Dates for the workshops are listed in Attachment 1.

Alternative Fuel Vehicle Rebate Program (AFIG)

As of Dec. 31, 2013, the alternative fuel vehicle rebate program began offering rebates for EVs and PHEVs at \$2,000. This new commitment of 500 rebates at \$2,000 results in another \$1 million commitment in support of AFVs purchased and registered by Pennsylvania residents. *Currently, as of April 21st 421 rebates at \$2,000 remain. The \$2,000 rebate will be available until June 30, 2015, or until 500 rebates are issued, whichever occurs first. The program and the rebate amounts offered will be reassessed at that time.*

Promoting Energy Efficient Buildings

Keystone Home Energy Loan Program (HELP) and Geothermal Loan Program: DEP-supported Keystone HELP program has provided a total of 5912 consumer loans valued at \$51,592,197.21 to Pennsylvania homeowners resulting in annual energy savings of 21,144,448.89 KWH of electricity; 147,068,011.39 kBTU reduction in heating fuel consumption; and 22,386,566.45 lbs. reduction in CO₂ emissions through installed residential energy conservation and efficiency measures since the American Recovery and Reinvestment Act (ARRA) inception. The Geothermal Loan Program funded 536 of those loans, totaling \$7,433,174.40. In addition, there have been 402 PHFA Renovate and Repair loans totaling \$8,628,953.50. The program expects to run out of funding in approximately one year. DEP and the PA Treasury are currently considering options for continuation of funding for the Program. Treasury sent a letter to DEP Feb. 25 requesting more funding for the future.

Promoting an Energy Efficient Work Force

The *second* session of a second round of Building Retuning (BRT) was held on *Apr. 14, 2014 at Lower Merion School District. Participants included Millbourne Borough in Delaware County, Norristown State Hospital (a PA Department of Public Welfare facility), and Lower Merion School District. PennTAP continues to serve as instructors for this training. The second session consisted of a walk-down of Penn Wynne Elementary School in Wynnewood. The next walk-down will be held at Norristown State Hospital on May 7, and the final one will be held in June at Millbourne Borough.*

A third round of BRT has been scheduled for City of Philadelphia facility managers. Eight staff from public property, four from parks & rec, and 4 from the streets department will participate, along with a representative from the Mayor's Office of Sustainability and two staff from the Consortium for Building Energy Innovation (CBEI, formerly EEB Hub). A US Department of Energy (DOE) representative and consultant have also been invited to participate. The initial classroom session & first two walk-downs will be held on May 20 to 21 and the final two will be conducted on June 18 to 19.

Since all of the department's Building Operator Certification (BOC) and BRT trainings have been located in southeast Pennsylvania thus far, it plans to bring these trainings to the south central (Harrisburg) and southwest (Pittsburgh) areas of the state. BRT will be offered in south central Pennsylvania beginning in June 2014. The following school districts will participate: Susquehanna Township, Tuscarora, Northeastern, Spring Grove, and South Middleton School District. *Beginning on October 7, 2014 through February 10, 2015, BOC will be offered in Mechanicsburg (south central Pennsylvania) for facility managers of government and K-12 schools. BOC classes will be offered at the Penn State Cooperative Extension in Pittsburgh beginning on June 25, 2014 through September 25, 2014, followed by BRT in the fall. By June 30, 2015, DEP plans to deliver BOC training to 40 government and K-12 school facility managers, as well as at least three BRT trainings to the same target sectors.*

Energy Efficient Building Codes Training

Pennsylvania's acceptance of \$99.6 million dollars from the American Recovery and Reinvestment Act (ARRA) carries with it a number of obligations regarding enforcement of the 2009 International Energy Conservation Codes (IECC) across the state. Specifically, DEP has provided assurance to the U.S. Department of Energy that it will develop and implement a program that will measure and ensure that DEP has achieved 90 percent statewide compliance with the codes by 2017. While this initiative is expected to be carried out over several years, this third year budget will continue to leverage the initial budget covering program development, statewide benchmarking of current compliance status, education workshops targeted to local government policy makers, and supplemental energy code compliance training for design professionals, contractors and code officials.

The codes training work plan includes developing and offering a new online commercial IECC training, a hands-on commercial IECC plan review and inspection program, webinars on focused issues of critical details for a code official audience, six training programs in various locations across the state, and home builder training sessions throughout the Commonwealth with a goal of training 150 persons. *There were 55 participants for the residential 2009 IECC slab insulation webinar on February 13 and 84 participants for the residential 2009 IECC visual inspection webinar on March 13. The majority of the participants were code officials, a couple contractors, several state employees and 29 in the other category. There were a total 53 attendees at the residential 2009 IECC trainings on February 20, March 6 and March 20 in Bucks and Allegheny counties respectively. The majority of attendees were code officials, a few contractors and four in the other category.*

Well Site Emergency Response

On Feb. 11, a fire ignited on a well pad operated by Chevron Appalachia in Dunkard Township, Greene County and continued to burn for over a week. The fire was fueled by natural gas that escaped from a couple of well heads located on the well pad. Multiple program staff from DEP including oil and gas, air quality, water management, and radiation protection staff responded to this emergency event along with the Pennsylvania State Police and other local emergency responders. A company called Wild Well Control based in Houston, TX that is an internationally recognized expert in responding to well fires was utilized to respond to this emergency event. This well pad contained three separate wells. The primary well head involved in the fire was capped by Sunday, Feb. 23 and the second well head was capped on Tuesday, Feb. 25. The third well was not found to be leaking, but it was monitored to ensure that the well was sound and was determined to be secure. One employee who was a contractor to Chevron was mortally wounded during the event. An investigation is ongoing.

Final 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.”

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 unconventional wells and by \$1,300 per well for vertical unconventional wells.

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 Sept. 14 and closed on Oct. 15, 2013. The department received comments from 6 commenters and prepared responses to all comments that were received. On Tuesday, Jan. 21, DEP presented the final rulemaking package to the EQB. The EQB adopted the final rulemaking as presented. The final rulemaking was submitted to the Office of General Counsel and the Office of Budget for review. The department also submitted the final rulemaking to the House and Senate standing environmental committees. *IRRC approved this final rulemaking at its public meeting on May 1. The final rulemaking has been transmitted to the Office of Attorney General for review and approval, and once that has occurred the final rulemaking will be published in the Pennsylvania Bulletin. It is anticipated that the publication date will be early summer 2014.*

Civil Penalty Assessment Informal Hearing Procedure for the Office of Oil and Gas Management Technical Guidance Document

Section 3256 of the 2012 Oil and Gas Act (act) (58 Pa.C.S. § 3256) provides that the Department may assess a civil penalty for violations of the act or a regulation, order or permit issued by the Department under the act, after a hearing. Section 3256 of the act further provides that a person charged with a penalty must, within 30 days of notification, pay the penalty or file an appeal of the assessment with the Environmental Hearing Board. This document outlines the procedure for the conduct of the informal civil penalty assessment hearings.

The Department is accepting written comments on the Draft Technical Guidance Document. Comments must be received by May 27. Comments, including comments submitted by electronic mail must include the originator's name and address. Written comments should be submitted to Kurt Klappkowski, Department of Environmental Protection, Bureau of Oil and Gas Planning and Program Management, P. O. Box 8765, Harrisburg, PA 17105-8765, 717.772.2199 or kklappkowsk@pa.gov. The Technical Guidance will be effective upon publication of notice as final in the Pennsylvania Bulletin.

Oil and Gas Workload Report

Please see Attachment 2.

Water Management

Chesapeake Bay Program

The Chesapeake Bay Program (CBP) state and federal partnership released a draft of a new Chesapeake Bay Agreement on Jan. 29, for a 45-day public comment period. The comment period closed on March 17. The U.S. Environmental Protection Agency (EPA) is assisting the program partnership in the collection of comments and reports receipt of over 2,400 comments from individuals as well as over 60 sets of comments from organizations. Electronic copies of each organization's comments are located at the bottom of the Agreement webpage on the CBP website at www.chesapeakebay.net/chesapeakebaywatershedagreement. The partnership has begun reviewing and considering all the comments, with a goal of establishing a new agreement by late spring or early summer. *Pennsylvania state agency staff have been participating in various CBP committee meetings, including the Principals' Staff Committee (PSC), to review and provide comments on possible changes to the draft Agreement.* Additional information is available at www.chesapeakebay.net.

Regional Agriculture Watershed Assessment Program Initiative

In September 2012, DEP began a pilot project that directed resources towards achieving compliance at agricultural operations within a small watershed. Soft Run, a small agriculturally impaired watershed in Mifflin County, was selected for that pilot and produced the following results:

- *DEP staff inspected all 19 working farms in this watershed*
- *DEP found significant water quality compliance issues at only six of these farms*
- *Voluntary compliance was achieved at four of these six farms*
- *DEP only needed to take two enforcement actions to achieve compliance*

This successful effort to improve water quality in a small impaired watershed encouraged DEP to take this approach across the state.

In February 2014, DEP selected six small watersheds each having water quality impaired by agriculture. One watershed was selected in each of the six DEP regions. Each of the working farms in these watersheds will be visited by staff from the respective DEP regional office during 2014. The DEP will first work with the owner/operator to achieve voluntary compliance with its regulatory requirements.

Working with a local conservation district, DEP will make available technical and financial support to assist farming operations to correct any significant problems having an impact on water quality and in achieving regulatory compliance. Financial assistance agreements will be through a \$592,400 grant to the six conservation districts. These grants will support development of required plans and implementation of best management practices (BMPs) necessary to implement these plans and to address water quality problems. The funds have been allocated from the Environmental Stewardship Fund.

The watersheds selected are described briefly below:

<i>DEP Region</i>	<i>Name</i>	<i>County</i>	<i>Size</i>	<i>Farms</i>
<i>North-central</i>	<i>Kaiser Run (Upper Buffalo Creek)</i>	<i>Union</i>	<i>2.88 sq. mi.</i>	<i>~21</i>
<i>North-west</i>	<i>UNTs Kahle Lake</i>	<i>Venango/ Clarion</i>	<i>4.49 sq. mi.</i>	<i>~8</i>

North-east	Mahantango Creek (Headwaters)	Schuylkill	~ 19 sq. mi.	~25
South-central	Beaver Creek Headwaters (Yellow Creek Watershed)	Bedford	~10sq. mi.	~25
South-east	UNT Tohicken	Bucks	5.1 sq. mi.	~10
	Deer Run	Bucks	3.4 sq. mi.	~4
	Wolf Run	Bucks	1.16 sq. mi.	~4
South-west	Goose Run (Plum Creek Watershed)	Indiana	~3 sq. mi.	~ 12

In-Lieu Fee Program

DEP is establishing a new in-lieu fee (ILF) program called the Pennsylvania Integrated Ecological Services, Capacity Enhancement and Support Program (PIESCES). PIESCES will allow applicants that are required to offset their aquatic resource impacts for both state and federal permit requirements to contribute monies to a program that meets the federal requirements for such activities instead of trying to restore or enhance aquatic resources through costly and ineffective independent efforts. This program will meet stringent federal requirements established in 2008 (2008 Joint EPA and ACOE Mitigation Rules) and will provide a mechanism for permittees to meet their state and federal mitigation obligations until mitigation banking establishes a strong presence in Pennsylvania.

The public will have several opportunities to participate in the development of this program through both state and federal public comment periods. DEP has submitted a prospectus to the Army Corps of Engineers (ACOE) and is on file with ACOE Baltimore, Philadelphia, and Pittsburgh Districts. The public may comment on the prospectus to ACOE through the Federal Register. Comments must be submitted by May 11. Further information about ACOE’s public notice is available here:

<http://www.nab.usace.army.mil/Missions/Regulatory/PublicNotices/PublicNoticeView/tabid/16587/Article/23046/spn14-24-2014-00371-pennsylvania-integrated-ecological-services-capacity-enhanc.aspx>. During a later stage of the federal process, DEP will publish the draft policy for establishing PIESCES in the Pennsylvania Bulletin for public comment as well.

Draft Technical Guidance - Pennsylvania’s Function Based Aquatic Resource Compensation Protocol

DEP will extend the public comment period for four draft technical guidance documents that were originally published in the Pennsylvania Bulletin at 44 Pa.B. 1396. Notice of the extended public comment period will appear in the May 10, issue of the Pennsylvania Bulletin, and will extend the public comment period to June 23, an additional 45 days. The four draft technical guidance documents include: Pennsylvania Function Based Aquatic Resource Compensation Protocol (DEP ID: 310-2137-001); Pennsylvania Wetland Condition Level 2 Rapid Assessment Protocol (DEP ID: 310-2137-002); Pennsylvania Riverine Condition Level 2 Rapid Assessment Protocol (DEP ID: 310-2137-003); Pennsylvania Lacustrine Condition Level 2 Rapid Assessment Protocol (DEP ID: 310-2137-004);

The draft protocols can be found in the DEP’s eLibrary under “Technical Guidance Draft Documents.” The direct link to this section of eLibrary is: www.elibrary.dep.state.pa.us/dsweb/View/Collection-10105.

DEP conducted a public webinar on the four documents on April 10, and delivered a presentation on the documents to the Water Resources Advisory Committee on April 11.

2013 Assessment Methods

On Sept. 28, 2013, the Department posted the 2013 Assessment and Listing Methodology (Assessment Methods) for a 45-day public comment period that ended November 27, 2013. The Assessment Methods represents the various methods used to assess water quality data to determine the attainment status of water quality standards and is required by Sections 303(d) and 305(b) of the Federal Clean Water Act which requires states to report on the condition of all their waters in the biennial Integrated Report. The protocols comprising the methodology describe the field data collection procedures and data analysis methods used to obtain and evaluate water quality data. The individual protocols apply to a wide range of water resource types, data sources and environmental indicators. The Assessment Methods includes the following nine new methods: Streambed Sediment Collection Protocol, Continuous Instream Monitoring Field Methods, Wadeable Semi-quantitative Fish Sampling Protocol for Streams, Periphyton Standing Crop and Species Assemblages, Habitat Assessment, Benthic Macroinvertebrates, Fish Community Sampling Methods, Surface Water Collection, and Taxonomy Reference List and the following four revised methods: An Index of Biotic Integrity for Benthic Macroinvertebrate Communities in Pennsylvania's Wadeable, Freestone, Riffle/Run Streams; Water Use Assessment Decision-Making Based on Physicochemical and Bacteriological Sampling; Impairment Cause Definitions; and Impairment Source Definitions.

Release of 2014 Integrated Water Quality Monitoring and Assessment Report

On April 26, the DEP released the 2014 Integrated Water Quality Monitoring and Assessment Report (Integrated Report) for a 45-day comment period. The Integrated Report includes both a narrative description of the Pennsylvania's water quality management programs (formerly the 305(b) Report) and various lists depicting the status of Commonwealth surface waters as required by section 303(d) of the Federal Clean Water Act. The report is comprised of four parts and also includes a five-part list that collectively summarizes the designated use attainment status of Commonwealth surface waters.

Section 303(d) of the Federal Clean Water Act and 40 CFR Part 130 require states to identify waters that would still be impaired, even after the appropriate technology has been applied to point sources, and requires best management practices are in place for nonpoint sources. Waterbodies that do not meet water quality standards after this evaluation are placed on Category 5 of the Integrated Waterbody List.

For each waterbody in Category 5, the state or the United States Environmental Protection Agency must develop Total Maximum Daily Load (TMDL) allocations. When a TMDL is approved for a waterbody, that waterbody listing is moved to Category 4a.

Commonwealth Finance Authority Announces Grants

The Commonwealth Finance Authority (CFA) announced on March 21, 2014, that, in coordination with the department, they will be offering a number grants related to Water Management pursuant to Act 13 of 2012. The deadline for the submittal of applications is July 21. The programs included in this project solicitation include:

- Baseline Water Quality Data
- Pennsylvania Small Water and Sewer
- Sewage Facilities
- Watershed Restoration Protection

For more information or a complete list of open grant programs funded from Act 13 see the CFA website at www.newpa.com. Additional information can be obtained by contacting the CFA at 717.787.6245.

Stony Run Watershed Petition

In December 2013, the department received a petition submitted by the University of Pittsburgh School of Law, Environmental Law Clinic on behalf of the Mountain Watershed Association and Youghiogheny Riverkeeper. The petition requests the amendment of 25 Pa Code § 93.9v in order to redesignate Stony Run Watershed in Fayette County from Cold Water Fishes (CWF) to Exceptional Value (EV) designation.

In January 2014, the department sent a letter to the petitioner notifying them that the petition met the established criteria of the EQB's petition policy. The letter also set Feb. 18, as the date the EQB would consider the petition for further evaluation. On Feb. 18, EQB accepted the petition for study pursuant to 25 Pennsylvania Code, Chapter 23 (EQB Policy for Processing Petitions – Statement of Policy). On March 8, the department published a notice of acceptance of the petition for further study in the *Pennsylvania Bulletin* (44 Pa.B. 1321).

Clearfield Creek Watershed Petitions (3)

On Feb. 6, the department received three petitions submitted by the Clearfield Creek Watershed Association. The petitions request the amendment of 25 Pa Code § 93.91 in order to redesignate Killbruck Run, Wyerough Run, and Beaverdam Run from CWF to EV designation.

The department reviewed the petitions and determined that they meet the established criteria in Section 23.2 of the EQB's petition policy. A letter *was sent on April 11*, to notify the petitioners of the department's determination that the established criteria have been met and to invite them to present their petitions at the EQB meeting scheduled for May 21.

Waste Management

Regulated Medical and Chemotherapeutic 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 the IRR) on Oct. 9, 2013, to discuss 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, preparing the comment/response document and amending the proposed rulemaking where necessary. BWM presented a summary of the comments received on the proposed rulemaking at the March 6, meeting of the Solid Waste Advisory Committee (SWAC). The SWAC offered useful feedback on the comments received and the impact that some of the comments may have on the waste processing and disposal industry, if accepted by the department. In preparation for presenting the draft final rulemaking to the EQB, BWM will present the SWAC with information on any revisions made to the proposed rulemaking at its next meeting, currently scheduled for June 5.

General Permits

The following residual waste GPs were modified by BWM:

- General Permit Number WMGR081 (Processing and beneficial use of electronic equipment and components by sorting, disassembling or mechanical processing) –*On October 26, 2013, BWM extended the term of WMGR081 until Apr. 21. After consideration of public comments, the amended permit was issued on Apr. 21. There are currently 36 operations permitted under WMGR081.*
- General Permit Number WMGR097 (Research & development of the beneficial uses of residual and municipal wastes) – The permit was published as final in the *Pennsylvania Bulletin* and issued on Nov. 23, 2013. After publication, an inconsistency in the recordkeeping requirements was noted. BWM therefore revised the record retention requirements for consistency throughout the permit. The corrected permit was published in the *Pennsylvania Bulletin* on Feb. 1 and became effective on Mar. 1. To date, BWM has received three applications for renewal under WMGR097, two of which were reissued on Mar. 1. *The third application for renewal was withdrawn.*

Radiation Protection

Update on Comprehensive Oil and Gas Development Radiation (TENORM) Study

As indicated in previous reports to the CAC, DEP is currently engaged in the most extensive and comprehensive study ever undertaken to examine the levels of naturally occurring radiation in a variety of equipment, materials and media associated with the development of oil and gas resources, as well as the potential environmental impact and exposure to the public and workers. The Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM) study has been ongoing with field activities including sample collection, radiation surveys, and data analysis since mid-April 2013.

With the exception of one well pad, all well pad sampling is now complete. This final well pad is currently being sampled during the fracking phase, with flow back and production phase sampling to follow. A second visit and sampling event occurred at an impoundment located in the northeast portion of the state. The TENORM study team met for a two-day data review at the Bureau of Laboratories on April 9 and 10 to discuss the remaining work that needs to be completed, review the data collected to date, and tie up any loose ends. Two additional road sections were also sampled and surveyed as part of the beneficial use aspect of the study regarding use of brines from conventional drilling operations for dust suppression and de-icing.

Environmental Cleanup and Brownfields

Administration of Land Recycling Program – Land Recycling Cleanup Standards Regulation Revisions

The proposed revisions to Chapter 250, Administration of the Land Recycling Program, have been approved by the Offices of General Counsel, Budget and Attorney General. The proposed rulemaking will be delivered to IRRC, the Standing Committees, and LRB with the goal of publication in the Pennsylvania Bulletin in mid-May. DEP is required to update Chapter 250 every three years.

Air Quality

Climate Change Advisory Committee

The Climate Change Advisory Committee (CCAC) met on April 8, to discuss the development of the climate change action plan that is due by Oct. 9, 2015. The department provided a brief explanation of a white paper concerning the Section 111(d) proposed rulemaking. The CCAC discussed a ranking of the work plans contained in the 2013 Climate Change Action Plan Update to determine areas on which to focus for the next update. Two conference calls will be held in May to discuss proposed new work plans. The CCAC discussed proposed revisions to its by-laws and anticipates action at the next meeting. There are a number of vacancies on the CCAC. A report on the status of these vacancies was provided. The next CCAC meeting is scheduled for June 24.

Proposed New Source Performance Standards to Reduce Carbon Pollution from Electric Generating Units

On Jan. 8, EPA published a proposed rule concerning Standards of Performance for Greenhouse Gas Emissions from New Stationary Sources: Electric Utility Generating Units (79 FR 1430). EPA proposes to establish standards of performance for new fossil fuel-fired electric utility steam generating units (utility boilers and Integrated Gasification Combined Cycle Units) and natural gas-fired stationary combustion turbines. The proposed rulemaking includes carbon dioxide emission standards, compliance schedules, notification, recordkeeping and reporting requirements. The proposed rule would not establish standards for other greenhouse gases. Additionally, EPA's proposal addresses permitting fees under Title V of the CAA, and Mandatory Greenhouse Gas Reporting requirements. A public hearing on the proposed standards was held in Washington, DC on Feb. 6. EPA extended the comment period. Comments on the proposed rule are due to EPA to May 9.

Section 111(d)

EPA was directed to address carbon pollution from existing power plants under Section 111(d) of the federal CAA. The department decided to convene two “listening sessions” to receive input from the public prior to discussions with EPA. On Dec. 9 and 16, 2013, the department held listening sessions to collect information to be used in discussions with EPA in the event they move forward with a proposal for existing power plants. Attendees included environmental and industrial organizations, unions, individual electrical generating companies and the general public. The Dec. 9 meeting was held with the environmental and local government organizations and the Dec. 16 meeting with industry-related organizations. Attendees at both meetings were appreciative of the opportunity to provide input to the department. The public was invited to submit written information to the DEP; Krishnan Ramamurthy is the main contact. The department *considered* the *public* comments *and developed a white paper outlining* recommended principles to EPA for consideration in the *development of* federal emissions guidelines for existing power plants. *The department issued the white paper on April 10; a copy was distributed to the CAC members and other DEP advisory committees including the Air Quality Technical Advisory Committee and other interested parties including the Electric Power Generation Association and environmental groups (i.e., PennFuture and the Sierra Club).* EPA intends to issue the proposed rule for public review and comment *in June 2014.*

Pennsylvania Joins Petition Requesting Expansion of the Ozone Transport Region

On Dec. 9, 2013, eight Northeast and mid-Atlantic states submitted to EPA a petition, filed under CAA section 176A, requesting that the agency add nine upwind states to the Ozone Transport Region (OTR) established under section 184 of the CAA Amendments of 1990. The eight petitioning states (all of which are members of the OTR) are Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Rhode Island and Vermont. Pennsylvania signed the petition on Dec. 10, 2013. The petitioners have requested that the OTR be expanded to include the States of Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, Virginia and West Virginia. EPA is required to respond to petitions filed under CAA section 176A within 18 months.

The petitioning states are not requesting that they be relieved of any of their OTR responsibilities. Instead, they are asking EPA to hold the upwind states accountable and to impose the OTR requirements on them as well. Additional requirements in the upwind states would include implementation of stationary source Reasonably Available Control Technology, increased preconstruction permit application reviews under the New Source Review program and implementation of motor vehicle Inspection and Maintenance programs. In February 2014, the upwind states identified in the petition have requested that EPA deny the December 2013, petition. In May 2014, the Section 176A petitioners will send response to the EPA Administrator concerning the request to deny the petition.

Ashley Funk and Kids vs. Global Warming

On Sept. 6, 2013, the EQB received a petition to promulgate a rule to regulate fossil fuel carbon dioxide (CO₂) emissions and to establish an effective emissions reduction strategy that will achieve safe atmospheric concentrations of CO₂ by 2100. The petition was submitted by Kenneth T. Kristil, Esq., Widener Environmental and Natural Resources Law Clinic, on behalf of Ashley Funk. The petition was submitted to the EQB as provided in 25 Pa. Code Chapter 23 (relating to Policy for Processing Petitions – Statement of Policy).

On Oct. 10, 2013, the department sent a letter to Ms. Funk notifying her that the petition met the established criteria in Section 23.2 of the EQB’s petition policy. The letter also set Nov. 19, 2013, as the date the EQB would consider the petition. At the Nov. 19, 2013, EQB meeting, Attorney Kristil, representing Ms. Funk, made a brief presentation as to why the EQB should accept the petition for further study. The department recommended that the EQB accept the petition for further study. The EQB voted unanimously to accept the petition for further study. On Dec. 7, 2013, the department published a notice of acceptance of the petition in the Pennsylvania Bulletin (43 Pa.B. 7095).

A draft report on the petition was prepared and sent to the petitioner for review and comment on April 16. An accompanying letter to the petitioner requested written response no later than May 16. The petitioner requested additional time, which the department granted. The deadline for the petitioner to submit comment to the report is now May 30.

Natural Gas Emissions Inventory Released

The department released annual emissions data for the natural gas drilling industry. The inventory represents 2012 emissions levels from Marcellus Shale natural gas production and processing operations as well as compressor stations that receive gas from traditional oil and gas well sites. The sources and activities of natural gas operations that DEP identified as part of the inventory include compressor stations; dehydration units; drill rigs; fugitives such as connectors, flanges, pump lines, pump seals and valves; heaters; pneumatic controllers and pumps; stationary engines; tanks, pressurized vessels and impoundments; venting and blow down systems; well heads and well completions.

For the 2012 inventory, data reported to DEP came from 56 Marcellus Shale operators covering 8,800 natural gas wells and 70 operators of 400 compressor stations that received gas from Marcellus Shale and traditional oil and gas well sites. New to this round of reporting were 250 additional compressor stations that process gas from traditional well sites. These compressor stations were not required to report in 2011.

The emissions inventory data are posted on the DEP web site.

Air Quality Regulatory Packages

- **Fiberglass Boat Manufacturing** – At its Dec. 12, 2013, meeting, the Air Quality Technical Advisory Committee (AQTAC) unanimously concurred with DEP’s recommendation to move the draft proposed rulemaking for fiberglass boat manufacturing materials to the EQB for consideration. The proposed rulemaking *was submitted for approval by the EQB at its May 2014 meeting.* The CAC Policy and Regulatory Oversight Committee voted to support moving this rulemaking to the EQB during a conference call on March 12.
- **Miscellaneous Metal Parts and Plastic Products** – At the Feb. 20, meeting, AQTAC concurred with the Department to submit the proposed Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Coating Processes and Pleasure Craft Surface Coatings rulemaking to the EQB for consideration. The proposed rulemaking would establish RACT as recommended in EPA Control Technique Guideline (CTG) documents. It is anticipated that the EQB will consider the proposed rulemaking in summer 2014. The CAC Policy and Regulatory Oversight Committee voted to support moving this rulemaking to the EQB during a conference call on March 12.
- **Control of Volatile Organic Compound (VOC) Emissions from Industrial Cleaning Solvents** – At the Feb. 20, 2014, meeting, the AQTAC concurred with the department’s recommendation to submit the proposed Control of VOC Emissions from Industrial Cleaning Solvents rulemaking to the EQB for consideration. The proposed rulemaking would establish RACT requirements for industrial cleaning solvents as recommended in the EPA CTG documents. It is anticipated that the EQB will consider the proposed rulemaking in summer 2014. Discussions with the CAC and the Small Business Compliance Advisory Committee (SBCAC) will be scheduled promptly. The CAC Policy and Regulatory Oversight Committee tabled action on this rulemaking during a conference call on March 12. The Committee will review any recommendation made by the SBCAC before taking further action.
- **Additional RACT Requirements for Major Sources of NO_x and VOCs** – The proposed RACT rulemaking was approved by the EQB on Nov. 19, 2013, *and published for public comment on April 19, in the PA Bulletin (44 Pa.B. 2392).* Three public hearings are scheduled for May 20, 21, and 22. *The public comment period will close on June 30.*

- Flexible Package Printing and Offset Lithographic and Letterpress Printing (FlexoLitho) –The final-form rulemaking was approved by EQB on Feb. 18. *The final-form rulemaking was unanimously approved by IRRC at its May 1, public meeting.*
- Measurement and Reporting of Condensable Particulate Matter Emissions – *Published as final in the Pa. Bulletin on April 12 (44 Pa.B. 2236).*
- *Control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coating Operations* – *At the April 3, meeting, the AQTAC concurred with the department’s recommendation to submit the draft proposed rulemaking to EQB for consideration. The proposed rulemaking would establish RACT as recommended in EPA’s CTG. It is anticipated that EQB will consider the proposed rulemaking this summer. A meeting with the CAC Policy and Regulatory Oversight Committee will be scheduled.*

Active and Abandoned Mine Operations

Meeting Between PA Coal Alliance and Marcellus Shale Coalition

A meeting was held Jan. 31, 2013 at DEP's Cambria field office between members of the Marcellus Shale Coalition (MSC) and the PA Coal Alliance (PCA). The purpose of the meeting was to facilitate a discussion on coordinating the drilling of unconventional gas wells through workable coal seams. The Coal and Gas Coordination Act, which requires gas wells to be spaced 1000 feet from all other wells, was amended in 2010 to accommodate multi-well pad development, but certain spacing requirements remain. However, deep gas wells subject to the Oil and Gas Conservation Law are not required to comply with the well spacing requirements of the Coordination Act. As such, some gas well drillers elect to drill their wells in a manner that subjects them to the Conservation Law to avoid spacing requirements. The coal alliance requested DEP's presence at this meeting, which was intended to better coordinate well drilling and coal mining. The meeting was well-attended, and frank discussion brought clarity to the issue. Both MSC and PCA agreed to meet again without DEP to further discuss the issue and develop a proposed solution that will be provided to DEP. As of the end of April, the meeting date has not yet been communicated to DEP.

Proposed Rulemaking – Land Reclamation Financial Guarantees and Bioenergy Crop Bonding

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

Approval to initiate the rulemaking process was received in April 2013. An initial draft of the rulemaking 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 EQB with the rulemaking package. The rulemaking package has been assembled and is in the process of internal routing. It is anticipated that this proposed rulemaking will be considered by EQB at its July 15, meeting. The MRAB field trip planned for July will include visits to 4 recently completed treatment systems on ABS sites in Clearfield County.

Coal Mining Program Rulemaking

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. Staff met with the MRAB, Regulation, Legislative and Technical Committee in February and April. *Preliminary language for the rulemaking was reviewed. Comments from the committee have been incorporated and the draft will be revised for formatting. The goal is to have a draft rule prepared for MRAB review this summer.* Discussions with the committee included the topics to be covered in the program improvements regulations. The water supply replacement rulemaking will be deferred until the remining and program improvement packages are completed due to priorities identified by MRAB.

NPDES Permitting for Mine Sites

The Mining Program continues to work with EPA to implement NPDES permitting and compliance improvements. The focus has shifted from developing tools (e.g. TGD, SOP, Permit Document and Inspection Report) to deploying the tools. EPA is working with the Mining Program to identify the parameters of further interaction between the agencies. A two-year work plan has been drafted. Industry outreach was completed during the last week of February. Review of the Standard Operating Procedures for implementing NPDES permits with the compliance staff is underway. EPA has indicated interest in a collaborative review of the process of reviewing draft NPDES permits for mining. DEP plans to engage with EPA on this during the spring. *Revisions to the NPDES application form for mine site and the Effluent Characterization data submission form are underway to address chronic comments from EPA on draft permits.*

Guidance Document Revisions

As a result of the implementation of PDG a few Technical Guidance Documents need to be updated. For example, pre-applications have taken on a more prominent role under PDG. Therefore, the mining program's guidance, Coal Surface Mining Activity Permit Pre-application Review (563-2112-214), requires substantial revision. *It is expected that a preliminary draft of the revised document will be shared with the industry trade groups in May.* The Bureau of Mining Programs is systematically reviewing the library of Technical Guidance Documents to identify all of the documents which require changes. The mining program engineering manual has been redrafted and sent to the mining industry trade groups for their review. Finally, the guidance for the use of Reclamation Fill at Non-coal Mine Sites was published as final at the end of 2013. The PA Aggregates and Concrete Association (PACA) pointed out some discrepancies after this final publication. The Mining Program is actively engaged with PACA to address their concerns which will result in a major revision to the guidance.

Act 54 Report Progress

The contractor is working to complete the first draft of the current five-year report. The final report is expected by August 2014.

2014 Abandoned Mine Land (AML) Program Grant

On Feb. 24, the Office of Surface Mining (OSM) announced that \$52.3 million will be awarded to Pennsylvania under the 2014 Abandoned Mine Lands (AML) Program Grant which is scheduled to become effective April 1. Compared to the 2013 funding level the 2014 AML distribution is a reduction of \$9.4 million or 15.2 percent. The drop in funding is attributable to a reduction of the AML fee that coal mine operators pay, a decline in coal production, and sequestration of mandatory Federal budgetary resources. Pennsylvania's total Title IV Grant Distribution is \$56.4 million; however the FY 2014 sequestration of mandatory Federal budgetary resources withheld 7.2 percent of the AML grant funds equaling \$4.1 million. Last year, the impact of sequestration was a cut of 5.1 percent, the loss of \$3.3 million. The 2014 grant was originally to have become effective on Jan. 1, but was pushed back, at the request of OSM, due to delays with the Federal budget and sequestration. A gap in funding was avoided by extending the 2013 AML grant performance period 3 additional months. *To date, actual AML funding is significantly less than the projections anticipated under the 2006 amendments to SMCRA and the problem has been exacerbated by federal budget sequestration. The initial projections were that*

Pennsylvania would receive \$451.3 million through 2014; however, actual AML grants during the period total \$353.1 million, which reflects \$7.4 million in available AML funding that was withheld due to sequestration. The federal AML Inventory currently shows \$1.1 billion of unreclaimed AML problems with severe health and safety hazards in Pennsylvania.

Board of Coal Mine Safety (BCMS)

- **Final Rulemaking: Requirements for High-Voltage Continuous Mining Machines**
This final rulemaking was initiated by BCMS to address underground coal mine safety under the authority of the Bituminous Coal Mine Safety Act (BCMSA). The rulemaking amends DEP's regulations by adding sections 208.81 - 208.93 (relating to High-Voltage Continuous Mining Machine Standards for Underground Coal Mines) to 25 Pa Code Chapter 208. The rulemaking incorporates, with one exception, federal Mine Safety and Health Administration (MSHA) electrical safety standards for the installation, use, and maintenance of high-voltage continuous mining machines in underground bituminous coal mines as well as design requirements for approval of these mining machines. BCMS determined it should promulgate a requirement identical to the MSHA with the exception of provisions concerning the mandatory distance between a spliced high voltage trailing cable and a continuous mining machine. Under BCMSA, at §316(d)(6), spliced trailing cables are prohibited within 50 feet of a continuous mining machine. In contrast, federal requirements at 30 CFR 75.830(b)(1) prohibit the splicing of high-voltage trailing cables within 35 feet of a continuous mining machine. Pennsylvania law provides a more protective standard that enhances miner safety; therefore, the more stringent state requirement is included in the rulemaking. BCMS developed the final rulemaking to allow DEP to have independent authority to enforce the federal requirement. The promulgation of this rulemaking facilitates the use of more advanced equipment designs and provides greater protection for miners from electrical shock, cable overheating, fire hazards, back injuries and other sprains caused by handling trailing cables. BCMS did not receive any comments on this final rulemaking. IRRC provided notice to BCMS that it had reviewed the proposed regulation, and had no objections, comments, or recommendations to offer on the regulation. IRRC noted that if BCMS delivers the final-form regulation without revisions to the Commission, and the standing committees do not take any action on the final rulemaking, the final regulation will be deemed approved. The final rulemaking is scheduled for consideration at IRRC's May 22, public meeting.
- **Draft Proposed Rulemaking: Standards for Surface Facilities**
This proposed rulemaking will allow for the implementation of existing federal regulations that broadly relate to the surface work areas of underground bituminous coal mines and govern surface installations, thermal dryers, safeguards for mechanical equipment, electrical equipment, trailing cables, grounding, surface high-voltage distribution, low- and medium-voltage alternating currents, ground control, fire protection, maps, personnel hoisting, wire ropes, trolley wires and trolley feeder wires, and slope and shaft sinking. As a result, the existing federal regulations will become independently enforceable by the Commonwealth. Adopting these proposed regulations will ensure that surface operations at underground bituminous coal mine sites are safely conducted and maintained. Although underground bituminous coal mine operators are already required to comply with these regulations, implementing this proposed rulemaking will provide DEP with the independent authority to enforce the federal requirements. This will result in improved efficiency and enhanced autonomy for the Commonwealth. This draft proposed rulemaking is planned to be considered by BCMS at its June 10, meeting.

Attachment 1

2014 Events Calendar

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

May	
May 6	<i>Environmental Justice Advisory Board: 5:00 pm, Chester City Hall, Chester</i>
May 6	<i>Environmental Justice Advisory Board Listening Session: 6:00 – 8:00 pm, Chester City Hall, Chester</i>
May 7	<i>Chesapeake Bay Management Team: 9:30 am, South-central Regional Office, Susquehanna Rooms A & B, Harrisburg</i>
May 14	Water Resources Advisory Committee: 9:30 am, Room 105, RCSOB
May 14	KEEP Workshop (Southeast Region): Montgomery County Intermediate Unit Conference Room B3/B4, Norristown
May 20	KEEP Workshop (South-central Region): Juniata College von Liebig Center for Science, Neff Lecture Hall, Huntingdon
May 21	Environmental Quality Board: 9 am, Room 105, RCSOB
May 21	Citizens Advisory Council: 10 am, Room 105, RCSOB
May 27	<i>Public Hearing of the EQB on Proposed Rulemaking (Additional RACT Requirements for NOx and VOCs): 1pm, SWRO, Waterfront Conference Rooms A&B</i>
May 28	<i>Public Hearing of the EQB on Proposed Rulemaking (Additional RACT Requirements for NOx and VOCs): 1pm, SERO, Delaware and Schuylkill Conference Rooms</i>
May 29	<i>Public Hearing of the EQB on Proposed Rulemaking (Additional RACT Requirements for NOx and VOCs): 1pm, RCSOB, Room 105</i>
June	
June 3	Storage Tank Advisory Committee: 10 am, 14 th Floor Conference Room, RCSOB
June 4	Coastal Zone Advisory Committee: 9:30 am, 10 th Floor Conference Room, RCSOB
June 5	Solid Waste Advisory Committee: 10 am, Room 105, RCSOB
June 10	Board of Coal Mine Safety: 10 am, DEP Cambria District Mining Office, Ebensburg
June 12	Northwest Regional Roundtable: 10 am, location TBA
June 12	Rescheduled Radiation Protection Advisory Committee: 9 am, 12 th Floor Conference Room, RCSOB
June 16	South-central Regional Roundtable: 10 am, South-central Regional Office, Susquehanna A, Harrisburg
June 17	Environmental Quality Board: 9 am, Room 105, RCSOB
June 17	Citizens Advisory Council: 10 am, Room 105, RCSOB
June 18	Agricultural Advisory Board Committee: 10 am, South-central Regional Office, Harrisburg
June 18	Small Water Systems Technical Assistance Center Board: 10 am, Room 105, RCSOB
June 18	State Board for Certification of Water and Wastewater Systems Operators: 10 am, 10 th Floor Conference Room, RCSOB
June 24	Climate Change Advisory Committee: 10 am, Rm. 105, RCSOB
June 25	State Board for Certification of Sewage Enforcement Operators: 10 am, 11 th Floor Conference Room B, RCSOB
June 26	Oil and Gas Technical Advisory Board: 10 am, Room 105, RCSOB

July	
July 9	Sewage Advisory Committee: 10:30 am, Room 105, RCSOB
July 9	Technical Advisory Committee on Diesel-Powered Equipment: 10 am, Fayette County Health Center, Uniontown
July 15	Environmental Quality Board: 9 am, Room 105, RCSOB
July 15	Citizens Advisory Council: 10 am, Room 105, RCSOB
July 16	Water Resources Advisory Committee: 9:30 am, Room 105, RCSOB
July 23	Small Business Compliance Advisory Committee: 10 am, 12 th Floor Conference Room, RCSOB
August	
Aug. 5	Environmental Justice Advisory Board, 16 th Floor Delaware Room, RCSOB
Aug. 7	Air Quality Technical Advisory Committee, Rm. 105, RCSOB
Aug 12	Climate Change Advisory Committee, Rm. 105, RCSOB
Aug. 13	State Board for Certification of Water and Wastewater Systems Operators, 10 th Floor Conference Room, RCSOB
Aug. 19	Environmental Quality Board, Room 105, RCSOB
Aug. 20	Agricultural Advisory Board Committee, South-central Regional Office
September	
Sept. 9	Storage Tank Advisory Committee, 10 am, Rm. 105, RCSOB
Sept. 9	Board of Coal Mine Safety, 10 am, DEP Cambria Office, Ebensburg
Sept. 11	Northwest Regional Roundtable, 10 am, location TBA
Sept. 15	South-central Regional Roundtable, 10 am, Harrisburg Regional Office Susquehanna A
Sept. 16	Environmental Quality Board, 9 am, Room 105, RCSOB
Sept. 16	Citizens Advisory Board, 11 am, Room 105, RCSOB
Sept. 17	Water Resources Advisory Committee, 9:30 am, Room 105, RCSOB
Sept. 18	Joint Recycling Fund and Solid Waste Advisory Committee, 10 am, Rm. 105, RCSOB
Sept. 23	Small Water Systems Technical Assistance Center Board, 10 am, Room 105, RCSOB
Sept. 24	State Board for Certification of Sewage Enforcement Operators, 10 am, 11 th Floor Conference Room B, RCSOB
Sept. 25	Oil and Gas Technical Advisory Board, 10 am, Room 105, RCSOB
October	
Oct. 2	Low-level Radioactive Waste Advisory Committee: 10 am, Room 105, RCSOB
Oct. 8	Technical Advisory Committee on Diesel-Powered Equipment: 10 am, Fayette County Health Center, Uniontown
Oct. 9	Air Quality Technical Advisory Committee: 9:15 am, Room 105, RCSOB
Oct. 15	Agricultural Advisory Board Committee Meeting: 10 am, Room 105, RCSOB
Oct. 15	Cleanup Standards Scientific Advisory Committee: 9 am, Room 105, RCSOB
Oct. 16	State Board for Certification of Water and Wastewater Systems Operators: 10 am, 10 th Floor Conference Room, RCSOB
Oct. 16	Radiation Protection Advisory Committee: 9 am, Room 105, RCSOB
Oct. 16	Southwest Regional Roundtable: 10:30 am, Southwest Regional Office, Waterfront A&B, Pittsburgh
Oct. 21	Environmental Quality Board: 9 am, Room 105, RCSOB
Oct. 21	Citizens Advisory Board: 11 am, Room 105, RCSOB
Oct. 22	Small Business Compliance Advisory Committee: 10 am, 12 th Floor Conference Room, RCSOB
Oct. 23	Mining and Reclamation Advisory Committee: 10 am, Room 105, RCSOB

Attachment 2

Oil and Gas Workload Report – Week Ending 4/25/2014

YTD WELL PERMIT APPLICATIONS - 1/1/2014 to 4/25/2014						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	352	148	410	410	409	0
UNCONVENTIONAL	1,111	312	1,126	1,112	1,103	14
Sub Total	1,463	460	1,536	1,522	1,512	14
AUTHORIZATIONS	109	49	108	98	N/A	10
Total	1,572	509	1,644	1,620	1,602	24

WEEKLY WELL PERMIT APPLICATIONS - 4/19/2014 to 4/25/2014						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	6	6	5	5	5	0
UNCONVENTIONAL	0	0	86	86	86	0
Sub Total	6	6	91	91	91	0
AUTHORIZATIONS	2	2	0	0	N/A	0
Total	8	8	91	91	91	0

HISTORICAL WELL PERMIT APPLICATIONS AS OF 4/25/2014						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	195,998	195,846	194,645	188,826	1,201	107,731
UNCONVENTIONAL	17,209	16,892	16,523	14,323	369	10,578
Sub Total	213,207	212,738	211,168	203,149	1,570	118,309
AUTHORIZATIONS	40,349	40,239	40,020	N/A	219	18,612
Total	253,556	252,977	251,188	242,900	1,789	136,921

YTD INSPECTIONS - 1/1/2014 to 4/25/2014				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	3,374	2,467	351	94
UNCONVENTIONAL	3,574	2,170	148	62
CLIENT/SITE	739	0	170	72
Total	7,687	4,637	669	228

WEEKLY INSPECTIONS - 4/19/2014 to 4/25/2014				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	85	81	40	6
UNCONVENTIONAL	85	83	2	2
CLIENT/SITE	35	0	1	8
Total	205	164	43	16

WELLS DRILLED					
	Two Years Prior 1/1/2012 to 4/25/2012	One Year Prior 1/1/2013 to 4/25/2013	Year To Date 1/1/2014 to 4/25/2014	Week of 4/19/2014 to 4/25/2014	As of 4/25/2014
CONVENTIONAL	342	282	230	12	194,756
UNCONVENTIONAL	541	374	385	17	7,835
Total	883	656	615	29	202,591

This report was prepared by Laura Henry, Executive Policy Specialist, DEP Policy Office. For questions or requests, please email lahenry@pa.gov or call 717.705.3769.