

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

DEP Highlights

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 January 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 *is planned for publication in the Pennsylvania Bulletin on June 14.*

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 August 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 September 26, 2013. 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 December 14, 2013 and was initially scheduled to close on February 12. The EQB intended to host seven public hearings throughout each of the regions of Pennsylvania between January 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 January 22 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 *over* 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 TAB meeting. The Department anticipates being able to provide initial draft final rulemaking language to TAB at its September 25 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.

Environmental Education Grants Program (EEGP)

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. *The contracts for the 2014 grant round are in various stages of execution. Grantees will begin work on their projects July 1st. EEGP staff will begin making revisions for the 2015 grant round the first week in July. The grant round should be set to open the first week in October 2014.*

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). *Many of the teachers attending the April 8th Wild in the City workshop attend the banding event with their students on Tuesday, May 13 in the Rachel Carson State Office Building Auditorium. Over 150 attendees were on hand for the event. Secretary Abruzzo provided opening remarks, stressing the value of reestablishing endangered species to a clean, healthy environment. This was the 15th year DEP conducted this live webcast event, in cooperation with the PA Game Commission and Commonwealth Media Services.*

DEP at Home Exhibit

As a component of DEP's State Energy Plan (SEP) the 20x30 foot exhibit, provides visitors with a full scale mockup of a kitchen, bathroom and garage, featuring energy and water conservation practices and green building materials that people can implement and use at their own homes and properties. The garage component is new this year and depicts alternative fuels vehicles and technologies, highlighting CNG and electric vehicles that businesses and individuals may consider for current and future transportation needs. 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)

PEDA's 2014 financial assistance offering is expected to open June 14th. 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. *DEP plans to publish the Draft PEDA Energy Development Plan for 30-day public comment period in the May 31st edition of the Pennsylvania Bulletin. Edits were made to the plan*

since its original publication in 2008 to reflect changes in PA's energy landscape and to ensure consistency with the recently released State Energy Plan.

Permit Review Process and Permit Decision Guarantee

On July 24, 2012, Governor Corbett signed Executive Order 2012-11 "Permit Decision Guarantee for the Department of Environmental Protection" directing the Department of Environmental Protection (Department) to, among other things, establish a Permit Review Process and Permit Decision Guarantee. The executive order also rescinded the Money Back Guarantee created under Executive Order 1995-5. The "Policy for Implementing the Department of Environmental Protection (department) Permit Review Process and Permit Decision Guarantee" (policy) was published as final on November 3, 2012, and implementation of the new permitting process began on November 14, 2012.

Following the first year of implementation the department, on October 26, 2013, published for supplementary comment the policy. In June 2014, the department will publish as final the revised policy, comment response document and an annual report. Based on internal and external comments, the department made very few revisions to the policy. The changes that were made however were done to provide additional clarity. For example, clarification regarding the review of technical deficiency response letters was added to Section II. B.1. The revised policy also includes several revisions to the permits included in Appendix A. The department, via the prepared comment response document, has provided clarification and response to the comments and questions submitted during the comment period.

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 (DEP Search/Keyword: Permit Decision Guarantee).

Regulatory Update (detailed summaries included in respective program sections)

Draft Proposed Rulemakings

- Control of VOC Emissions from Fiberglass Boat Manufacturing Materials – Adopted as proposed by the EQB at its May 21 meeting.
- Miscellaneous Metal and Plastic Parts Coatings – Tentatively planned for the August 19 EQB meeting.
- Industrial Cleaning Solvents – Tentatively planned for the August 19 EQB meeting.
- Land Reclamation Financial Guarantees and Bioenergy Crop Bonding – Tentatively planned for the July 15 EQB meeting
- Standards for Surface Facilities – Scheduled for the June 10 Board of Coal Mine Safety (BCMS) meeting
- Automobile and Light Duty Truck Assembly Surface Coating Processes – Tentatively planned for the August 19 EQB meeting

Proposed Rulemakings

- Administration of Land Recycling Program – Published for comment in the May 17 Pennsylvania Bulletin
- Additional RACT Requirements for Major Sources of NO_x and VOCs – Public hearings held May 27, 28 and 29
- Environmental Protection Performance Standards at Oil and Gas Well Sites – Comment/Response document under development

Draft Final Rulemakings

- Regulated Medical and Chemotherapeutic Waste – Draft final regulation presented at the June 5 Solid Waste Advisory Committee meeting; tentatively planned for the July 15 EQB meeting

Final Form Rulemakings

- Control of VOC Emissions from Flexible Packaging Printing Presses (FlexoLitho) – The final form regulation *is planned for publication in the Pennsylvania Bulletin on June 21, 2014.*
- Measurement and Reporting of Condensable Particulate Matter Emissions – Published as final in the April 12 *Pennsylvania Bulletin*
- Oil & Gas Well Permit Fee Amendments – The final form regulation *is planned for publication in the Pennsylvania Bulletin on June 14, 2014.*
- Requirements for High-Voltage Continuous Mining Machines – *The final form rulemaking was unanimously approved by IRRC at its May 22 public meeting*

Petitions

- Clearfield Creek Watershed (Three Petitions: Killbuck Run, Wyerough Run, and Beaverdam Run) – *Approved for further evaluation by the EQB at its May 21 meeting*
- Ashley Funk and Kids vs. Global Warming – Tentatively planned for the August 19, 2014 EQB meeting

Proposals Open for Public Comment

- Pennsylvania's 2014-2015 Annual Ambient Air Monitoring Network Plan (Opened 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 (Opened 5/10/14, Closes 6/13/14)
- *Administration of Land Recycling Program Proposed Rulemaking (Opened 5/17/14, Closes 6/17/14)*
- 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)
- *Additional RACT Requirements for Major Sources of NO_x and VOCs Proposed Rulemaking (Opened 4/19/14, Closes 6/30/14)*
- *Clean Water and Drinking Water State Revolving Fund Programs Federal Fiscal Year 2014 Intended Use Plans (Opened 5/31/14, Closes 6/30/14)*
- Blaster's License Suspension and Revocation Procedure Technical Guidance Document (562-2402-501) (Opened 5/3/14, Closes 7/7/14)
- *Draft Pennsylvania Energy Development Plan (Opened 5/31/14, Closes 7/30/14)*
- *Control Measure under Consideration by the Ozone Transport Commission (Opened 5/24/14, Closes 7/31/14)*

Legislative Update

Senate Floor

SB 411—AMD for Frac—Kasunic—DEP SUPPORTS

- *It is unclear if the full Senate will consider this legislation in the near future.*

House Floor

HB 1699—Emergency Generators Registration—Ross—DEP SUPPORTS

- *The House will very likely re-consider the amendment that was adopted to this legislation on second consideration in May.*

SB 1254—Lead Free Plumbing Fixtures—Yudichak—DEP SUPPORTS

- *SB 1254 will likely be considered by the full House of Representatives on final consideration in the near future and be sent to the Governor's desk.*

Senate Committee

SB 1355--Nuclear Fees—Yaw—DEP SUPPORTS

- *This legislation has been introduced and will be considered for a vote by committee on June 3rd.*

SB 1378—Oil and Gas Chapter 78 Amendments—Hutchinson/Scarnati

- *DEP looks forward to working with Senators Hutchinson and Scarnati on their interest in this legislation. Both the governor and Secretary Abruzzo have repeatedly stated their commitment to differentiating between conventional and unconventional operators when it comes to regulating oil and gas activities*

House Committee

HB 1565—Riparian Buffers—Hahn—DEP SUPPORTS w/ amendments

- *It is unclear if the Committee will consider this legislation in the near future*

HB 2264--Nuclear Fees—Miller—DEP SUPPORTS

- *This legislation has been introduced and will likely be considered for a vote by committee in the near future.*

Governor's Desk

SB 1037—RVP (Pittsburgh summer gas repeal)—Vogel—DEP NEUTRAL

- *This legislation was passed by the House and Senate, was signed by the Governor and is now Act 50 of 2014.*

Monthly Press Releases

May 22, 2014

- *DEP Awards \$944,819 Mine Reclamation Contract in Clearfield County*
- *DEP Citizens' Advisory Council Releases 2013 Annual Report, Invites New Members*

May 21, 2014

- *Coal Refuse Pile Fire Extinguished in Fell Township*
- *DEP Releases 2013 Susquehanna River Study Report*

May 19, 2014

- *DEP Names John Guth as Northwest Regional Director*

May 16, 2014

- *DEP, DCNR Announce Bicycle Friendly Business Designation*
- *West Nile Virus-Carrying Mosquito Detected*

May 15, 2014

- *State Agencies to Kick-off Annual “Spoke ‘n’ Gear” Expo in Honor of Bike to Work Day*

May 14, 2014

- *DEP Issues Air Quality Plan Approval and Waste Management Permit to Delta Thermo Energy for Lehigh County Plant*

May 13, 2014

- *DEP Honored for Clarion County Abandoned Mine Project*
- *Governor Corbett Announces \$21 Million Available in Growing Greener Grants*

May 12, 2014

- *DEP Announces Plan to Improve Water Quality in Local Streams*
- *DEP Hosts Annual Falcon Banding for Local Schools, Community Groups*

May 8, 2014

- *State Agencies Announce Bike to Work Week, Bike Ride, Expo on May 16*

May 7, 2014

- *DEP Releases First-Ever Oil and Gas Annual Report, Unveils Video Highlighting Work of Dedicated Oil and Gas Staff*

May 5, 2014

- *DEP Celebrates Drinking Water Week, 30 Year Anniversary of the Safe Drinking Water Act*

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 mailed to the awardees and a webinar was 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.

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. *The final two workshops were held in May at Montgomery County Intermediate Unit in Norristown and Juniata College in Huntingdon. A total of 48 participants attended the workshops held on May 14 and 20.* 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.

Alternative Fuel Vehicle Rebate Program (AFIG)

As of December 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 30, 412 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 6021 consumer loans valued at \$52,596,181.08 to Pennsylvania homeowners resulting in annual energy savings of 21,272,980 KWH of electricity; 150,205,421.18 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 539 of those loans, totaling \$7,498,038.40. In addition, there have been 406 PHFA Renovate and Repair loans totaling \$8,692,633.50.

Promoting an Energy Efficient Work Force

The *third* session of a second round of Building Retuning (BRT) was held on *May 7 at Norristown State Hospital, a PA Department of Public Welfare facility. A total of ten people participated in this session, including one representative from Millbourne Borough in Delaware County, two staff from Lower Merion School District in Montgomery County, two personnel from Norristown State Hospital, two representatives from the Consortium for Building Energy Innovation (formerly EEB Hub), and three DEP staff. PennTAP continues to serve as instructors for this training. The third session consisted of a walk-down of the boiler plant and building #1, which is currently being renovated as future patient housing, at Norristown State Hospital. The final walk-down of this second BRT round will be held at Millbourne Borough on June 17.*

The first session of a third round of BRT was held on May 20 in the City of Philadelphia for facility managers. Eight staff from public property, four from parks & rec, and 4 from the streets department participated along with a representative from the Mayor's Office of Sustainability. Three staff from the Consortium for Building Energy Innovation (CBEI, formerly EEB Hub attended) and two staff from DEP attended. PennTAP continues to serve as instructors for this training. The initial classroom session & first two walk-downs were held on May 20 and 21. The walk downs included the Philadelphia fleet shop and District 18 police station. The next scheduled training is June 18 at a recreation center and a fire station.

Since all of the department's Building Operator Certification (BOC) and BRT trainings have been located in southeast Pennsylvania thus far, *we plan* 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 *on July 1 at James Buchanan Middle School in Mercersburg.* The following school districts will participate: Susquehanna Township, Tuscarora, Northeastern, Spring Grove, and South Middleton. 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 54 participants for the commercial plan review and inspection webinars on May 15 and 24.*

Oil and Gas

2013 Oil and Gas Annual Report

On May 7, 2014, DEP released the 2013 Oil and Gas Annual Report. This represents the first oil and gas annual report published by the Department since the formation of the Office of Oil and Gas Management.

The 2013 Oil and Gas Annual Report was created to provide information and insight into how DEP's Oil and Gas Program is fulfilling the department's mission to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of Pennsylvania citizens. Highlighted in the report is information on program structure and processes, permitting, inspections, compliance and enforcement, regulatory and policy developments, and program innovations. A copy of the report is available to the public on the main page of the DEP website.

Oil and Gas Video

On May 7, 2014, DEP released a short video that highlights the important work and professionalism of the dedicated members of DEP's Oil and Gas Program staff. This video features real, unscripted clips of program staff sharing their personal experiences conducting the important work of the Oil and Gas Program across the state. The video was funded by the Environmental Education Fund. Mandated by the Environmental Education Act of 1993, five percent of all pollution fines and penalties collected annually by DEP is set aside for environmental education. The video is available to the public on the main page of the DEP website.

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 Klapkowski, 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 kklapkovsk@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.

Chesapeake Bay Program

The Chesapeake Bay Program (CBP) state and federal partnership *anticipates a new Chesapeake Bay Watershed Agreement will be signed by the Executive Council on June 16, 2014. A recent draft, revised in response to comments received during the public comment period, is available at www.chesapeakebay.net/S=0/calendar/event/21708/. A new agreement would initiate the development of management strategies intended to help achieve the document's goals and outcomes. At the same time, EPA Region III continues to evaluate the progress of all jurisdictions related to the Chesapeake Bay Total Maximum Daily Load (TMDL). EPA will likely release an evaluation of two-year milestones this coming June.*

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

DEP *extended* 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 *appeared* in the May 10, issue of the Pennsylvania Bulletin, and *extended* 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.

Susquehanna River Study Report and Webinar

DEP *released the 2013 Susquehanna River Sampling Report on May 21, 2014. The Report summarizes the results of river studies conducted through the summer of 2013. DEP staff from the Bureau of Point and Non-Point Source Management conducted a webinar on the Report on May 28. The Report is available at the following web address:*

http://files.dep.state.pa.us/Water/Drinking%20Water%20and%20Facility%20Regulation/WaterQualityPortalFiles/Water%20Quality%20Standards/Susquehanna_Report_2013_FinalDraft.pdf.

NPDES General Permits

On May 10, 2014 DEP published notice in the Pennsylvania Bulletin of the availability of the final, reissued PAG-04 NPDES General Permit for Discharges from Small Flow Treatment Facilities. The PAG-04 General Permit provides NPDES permit coverage to small flow sewage treatment facilities (SFTFs) for discharges to waters of the Commonwealth. SFTFs are treatment works designed to adequately treat sewage flows of not greater than 2,000 gallons per day for final disposal using a stream discharge or other methods approved by DEP. There are approximately 2,200 SFTFs in Pennsylvania covered by this General Permit. There were no significant changes to the reissued PAG-04 General Permit as compared to the previous General Permit, and no comments were received during the 30-day public comment period.

On May 17, 2014 DEP published notice in the Pennsylvania Bulletin of the availability of the final, reissued PAG-06 NPDES General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems. The PAG-06 General Permit provides NPDES permit coverage to municipalities with populations less than 75,000 with satellite combined sewer systems (CSSs) that result in wet weather combined sewer overflow (CSO) discharges to waters of the Commonwealth. There are 29 satellite CSSs in Pennsylvania covered by this General Permit. The PAG-06 General Permit has been structured in a way that eliminates the need for the

submission of a renewal Notice of Intent (NOI) every five years; instead, permittees will submit an annual report to DEP, and the report serves as the NOI and ongoing verification of operation under the General Permit. The one-time NOI fee of \$500 has been distributed over five years, such that \$100 is required with each annual report. No comments were received during the 30-day public comment period.

Nutrient Trading Program

In early April, EPA began objecting to the issuance of NPDES permit renewals within the Chesapeake Bay watershed for wastewater treatment systems, asking for the full 90-day review period provided for in the Memorandum of Agreement between EPA and DEP. EPA cites the need to discuss and resolve issues with the definition of the non-point source agricultural baseline as the reason for the objection and the need for the extra time. Negotiations are underway with EPA at this time to address this issue. The 90-day review period for the first permit EPA objected to ends June 10.

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 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 February 18, as the date the EQB would consider the petition for further evaluation. On February 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). *Notice of the evaluation was published in the May 3 Pennsylvania Bulletin* (44 Pa.B. 2708); *data concerning the water quality, in-stream habitat or biological condition of the Stony Run Basin should be submitted to the department by June 3.**

Clearfield Creek Watershed Petitions (3)

*On February 6, the department received three petitions submitted by the Clearfield Creek Watershed Association. The petitions requested the amendment of 25 Pa Code § 93.9l in order to redesignate Killbruck Run, Wyerough Run, and Beaverdam Run from CWF to EV designation. *These three streams are headwater streams to Glendale Lake located in Prince Gallitzin State Park (Chest Township, Cambria County) and the Association is requesting to have them be redesignated from Coldwater Fishes (CWF) to Exceptional Value (EV).**

*The department reviewed the petitions and determined that they met 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. *EQB accepted the petitions for further study at its May 21 meeting.**

Water Resources Advisory Committee

The Water Resources Advisory Committee (WRAC) met on May 14. Gary Walters from DEP's Bureau of Point and Non-Point Source Management presented information on the 2014 PA Integrated Water Quality Monitoring and Assessment Report and the 2013 Assessment Methods used to evaluate the waters evaluated in the 2014 Integrated Report. Ted Tesler from DEP's Interstate Waters Office provided WRAC with an update of developments regarding the Chesapeake Bay, which included a progress report on meeting the Chesapeake Bay TMDL and the new Chesapeake Bay Watershed Agreement being developed by the Chesapeake Bay Executive Council.

Chesapeake Bay Management Team

The Chesapeake Bay Management Team met on Wednesday, May 7. Economics Professor Jim Shortle of Penn State University gave a presentation on his recent study regarding alternatives that could help reduce costs associated with meeting Chesapeake Bay goals. EPA Region III staff discussed efforts that they have underway, including their plans to evaluate the progress of all jurisdictions related to the Chesapeake Bay Total Maximum Daily Load (TMDL), and EPA's plans to likely release an evaluation of two-year TMDL milestones this coming June. PADEP staff provided an update on the draft Chesapeake Bay Watershed Agreement that is anticipated to be signed by the Executive Council on June 16, 2014. Some members of the Management Team expressed an interest in using the next meeting (tentatively scheduled for Thursday, September 18) as an opportunity to discuss the development of management strategies intended to help achieve the goals and outcomes of the Watershed Agreement.

Waste Management

Regulated Medical and Chemotherapeutic Waste Regulation Revisions

The proposed Regulated Medical and Chemotherapeutic Waste rulemaking was published in the Pennsylvania Bulletin on August 24, 2013, and the 30-day public comment period ended on September 23, 2013. During the official public comment period, the EQB received comments from five commentators. DEP representatives met with the IRR) on October 9, 2013, to discuss IRRC's questions on the rulemaking prior to submitting their formal comments, which were due to the EQB by October 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 on June 5.

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.

Field work is wrapping up. A well pad in Bradford County was recently sampled for radon gas and production fluids. Four wastewater treatment plants that do not receive any oil and gas waste products have been sampled to provide some baseline data to compare against the wastewater treatment plants that do receive oil and gas wastes. Ambient radon monitors have been placed on the fence line of a natural gas-fired power plant in Berks County. Plans are also underway to do the same at a Berks County Compressor Station. During the last week in May we will again convene a working group of TENORM members at the Bureau of Labs to continue with data review. Various sections of the final report are being drafted by members of the TENORM Team. Peer review will be conducted on the findings. DEP continues to project finalization and release of the report in late 2014.

Environmental Cleanup and Brownfields

Administration of Land Recycling Program – Chapter 250 Cleanup Standards Revisions

This proposed rulemaking updates the Statewide health standard Medium-Specific Concentrations (MSCs) based on current science. The amendments are authorized under section 303(a) of the Land Recycling and Environmental Remediation Standards Act, which directs the Environmental Quality Board to promulgate Statewide health standards for regulated substances for each environmental medium and also the methods used to calculate the standards. This will avoid unnecessary expense for remediators when remediating contaminated property for redevelopment where it has been determined that higher MSCs for regulated substances are protective and meet the standards established by the statute. These technical amendments to the Land Recycling regulations will affect owners, operators and purchasers of properties and facilities who volunteer or are required to perform remediation of contaminated sites. The public comment period ends on June 17.

Storage Tank Advisory Committee

The June 3 meeting of the Storage Tank Advisory Committee has been cancelled. The next meeting is scheduled for September 9 at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg PA 17105.

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 October 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. 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. *Two conference calls were held in May to discuss proposed new work plans prior to the next CCAC meeting, which is scheduled for June 24.*

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

On January 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 February 6. EPA extended the comment period. *DEP submitted comments on the proposed rulemaking on May 6.*

Section 111(d) Emission Guidelines to Reduce Carbon Pollution from Existing Power Plants

EPA was directed by President Obama 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 December 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 December 9 meeting was held with the environmental and local government organizations and the December 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 issued the proposed rule for public review and comment on June 2.*

Pennsylvania Joins Petition Requesting Expansion of the Ozone Transport Region

On December 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 December 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. The Section 176A petitioners will send a response to the EPA Administrator concerning the request to deny the petition.

Ashley Funk and Kids vs. Global Warming

On September 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 October 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 November 19, 2013, as the date the EQB would consider the petition. At the November 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 December 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 petitioner submitted comments on the report on May 30. The department will prepare a recommendation to the EQB based on the report and comments received. The department anticipates the EQB will consider the report and comments at its August 19 meeting.*

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 Technical Advisory Committee (AQTAC)

The June 12 AQTAC meeting has been cancelled. The next meeting is scheduled for August 7 at 9:15 a.m. in room 105 of the Rachel Carson State Office Building.

Air Quality Regulatory Packages

- Fiberglass Boat Manufacturing – At its December 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. *The EQB approved the proposed rulemaking for public comment at its May 21 meeting.*
- Miscellaneous Metal Parts and Plastic Products – At the February 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 February 20 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. *The CAC and the Small Business Compliance Advisory Committee (SBCAC) concurred with the Department’s recommendation to submit the proposed rulemaking to the EQB for consideration.*
- Additional RACT Requirements for Major Sources of NO_x and VOCs – The proposed RACT rulemaking was approved by the EQB on November 19, 2013, and published for public comment on April 19, in the *Pennsylvania Bulletin* (44 Pa.B. 2392). Three public hearings were held May 27, 28, and 29. 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 February 18. The final-form rulemaking was unanimously approved by IRRC at its May 1 public meeting.

- 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. *The CAC Policy and Regulatory Oversight Committee voted to concur with the Department’s recommendation to submit the proposed rulemaking to the EQB for consideration.*

Active and Abandoned Mine Operations

Meeting Between PA Coal Alliance and Marcellus Shale Coalition

A meeting was held January 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 *May*, 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 October 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.

Explosives Program Rulemaking

Outreach in advance of the formal rulemaking process is underway for Chapter 211, Storage, Handling and Use of Explosives. There are two primary new explosive regulation areas anticipated to be included in the rulemaking. First, a section for performance standards for the use of explosives for seismic exploration for oil and gas reserves will be developed. This will deal with the issues that are unique to this specific application of explosives. Second, the regulation will, for the first time, impose permitting fees for the non-mining use of explosives (mining use is already subject to fees). Other minor issues are expected to be included in the regulation, including the elimination of Permits to Purchase and Permits to Sell, allowance for authorization expiration dates to be staggered in order to manage the workload, and various clarifications. Outreach will be done with industry trade groups, explosives professional organization chapters and individual stakeholders over the next few months.

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 *June*. 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. *The Bureau of Mining Programs has evaluated the necessity for minor revisions for all of the Guidance Documents for the program resulting from the reorganization of the Department. More than 90 Guidance Documents will be revised to correct the Bureau name reference.*

Act 54 Report Progress

The contractor *has provided* the first draft of the current five-year report to the Department and the designated members of the CAC for preliminary review. The final report is expected by August 2014.

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 *was approved* 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.”

June	
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
Oct. 28	Climate Change Advisory Committee: 10 am, Room 105, RCSOB
November	
Nov. 5	Environmental Justice Advisory Board: 8:30 am, 16 th Floor Delaware Room, RCSOB
Nov. 5	Sewage Advisory Committee: 10:30 am, Room 105, RCSOB
Nov. 12	Water Resources Advisory Committee: 9:30 am, Room 105, RCSOB
Nov. 13	Northwest Regional Roundtable: 10 am, location TBA
Nov. 18	Environmental Quality Board: 9 am, Room 105, RCSOB
Nov. 18	Citizens Advisory Council: 11 am, Room 105, RCSOB

Attachment 2

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

YTD WELL PERMIT APPLICATIONS - 1/1/2014 to 5/16/2014						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	402	121	484	482	481	2
UNCONVENTIONAL	1,305	273	1,334	1,320	1,305	14
Sub Total	1,707	394	1,818	1,802	1,786	16
AUTHORIZATIONS	178	53	177	167	N/A	10
Total	1,885	447	1,995	1,969	1,942	26

WEEKLY WELL PERMIT APPLICATIONS - 5/10/2014 to 5/16/2014						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	10	10	5	5	5	0
UNCONVENTIONAL	35	35	64	64	64	0
Sub Total	45	45	69	69	69	0
AUTHORIZATIONS	6	6	11	11	N/A	0
Total	51	51	80	80	80	0

HISTORICAL WELL PERMIT APPLICATIONS AS OF 5/16/2014						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	196,045	195,917	194,714	188,886	1,203	107,700
UNCONVENTIONAL	17,406	17,103	16,734	14,504	369	10,539
Sub Total	213,451	213,020	211,448	203,390	1,572	118,239
AUTHORIZATIONS	40,419	40,314	40,095	N/A	219	18,655
Total	253,870	253,334	251,543	243,209	1,791	136,894

YTD INSPECTIONS - 1/1/2014 to 5/16/2014				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	4,088	2,977	540	140
UNCONVENTIONAL	4,291	2,493	189	75
CLIENT/SITE	989	0	206	87
Total	9,368	5,470	935	302

WEEKLY INSPECTIONS - 5/10/2014 to 5/16/2014				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	180	170	57	5
UNCONVENTIONAL	150	148	9	3
CLIENT/SITE	30	0	8	5
Total	360	318	74	13

WELLS DRILLED					
	Two Years Prior 1/1/2012 to 5/16/2012	One Year Prior 1/1/2013 to 5/16/2013	Year To Date 1/1/2014 to 5/16/2014	Week of 5/10/2014 to 5/16/2014	As of 5/16/2014
CONVENTIONAL	405	326	278	14	194,746
UNCONVENTIONAL	651	451	486	47	7,938
Total	1,056	777	764	61	202,684

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.