

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

DEP Highlights

Federal Regulations

Clean Water Act; Definitions: Waters of the United States

EPA and the U.S. Army Corps of Engineers (ACOE) published for public comment a proposed rule defining the scope of waters protected under the Clean Water Act (CWA). This proposal is intended to enhance protection for the nation's public health and aquatic resources, and increase CWA program predictability and consistency by increasing clarity as to the scope of "waters of the United States" protected under the Act.

DEP submitted comments for this proposed rule on October 8. DEP requested that the EPA and ACOE withdraw this proposed rulemaking and amend the rule. DEP explained that the rule as drafted creates more confusion than it clarifies, and is already subject to differing interpretations by EPA and ACOE staff. This confusion will delay permitting and could undermine strong state programs. DEP further requested that the EPA and ACOE consider an approach that recognizes regional differences in geography, climate, geology, soils, hydrogeology and rainfall, and that supports strong and comprehensive state programs. DEP noted that it may submit additional comments after review of the final Scientific Advisory Board report "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence." The public comment period for this rulemaking closes on November 14.

Carbon Pollution Standards for Modified and Reconstructed Stationary Sources; Electric Utility Generating Units: Section 111(b)

EPA is proposing standards of performance for emissions of greenhouse gases (GHG) from affected modified and reconstructed fossil fuel-fired electric utility generating units. Specifically, the EPA is proposing standards to limit emissions of carbon dioxide from affected modified and reconstructed electric utility steam generating units and from natural gas-fired stationary combustion turbines.

DEP submitted comments for this proposal on October 16. DEP recommended that the proposed rule be withdrawn and re-proposed after a significance threshold for GHG or another method of determining the applicability of the term "major modification" for GHG is proposed and finalized. DEP also recommended that the EPA consider the positions presented in Pennsylvania's Recommended Framework for the Section 111(d) Emissions Guidelines Addressing Carbon Dioxide Standards for Existing Fossil Fuel-Fired Power Plants. DEP's comments are available on the Bureau of Air Quality website.

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. EPA issued the proposed rule for public review and comment on June 2. The proposed rule was published in the Federal Register on June 18. EPA has announced a 45-day extension of the 120-day comment period. The public comment period was extended and will close on December 1. EPA held four public hearings. DEP provided testimony at the July 31 public hearing held in Pittsburgh. DEP held a listening session on September 25 to provide an opportunity for the public to present their position and comments on EPA's proposed Clean Power Plan.

On November 26, 2014, the Department submitted comments to the EPA on the proposed Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (79 FR 34830; June 18, 2014). While DEP acknowledged EPA's limited authority to regulate greenhouse gases under the Clean Air Act (CAA), DEP questioned EPA's authority to regulate carbon dioxide (CO₂) emissions from fossil fuel-fired electric generating units (EGUs) under Section 111(d) of the CAA. DEP also questioned the propriety of EPA's proposed Clean Power Plan, which establishes emission guidelines under Section 111 (d) that cannot be achieved by existing fossil fuel-fired EGUs. In addition, the Department stated that the CO₂ emission targets that have been proposed for Pennsylvania can only be achieved by establishing a state energy plan that regulates the electric energy market, including both generation and end usage, which are both beyond EPA's Section 111(d) authority. As proposed, EPA's proposed Clean Power Plan would preempt States' rights to establish performance measures in a State Plan to reduce CO₂ emissions from the fossil fuel-fired EGU sector. DEP's comments are available for review at www.regulations.gov/#!documentDetail;D=EPA-HQ-OAR-2013-0602-22739.

Establishing the Aggregate Advisory Board

Several meetings were held the last week in October regarding the creation of an Aggregate Advisory Board authorized by Act 137 of 2014. *At this time, nominations are being submitted for this Board. Once all Board members are appointed, the first meeting of the Aggregate Advisory Board will be scheduled.*

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

DEP presented the proposed Chapter 78, Subchapter C regulations to the EQB on August 27, 2013, who adopted the proposal for public comment. The 90-day public comment period closed on March 14, 2014, and about 24,000 comments were received electronically and in hard copy. Of those comments, over 1,100 represented “individual” comments and the balance were submitted to DEP as form letters. IRRC submitted a 19-page comment letter to DEP on April 14, formally closing the comment period.

DEP will consider all comments received as it proceeds with the development of the final rulemaking. DEP presented a summary of the comments received at the June 26 Oil and Gas Technical Advisory Board (TAB) meeting. Video of the meeting is available on the DEP YouTube Channel and the webinar is available on DEP's webinar page.

Act 126 of 2014 (relating to omnibus Fiscal Code amendments) was signed by the Governor on July 10 and contained the following provision:

Section 1741.1-E. Environmental Quality Board.

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

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

On September 25, DEP presented the two individual chapters of the bifurcated proposed rulemaking to the members of TAB and discussed the pertinent aspects proposed rulemaking. The TAB meeting was conducted via a Webinar in order to provide a greater opportunity for public participation. The TAB accepted public comments and the Department responded as appropriate. The bifurcated rulemaking represents a first step toward placing the proposed regulatory language into a form that can be further adjusted to address public comments. *A discussion of the changes made as a result of the public comment period will take place at the next TAB meeting on January 22, 2015.* DEP intends to utilize the Advanced Notice of Final Rulemaking process to take additional public comment on the draft changes included in the final rulemaking.

Pennsylvania Energy Development Authority (PEDA)

PEDA's 2014 financial assistance offering opened June 14, 2014. Approximately \$12.5 million was made available for awards. \$10 million of the \$12.5 million is allocated exclusively for renewable and energy efficiency deployment projects. Eligible Applicants were corporations, partnerships, limited liability companies, associations and other legal business entities, non-profit corporations, Pennsylvania schools, colleges and universities, municipalities, public corporation, authorities etc.

The program had 184 applications submitted totaling over \$81 million in funding request. The PEDA Board met on October 22, 2014, to review projects for awards to be received under the 2014 Financial Assistance Opportunity. The Board approved nearly \$12.5 million in PEDA grants to 28 different entities. All projects will have a 24-month period of performance. The Governor's Office issued a press release on October 23, 2014, announcing the awardees. Congratulatory letters and grant packages have been mailed to grantees. DEP held a webinar with grantees on November 10, 2014, to discuss the contracts and associated project requirements; *grants are in various stages of the execution process.*

The annual PEDA Board meeting will be held in the 1st quarter of 2015.

Regulatory Update (detailed summaries included in respective program sections)

Draft Proposed Rulemakings

- Control of VOC Emissions from Industrial Cleaning Solvents (25 Pa. Code Chapters 121 and 129) – Planned for EQB consideration in 2015.
- Control of VOC Emissions from Automobile and Light Duty Truck Assembly Surface Coating Processes (25 Pa. Code Chapters 121 and 129) – Planned for EQB consideration in 2015.

Proposed Rulemakings

- Control of VOC Emissions from Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Surface Coating Processes and Pleasure Craft Surface Coatings (25 Pa. Code Chapter 129) – *Adopted as proposed* by the EQB at its October 21, 2014 meeting.
- Security Rule for Radioactive Material (25 Pa. Code Chapter 215) – *Adopted as proposed* by the EQB at its October 21, 2014 meeting.
- Environmental Protection Performance Standards at Oil and Gas Well Sites (25 Pa. Code Chapter 78) – Regulation has been split into two parts: Chapter 78 applies to conventional wells and Chapter 78A applies to unconventional wells. Comments are under review.

Draft Final Rulemakings

- *Administration of Land Recycling Program (25 Pa. Code Chapter 250) – Public comment period closed June 17, 2014. Final rulemaking package is being developed.*
- *Additional RACT Requirements for Major Sources of NO_x and VOCs (25 Pa. Code Chapters 121 and 129) – Public comment period closed June 30, 2014. IRRC comments received July 30, 2014; program is*

drafting the comment/response document and the draft final-form Annex was presented to the AQTAC for consideration at a special meeting held November 7, 2014.

- *Standards for Surface Facilities (25 Pa. Code Chapter 208) – Public comment period closed on September 2, 2014. IRRC comments received October 2, 2014; program is drafting the comment-response document and the final rulemaking package*
- *Control of VOC Emissions from Fiberglass Boat Manufacturing Materials (25 Pa. Code Chapter 129) – Public comment period closed September 22, 2014. Three hearings held August 19 (Pittsburgh), August 20 (Norristown), and August 21, 2014 (Harrisburg). IRRC comments received October 22, 2014; program is drafting the comment-response document and final rulemaking package.*
- *Land Reclamation Financial Guarantees and Bioenergy Crop Bonding (25 Pa. Code Chapters 77, 86-90 and 211) – Adopted as proposed by the EQB at its July 15, 2014 meeting. Published in the Pennsylvania Bulletin on October 25, 2014, opening the 30-day comment period. Public comment period closed on November 24, 2014. Final rulemaking package is being developed.*

Final Form Rulemakings

- *None to report.*

Petitions

- *Browns Creek Watershed – Petition received December 17, 2014. Notification of receipt sent to petitioner December 18, 2014. Determination of petition's administrative completeness due January 16.*
- *Fluoride Petitions – Rulemaking petitions requested a ban on fluoridation of water supplies as well as additional labeling requirements for the fluoride content in bottled water. EQB supported DEP's recommendation and did not accept the petitions for further study at its October 21, 2014 meeting. No further action is planned.*
- *Stony Run Watershed – Accepted for study by EQB at its February 18, 2014 meeting; notice of acceptance of petition for further study published in May 3, 2014 edition of the Pennsylvania Bulletin. Currently under evaluation.*
- *Clearfield Creek Watershed (Three Petitions: Killbuck Run, Wyerough Run, and Beaverdam Run) – Approved for further evaluation by the EQB at its May 21, 2014 meeting. Currently under evaluation.*
- *Beaver Creek – Accepted for study by EQB at its August 19, 2014 meeting; notice of acceptance of petition for further study published in August 30, 2014 edition of the Pennsylvania Bulletin. Currently under evaluation.*
- *Upper Paradise Creek – Accepted for study by EQB at its August 19, 2014 meeting; notice of acceptance of petition for further study published in August 30, 2014 edition of the Pennsylvania Bulletin. Currently under evaluation.*

Proposals Open for Public Comment

- *Proposed Modifications to General Plan Approval and/or General Operating Permit No. 5 for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) (Opened 11/15/2014, Closes 1/6/2015)*
- *Guidelines for the Beneficial Use of Coal Ash at Coal Mines (563-2112-228) (Opened 12/13/14, Closes 1/13/15)*
- *Proposed State Implementation Plan Revision – Base Year Inventory for the Lyons Nonattainment Area for the 2008 Lead National Ambient Air Quality Standards (Opened 12/13/14, Closes 1/15/15)*
- *Use of Reclamation Fill at Active Noncoal Sites (DEP ID: 563-2000-301) (Opened 12/27/14, Closes 1/26/15)*
- *Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities (DEP ID: 563-2112-115) (Opened 12/27/14, Closes 1/26/15)*
- *Designation Criteria for Regulated Small Municipal Separate Stormwater Sewer Systems (MS4) (385-0820-001) (Opened 1/3/2015, Closes 2/2/2015)*

- Implementation Plan for Act 162 of 2014 (310-2135-001) (Opened 12/20/14, Closes 2/18/15)
- Management of Fill (258-2182-773) (Opened 12/20/14, Closes 2/18/15)

Recently Closed Comment Periods (November/December 2014)

- Proposed State Implementation Plan Revision – Redesignation Request and Maintenance Plan for the Johnstown Nonattainment Area for the 1997 Annual and 2006 24-Hour Fine Particulate matter National Ambient Air Quality Standards (Opened 10/4/2014, Closed 11/7/2014)
- Nutrient Credit Trading Program – Certification Request for Greencastle Borough (Franklin County) (Opened 10/25/14, Closed 11/12/14)
- Standards and Guidelines for Identifying, Tracking and Resolving Oil and Gas Violations (530-3000-001) (Opened 10/4/2014, Extended 10/25/14, Closed 11/18/2014)
- Turbidity and LT2 ESWTR Reporting Instructions for Public Water Systems Using Filtered Surface Water or GUDI Sources (Opened 11/1/14, Closed 12/1/14)
- Proposed Request for Delegation of Authority to Implement the Federal Hospital/Medical/ Infectious Waste Incinerators Plan (Opened 11/1/14, Extended 11/29/14, Closed 12/15/14)
- Proposed State Implementation Plan Revision – Redesignation Request and Maintenance Plan for the Pittsburgh-Beaver Valley Nonattainment Area for the 1997 Annual and 2006 24-Hour Fine Particulate Matter National Ambient Air Quality Standards (Opened 11/15/2014, Closed 12/16/2014)

Legislative Update

2013-2014 Legislative Session

- All voting days for this two-year session are now over.
- All bills that have not been sent to the Governor’s desk are now dead and will have to be re-introduced next session which starts in January.

Bills that did not make it to the Governor’s desk

SB 411—AMD for Frac—Kasunic—DEP SUPPORTS

SB 1310—Penn Grade Crude Development Advisory Council—Hutchinson—DEP NEUTRAL

HB 1699—Emergency Generators Registration—Ross—DEP SUPPORTS

HB 343—Water Well Construction Standards—Miller—DEP SUPPORTS

Bills that made it to the Governor’s desk

SB 1355—Nuclear Fees—Yaw—DEP SUPPORTS

- Signed by the Governor and is now Act 190 of 2014.

HB 2278—Non-Conventional Well Reporting Requirements—Pickett—DEP NEUTRAL

- Signed by the Governor and is now Act 173 of 2014.

HB 1565—Riparian Buffers—Hahn—DEP NEUTRAL

- Signed by the Governor and is now Act 162 of 2014.

Monthly Press Releases

Dec. 2 – *DEP Fines Cabot \$120,000 for Susquehanna County Storage Tank Explosion and Spill*

Dec. 3 – *DEP Finds Record-High Radon Level in Lehigh County Home*

Dec. 9 – *DEP Fines Fredericksburg Sewer and Water Authority, Contractors \$75,000 for Environmental Violations*

Dec. 11 – *DEP Orders XTO to Cease and Desist Earth Disturbance in Butler County*

Dec. 16 – *DEP Awards Contract for Abandoned Mine Reclamation Project in Luzerne County*

Dec. 22 – *DEP Fines Vantage Energy Nearly \$1 Million for Landslide and Other Problems at Greene County Well Pad*
DEP Announces \$800,000 Settlement against Tennessee Gas Pipeline Company for Violations in Pipeline Construction

Dec. 23 – *DEP Extends Public Comment Period for Elcon Recycling Siting Application*

Dec. 29 – *DEP Extends Alternative Fuel Vehicle Rebate Program*
EPA Approves DEP Water Quality Report

Dec. 30 – *DEP Announces Release of Bituminous Mining Subsidence Report*
DEP Awards \$315,000 Grant to Clinton County Conservation District for Agricultural Best Management Practices

Active and Abandoned Mine Operations

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

Other Coal Mining Program Rulemakings

Preliminary discussion is underway for rulemaking packages relating to surface coal mining water supply replacement, remining and water quality, and general coal mining program improvements. Staff met with the MRAB's Regulation, Legislative and Technical Committee in February and April 2014. A preliminary draft of the remining regulation language was shared with the Regulation, Legislative and Technical Committee for their review and a meeting was held in September 2014 to review the final draft of the proposed rulemaking. The proposed rulemaking was reviewed by the MRAB at their meeting on October 23, 2014. The MRAB recommended that DEP proceed with the rulemaking process for the remining regulations. The water

supply replacement rulemaking will be deferred until the remaining 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. 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 has engaged with EPA on this in an effort to focus on the Central Tenets of NPDES Permitting. 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. A checklist that would eventually provide an alternative to submission of draft permits is under discussion. Some progress has been made in identifying the content of the checklist, but a final draft has not yet been prepared. *Monthly calls with EPA to discuss program issues have been reinstated.*

Guidance Document Revisions

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

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

Guidelines for the Beneficial Use of Coal Ash at Coal Mines (563-2112-228): *This guidance explains new requirements for the beneficial use of coal ash under the provisions of Chapter 290, including clarification of the implementation of new requirements in the areas of water monitoring, ash quality monitoring and certification of coal ash sources. Revisions to this TGD were published in the Pennsylvania Bulletin on December 13, 2014; the comment period closes on January 13.*

Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities (563-2112-115): *This guidance provides direction in establishing effluent limits for NPDES permits associated with mining activities to ensure timely and compliant point source permitting. It was revised in consultation with US EPA. The revisions were published in the Pennsylvania Bulletin on December 27, 2014 and DEP is accepting comments until January 26.*

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

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

Act 54 Report Progress

DEP received the final report from the contractor on September 2, 2014. *DEP completed its final review and expects to submit the report to the Legislature in accordance with Act 54 in January.*

Board of Coal Mine Safety (BCMS)

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. The rulemaking was adopted by the BCMS at its June 10 meeting. It was published for comment in the August 2 *Pennsylvania Bulletin*. No public comments were received. Two comments were received from IRRC on October 2 asking for language clarification. DEP legal staff *addressed* these points and the final regulation package is being assembled.

Air Quality

Climate Change Advisory Committee

The Climate Change Advisory Committee (CCAC) met on December 9, 2014. This meeting featured an updated presentation by DEP climate change staff on the development of the 2014 PA Greenhouse Gas (GHG) Inventory. The presentation dealt primarily with the projected future GHG emissions that fit more with current observations of electricity generation in the state. Additional topics included the approval of the October Meeting's minutes, a CCAC membership update and the confirmation of meeting dates for 2015. In addition, the Combined Heat and Power, Manure Digesters, and Geexchange Systems work plans were discussed by the committee and DEP staff agreed to revise the plans with the suggested edits. The Fuel Switching and Conservation and Semi-Truck Freight Transportation work plans were presented to the committee and turned over to the appropriate work groups for further refinement. The next meeting is scheduled for January 6.

Air Quality Technical Advisory Committee (AQTAC)

On November 7, 2014, the AQTAC met to discuss two final-form rulemakings. The AQTAC unanimously voted to concur with the Department's recommendation to move the fiberglass boat rulemaking which establishes volatile organic compound (VOC) standards consistent with existing federal requirements to the EQB for consideration. By a vote of 11 to 5, the AQTAC voted to move to the EQB for consideration the final-form Reasonably Available Control Technology (RACT) requirements. The Clean Air Act requires a reevaluation of RACT whenever EPA promulgates a new national ambient air quality standard. The EQB proposed RACT amendments in April 2014. Comments were received from 134 commentators including EPA and the States of DE, CT, MD and NJ. The final rulemakings will be submitted to EPA as SIP revisions. The December 11, 2014, AQTAC meeting was cancelled; the next meeting is scheduled for February 12.

Air Quality Regulatory Packages

Control of VOC Emissions from Fiberglass Boat Manufacturing Materials –The proposed rulemaking for fiberglass boat manufacturing materials would establish RACT as recommended in the applicable EPA Control Technique Guidelines (CTG) document. The EQB approved the proposed rulemaking for public comment at its May 21, 2014 meeting. The proposed rulemaking was published in the *Pennsylvania Bulletin* on July 19, 2014

(44 Pa.B. 4502). The public comment period closed September 22, 2014. The IRRC comment period closed October 22, 2014. *On November 7, 2014, the AQTAC voted to support the Department's recommendation to forward the draft final-form Annex to the EQB for consideration. The draft final-form Annex was discussed with the CAC Policy and Regulatory Oversight Committee on December 15, 2014, and will be discussed with the SBCAC on January 28.*

Control of VOC Emissions from Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Coating Processes and Pleasure Craft Surface Coatings – At the February 20, 2014 meeting, AQTAC unanimously concurred with DEP's recommendation to submit the proposed Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Coating Processes and Pleasure Craft Surface Coatings rulemaking to the EQB for consideration. The proposed rulemaking would establish RACT as recommended in EPA Control Technique Guideline (CTG) documents. On March 18, 2014, the CAC concurred with DEP's recommendation to forward the proposed rulemaking to the EQB. The Small Business Compliance Advisory Committee (SBCAC) was briefed on the proposed rulemaking on April 23, 2014. The SBCAC voted unanimously to concur with DEP's recommendation to forward the proposed rulemaking to the EQB for consideration with a recommendation that the department consider flexibility for small businesses during the development of the proposed rulemaking. The proposed rulemaking was approved *as proposed* by the EQB at its October 21, 2014 meeting. *Publication in the Pennsylvania Bulletin as proposed, opening the public comment period, is anticipated for the second quarter of 2015.*

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

Additional RACT Requirements for Major Sources of NO_x and VOCs – The proposed Reasonably Available Control Technology (RACT) rulemaking was approved by the EQB on November 19, 2013, and published for public comment in the *Pennsylvania Bulletin* (44 Pa.B. 2392) on April 19, 2014. Three public hearings were held May 27, 28 and 29, 2014. The public comment period closed on June 30, 2014. IRRC comments were received July 30, 2014. The total number of commentators is 134, including IRRC. *By a vote of 11 to 5, the AQTAC voted to move to the EQB for consideration the RACT requirements at its November 7, 2014 meeting. The draft final-form Annex was discussed with the CAC Policy and Regulatory Oversight Committee on December 15, 2014, and will be discussed with the SBCAC on January 28.*

Control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coating Operations and Heavier Vehicle Coating Operations – At its April 3, 2014 meeting, the AQTAC concurred with DEP's recommendation to submit the draft proposed rulemaking to EQB for consideration. The proposed rulemaking would establish RACT as recommended in EPA's CTG. The CAC Policy and Regulatory Oversight Committee discussed this rulemaking with staff during a conference call on May 6, 2014. On the recommendation of the Policy and Regulatory Oversight Committee, the CAC concurred with DEP's recommendation to forward the proposed rulemaking to the EQB on June 17, 2014. It is anticipated that EQB will consider the proposed rulemaking in *early 2015.*

Implementation of the PM2.5 National Ambient Air Quality Standards

EPA's Proposed Designations for the 2012 National Ambient Air Quality Standard – On December 14, 2012, the EPA promulgated a new annual fine particulate matter (PM2.5) National Ambient Air Quality Standard (NAAQS), lowering the annual PM2.5 standard from 15 to 12 micrograms per cubic meter. DEP submitted Pennsylvania's designation recommendations to EPA in December 2013 and revised its recommendations on July 30, 2014, based on certified 2011-2013 monitoring data. Pennsylvania's PM2.5 designation recommendations included the following nonattainment areas: Cambria, Delaware, Lebanon and Northampton Counties—a partial county nonattainment area was recommended for the Liberty-Clairton Area (City of Clairton and the Boroughs of Glassport, Liberty, Lincoln and Port View). The other areas of the Commonwealth were recommended as “unclassifiable/attainment” areas.

On August 19, 2014, EPA notified Governor Corbett of proposed modifications to Pennsylvania's designation recommendations for the 2012 annual PM2.5 NAAQS. EPA intends to designate the following areas as nonattainment areas: Allegheny County, Cambria County and portions of Indiana County (Center, East and West Wheatfield Townships, the boroughs of Armagh and Homer City); Delaware, Lebanon, Lehigh and Northampton Counties. EPA intends to designate the remainder of the Commonwealth as “unclassifiable/attainment” based on 2011-2013 air monitoring data. On August 29, 2014, EPA announced in the Federal Register a 30-day public comment period on EPA's intended area designations for the 2012 PM2.5 NAAQS, to close September 29, 2014; this comment period is solely for the general public. *DEP submitted comments on October 28 2014, recommending that EPA's proposed Lehigh and Northampton nonattainment area designation be revised to apply solely to Northampton County as originally proposed by DEP in December 2013 and that EPA's proposed nonattainment designation for all of Allegheny County be revised to establish a partial-county nonattainment area for the Liberty-Clairton Area and an attainment designation for the other municipalities in the county. On December 18, 2014, EPA advised Governor Corbett of the final designations. EPA will designate the nonattainment area as proposed in their August 19, 2014 letter. The designations will become effective 90 days after publication in the Federal Register. Based on preliminary 2012-2014 ambient monitoring data, several counties including Cambria, Lehigh and Northampton counties are currently monitoring attainment of the 2012 PM2.5 NAAQS. The 2014 data will be promptly certified in January 2015 and a request to change the designations for these counties to attainment will be submitted to EPA prior to the effective date of the final designations.*

Proposed Maintenance Plan and Redesignation Request for the 1997 and 2006 PM2.5 Standards for the Pittsburgh/Beaver Valley Area: *The Department is seeking public comment on a proposed State Implementation Plan revision. The Pittsburgh-Beaver Valley nonattainment area for the PM2.5 NAAQS includes Beaver, Butler, Washington and Westmoreland counties and portions of Allegheny, Armstrong, Greene and Lawrence counties. The nonattainment area is monitoring attainment of the 1997 annual and the 2006 24-hour PM2.5 National Ambient Air Quality Standards (NAAQS). A public comment period opened on November 15, 2014, and closed on December 16, 2014. A final Maintenance Plan and Redesignation Request will be submitted by December 31, 2014.*

Maintenance Plan and Redesignation Request for the 1997 and 2006 PM2.5 Standards for the Johnstown Area: *On December 3, 2014, the Department submitted a Maintenance Plan and Redesignation Request for the 1997 and 2006 PM2.5 Standards for the Johnstown nonattainment area to EPA. The Department opened a 30-day public comment period on October 4, 2014, on the proposed redesignation request, maintenance plan and comprehensive emissions inventory for the area. The public hearing scheduled for November 5, 2014, was cancelled because no one expressed interest in presenting testimony or attending the hearing. No comments were received during the public comment period.*

Proposed Clean Data Determination for Lyons, Berks County

On October 15, 2008, the EPA promulgated a more stringent lead NAAQS of 0.15 micrograms per cubic meter and established an identical secondary standard. In November 2010, the EPA designated the Lyons Area as nonattainment for the 2008 NAAQS. The nonattainment boundaries for the Lyons Area include the Kutztown Borough, Lyons Borough, Maxatawny Township and Richmond Township in Berks County. Based on 2011-2013 quality assured, quality controlled and certified ambient monitoring data, the EPA has proposed to determine that the Lyons Area is monitoring attainment of the 2008 lead NAAQS. On December 13, 2014, the Department proposed a SIP revision containing the comprehensive 2011 base year inventory for the Lyons area. A public hearing is scheduled for January 14. The public comment period will close on January 15.

Proposed Modifications to General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAO-GPA/GP-5)

The Department proposed revisions to the existing GP-5 for Natural Gas Compression and/or Processing Facilities which was issued in February 2013. This GP establishes Best Available Technology (BAT) requirements and other applicable federal and state requirements including source testing, leak detection, recordkeeping and reporting requirements for the applicable air contamination sources. The proposed modifications address the Supreme Court decision related to greenhouse gases. The proposal was published in the Pa. Bulletin on November 15, 2014 (44 Pa.B. 7243). The public comment period closes on January 6.

Proposed Delegation of Authority for Hospital and Medical Waste Incinerators

On November 1, 2014, the Department published a notice to request delegation of authority to implement the Federal Hospital/Medical/Infectious Waste Incinerators (HMIWI) Plan (44 Pa.B. 6997). Section 129 of the Clean Air Act (CAA) required the EPA to establish performance standards for HMIWI under section 111 of the CAA. On September 15, 1997, the EPA promulgated New Source Performance Standards (NSPS) for "new" HMIWI units and Emission Guidelines (EG) for "existing" HMIWI units and updated the standards on October 6, 2009, and April 4, 2011. Under section 129 of the CAA, states must submit to the EPA a plan to implement and enforce the requirements of the EGs. EGs, promulgated under section 111(d) of the CAA, establish criteria for state and local agencies to develop control strategies for "existing" HMIWI units. Subpart HHH of 40 CFR Part 62 (relating to Federal plan requirements for hospital/medical/infectious waste incinerators constructed on or before December 1, 2008) was promulgated at 78 FR 28066 (May 13, 2013). The Department is proposing to request delegation of authority to implement the HMIWI Federal Plan. The public comment period closed on December 15, 2014.

Energy Initiatives

Natural Gas Vehicles

Round three of the NGV program opened on August 30, 2014. The NGV program offers competitive grants for the incremental cost share for the purchase of vehicles over 14,000 pounds that operate using compressed natural gas (CNG) and liquefied natural gas (LNG). Grants are made from amounts deposited in the Marcellus Legacy Fund. Approximately \$6 million will be available for this solicitation. The purpose of this program is to provide funding to support the purchase or retrofit of natural gas vehicles that utilize new or existing natural gas fueling stations within this Commonwealth. Each project must propose to receive funding for five or more eligible vehicles. The vehicles utilizing incremental purchase or retrofit cost funding must be registered in Pennsylvania. Each grant will cover no more than 50% of the incremental purchase or retrofit cost of eligible vehicles. Grants will not provide more than \$25,000 for each eligible vehicle. Eligible vehicles include purchased or retrofitted new and used vehicles. Grantees may not receive incremental costs for a vehicle purchased or retrofitted prior to December 1, 2014. Grant funds awarded under this program may not be used in place of available Federal funds. Projects must be completed within the grant period of performance which will be 18 months from December 1, 2014. *The application period closed on November 14, 2014. A total of 37 applications were submitted. An administrative review was conducted for all submitted applications. Competitive review has been completed, and awards will be announced in January 2015.*

Alternative Fuel Vehicle Rebate Program

As of December 31, 2013, the alternative fuel vehicle rebate program began offering rebates for EVs and PHEVs at \$2,000. The new commitment of 500 rebates at \$2,000 resulted in another \$1 million commitment in support of AFVs purchased and registered by Pennsylvania residents. *On December 29, 2014, a press release was issued which announced that the program will be extended. Over 150 rebates at \$2,000 remain. The \$2,000 rebate level will remain 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.*

Industrial Energy Efficiency Assistance

DEP contracts with the Pennsylvania State University's Technical Assistance Program (PennTAP) to help Pennsylvania companies improve their competitiveness by providing technical assistance and information. Funding is provided by EPA's Pollution Prevention Incentives for States and DOE's State Energy Program.

The PennTAP Specialist provided a total of 10 pollution prevention and energy efficiency assessments for manufacturers in all regions of the state. The companies ranged in type from metal fabrication to chemical, rubber and plastics to lumber, wood and paper to bio-medical products.

PennTAP is in the process of planning for the *Pennsylvania Strategic Energy Management Showcase on April 7, 2015 at the Penn Stater Conference Center Hotel in State College*. The main purpose is to attract businesses that are high energy users to the conference to market DOE's various energy management programs. Staff is in the process of *finalizing the agenda, obtaining speakers and gathering manufacturer contact lists. The DOE sent out a "Save the Date" notice to their list of manufacturers in PA.*

A PennTAP Specialist has provided energy efficiency assessments for 7 manufacturers and *three* state fish hatcheries managed by PA Fish and Boat Commission in various regions of the state. The companies ranged in business from vehicle equipment to food processing to logistics and transportation.

Promoting an Energy Efficient Work Force

Building Re-tuning Training (BRT): *The most recent round of BRT was held on October 20 and 21, 2014, in the Southwest Region. PennTAP (Pennsylvania Technical Assistance Program) continues to serve as instructors for the training. Funding for BRT is made possible through the U.S. Department of Energy State Energy Program (SEP).*

Building Operator Certification (BOC) Training: *Building Operator Certification (BOC) is a national, competency-based training program that empowers facilities personnel with the job skills and knowledge to transform workplaces into more comfortable and energy-efficient spaces. A variety of building management topics including lighting systems, heating ventilation & air conditioning (HVAC), indoor air quality, sustainability, and energy conservation are addressed. In November and December 2014, BOC classes continued at the Good Hope Fire Station in Mechanicsburg. The first round of BOC classes at Good Hope Fire Station completed their 3rd, 4th, and 5th classes. Three classes remain, with the final one to be held on February 10, 2015. Twenty-four facility managers from K-12 schools and local governments are participating in this BOC round, along with one DEP representative. A second round of BOC classes began in Williamsport on November 12, 2014. Five seats for facility managers in this particular round are being paid for via State Energy Program (SEP) funds. Classes for this round will conclude on May 14, 2015. A third round of BOC classes began at the Good Hope Fire Station in Mechanicsburg on November 19, 2014. Classes for this round will conclude on March 11, 2015. SEP funds will pay for seven facility manager seats in this particular round of BOC.*

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

Retuning (BRT) programs, which had previously only been offered to facility managers of K-12 schools and local/state government agencies throughout the Commonwealth. As part of the course, students conducted walk-downs of 5 on-campus buildings, during which they identified low-to-no cost measures for saving energy, and then wrote follow-up reports. A summary of their findings will be provided to Penn State's Office of Physical Plant. At the final class on December 11, 2014, the students gave presentations on what they learned during the course. Bill Paletski from PennTAP served as the course instructor. The course instruction and curriculum development were paid for via SEP funds. A few of the students will be continuing on in an independent study course in the spring 2015 semester, during which they'll conduct walk-downs of a few more on-campus buildings as well as several in the local community. SEP funds will pay for the instruction of this independent study course and further curriculum development during the spring semester.

Energy Efficient Building Codes Training

Pennsylvania's acceptance of \$99.6 million dollars from the American Recovery and Reinvestment Act (ARRA) carries with it a number of obligations regarding enforcement of the 2009 International Energy Conservation Code (IECC) across the state. Specifically, DEP has provided assurance to 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 code by 2017. While this initiative is expected to be carried out over several years, for FY 2014/2015, there will be trainings and webinars, a code collaborative and benchmarking of current compliance.

The Pennsylvania Energy Codes Collaborative (PECC) *met on November 14, 2014, and held a follow-up conference call on December 17, 2014. The group agreed to focus on two projects involving designer, contractor and owner trainings and utility engagement. The group also decided to create a website to consolidate all code training efforts. Other activities included preparation for the codes trainings and webinars for code officials and contractors and, the benchmarking activities for codes compliance in Pennsylvania.*

Environmental Cleanup and Brownfields

Cleanup Standards Scientific Advisory Board

The Cleanup Standards Scientific Advisory Board (CSSAB) met on Wednesday, December 17, 2014, in the Rachel Carson State Office Building. DEP provided the CSSAB with an update on Land Recycling Program activities and reviewed membership. The CSSAB discussed technical concepts and draft screening levels that will be used in revisions to the 2004 Vapor Intrusion Technical Guidance Document. DEP agreed to conduct further work on the concepts and present new information at the April 22, 2015, meeting. The CSSAB also reviewed the draft final revisions to Chapter 250 and voted unanimously to send the final-form rulemaking to the EQB; however, it noted it does not support the maintenance of the groundwater Medium-Specific Concentration for MtBE at the level promulgated in 1997. The rulemaking will update the Statewide Health Standard Medium-Specific Concentrations, clarify DEP's public notice requirements and provide revised toxicity calculations for trichloroethylene (TCE).

The CSSAB is scheduled to meet on April 22, August 26 and December 16, 2015. All meetings are scheduled for 9:00 am in Room 105 of the Rachel Carson State Office Building in Harrisburg.

Storage Tank Advisory Committee

The December 2, 2014 meeting of the Storage Tank Advisory Committee was cancelled. The next meeting will be held on March 3, 2015, at 10:00 a.m. in Room 105 of the Rachael Carson State Office Building.

Environmental Education

Environmental Education Grants Program (EEGP)

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

This program is funded through a portion of fines and penalties collected by DEP. The total amount awarded in 2013 was \$334,034.

The 2015 grant round opened October 6, 2014 *and closed December 19, 2014.*

DEP at Home Exhibit

DEP at Home is an interactive, educational exhibit that promotes energy efficiency, alternative transportation technologies, including electric (EV) and compressed natural gas (CNG) vehicles.

The 20 x 30 foot exhibit features a garage with graphics depicting a Tesla EV and Ford Truck CNG vehicle. The garage *was* new for 2014 and features a real CNG van and Electric car (Nissan Leaf) with refueling/recharging hardware. In most venues, a CNG and or electric vehicle is on site for visitors to examine and even connect/Plug in to become familiar with the alternative transportation technologies of the 21st century.

Show Schedule for 2015:

1. PA Farm Show – January 10-17, in Harrisburg
2. Northeast PA (NEPA) Home Show – January 23-25, in Wilkes-Barre
3. Pittsburgh Indoor/Outdoor Home Show – February 6-8, in Monroeville (southwest PA)
4. Suburban Home & Garden Show – February 19-22, in Oaks (southeast PA)
5. Erie Home & Garden Expo – March 19-22, in Erie
6. Phillies Red Goes Green event – around Earth Day (date yet to be determined), in Philadelphia
7. Capitol Complex – April 20-24, (Earth Week) in Harrisburg
8. Sustainable Energy Fund's annual EnergyPath Conference & Expo – July 23-24, in Scranton
9. Ag Progress Days – August 18-20, in Pennsylvania Furnace (near State College)

Keystone Energy Education Program (KEEP)

A workshop was held at the Pennsylvania Science Teachers Association Conference in December 2014 and one will be held at the Pennsylvania Association for Environmental Educators Conference in March 2015. EE and Energy Office staff is coordinating efforts to schedule several additional KEEP workshops for the spring of 2015.

PA Falcon Cam Program

Camera and nest ledge maintenance has been completed. The HD web view is sharp and ready for the 2015 nesting season. Both of the adults have been seen at the nest ledge.

Oil and Gas

Oil & Gas Compliance and Enforcement Policy

On October 4, 2014, DEP published the substantially revised guidance "Standards and Guidelines for Identifying, Tracking, and Resolving Oil and Gas Violations" (TGD # 550-3000-001) for a 30-day comment public comment period. This policy provides direction to staff in determining the enforcement actions that DEP

will pursue to resolve violations and achieve compliance with applicable laws and regulations related to conventional and unconventional oil and gas development. The policy also provides advisory information to the regulated industry. Once finalized, this document will replace the previous policy “Compliance Monitoring of Oil and Gas Wells and Related Facilities and Activities” that was issued in 2005. Revisions are necessary to reflect changes to the organizational structure of the agency and to update the policies and procedures to reflect current oil and gas development activities in Pennsylvania.

The Office of Oil and Gas Management provided CAC with a presentation on this amended policy at its October 21, 2014, meeting. In an effort to provide greater public input, DEP extended the public comment period on October 25, 2014, until November 18, 2014. *DEP received comments from 321 commentators and is currently working to consider those comments and finalize the policy.*

Oil and Gas Workload Report

Please see Attachment 2.

Radiation Protection

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

The Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM) study began in mid-April 2013, and field work was completed in September 2014. *The draft study report is currently being peer-reviewed and is planned for public issuance in mid-January.*

Waste Management

Solid Waste and Recycling Fund Advisory Committees

The next meeting of the SWAC *will be held on* January 15, 2015. The role of the SWAC is to work closely with DEP to develop programs, policies and regulations to effectively implement the solid waste management and recycling programs. In accordance with SWAC’s bylaws, the Secretary of DEP appoints or reappoints members at the end of even-numbered years. New nominees are also considered for membership.

Public Meeting and Hearing for ELCON Recycling Services, LLC, Application

DEP has determined the Phase I Commercial Hazardous Waste Storage and Treatment Facility Siting Application submitted by Elcon Recycling Services, LLC, for their proposed facility to be located at 100 Dean Sievers Place, Morrisville, PA 19067, to be administratively complete. The purpose of a Phase I application is solely to determine whether the proposed site complies with Pennsylvania’s exclusionary siting criteria for hazardous waste treatment facilities. DEP is now conducting a technical review of the Phase I application to determine whether the proposed site complies with the exclusionary siting criteria at 25 Pa. Code §§ 269a.21-269a.29. If the site does not meet the applicable criteria, a hazardous waste treatment facility may not be permitted there. If the site does meet the applicable siting criteria, the applicant must submit a detailed permit application (*Phase II*) which includes siting criteria that is non-exclusionary, before a permit can be issued for construction and operation.

As a part of the Phase I siting application review process, DEP *held* a combined public information meeting and hearing December 10, 2014. During the meeting *portion of the event*, DEP *described* the application review process, siting criteria, and the opportunities for public participation in the process. The meeting *included* time for public questions on the permitting process and the Phase I application. General information about the application and the permit review process *was made* available prior to the meeting. The public hearing *was held immediately thereafter*. DEP *recorded* testimony and *received* written comments at the hearing. DEP *accepted* written comments through December 26, 2014.

Copies of the Phase I application *are* available for review or copying at the following locations between the hours of 8 a.m. and 4 p.m.:

- DEP Southeast Regional Office, 2 E. Main St., Norristown, PA 19401; (484) 250-5910.
- DEP Bureau of Waste Management (BWM), Division of Hazardous Waste Management, 14th floor, Rachel Carson State Office Building, 400 Market St., Harrisburg, PA 17105; (717) 787-6239.

Water Management

Chesapeake Bay Program

Pennsylvania continues work supporting the development of management strategies for the Chesapeake Bay Watershed Agreement outcomes that it has been working on with Chesapeake Bay Program (CBP) partners. DEP Interstate Waters Office staff continues to work closely with and connect to other state agency partners to support this effort. The work on the management strategies *continues, and a CBP Management Board meeting is scheduled for mid-January to conduct an initial review of all draft strategies. CBP workgroups will continue to work on the strategies in anticipation of release for public comment in March.* The CBP partners have created online avenues for individuals, watershed organizations, community groups and other interested parties to stay informed about what is being done, what needs to be done and have the opportunity to offer their input in these plans for supporting thriving landscapes and clean waters throughout the region. The online resources can be viewed on the CBP website at www.chesapeakebay.net.

Regarding the TMDL, the Chesapeake Bay Principals Staff Committee approved the “Strengthening Verification of Best Management Practices Implemented in the Chesapeake Bay Watershed: A Basin Framework” document. EPA is asking for protocols to be developed regarding counting and verifying of BMPs reported to the watershed model. EPA is expecting draft protocols to be submitted by June 15, 2015. DEP has started to work with agencies that report data to us to make them aware of the newly-adopted framework.

Nutrient Trading Program

In early April, EPA began objecting to the issuance of NPDES point source discharge 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 relative to the implementation of the NPDES Program. 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. Pursuant to 40 CFR Section 123.44(b)(2) and Section III.A.2 of the Memorandum of Agreement between EPA and DEP, DEP continues to receive specific objection letters from EPA at the end of the 90-day review period. These letters give a more detailed explanation for EPA’s objections to the re-issuance of two permits in the Chesapeake Bay Watershed. DEP has sent a response to each of these objection letters, requesting public hearings. DEP believes that the latest recommendations submitted to EPA will resolve their issues and public hearings may not be necessary. As soon as DEP has confirmation from EPA that these recommendations are acceptable, DEP will be notifying permittees and program stakeholders as appropriate.

The true-up period for the 2014 Water Year is completed. A total of 1,889,079 nitrogen and 109,791 phosphorus credits were verified, of which 803,685 nitrogen and 85,079 phosphorus credits were registered, meaning they were sold to a wastewater treatment system for compliance purposes.

Sewage Facilities Act (Act 537) Proposed Regulation changes

On November 5, 2014, DEP staff presented proposed changes to the regulations found at 25 Pa. Code Chapters 71, 72, and 73 to the Sewage Advisory Committee (SAC). These regulations are used to implement Act 537. The changes were developed to address the concerns by some SAC members that alternative technologies that have been approved by DEP for use in the Commonwealth for a number of year, were still not allowed by regulation to be used in the planning stage of Act 537 sewage facilities planning for onsite sewage systems. SAC decided to create a subcommittee to review DEP’s regulatory language and make comments to the

Secretary to be considered as staff continues to move the recommended changes through the regulatory process.

Implementation of Act 162 of 2014

The Pennsylvania Clean Streams Law was amended by the General Assembly as HB 1565 and was signed into law on October 22, 2014, as Act 162 of 2014. Act 162 is limited to and addresses buffer requirements in Pennsylvania regulations found in 25 Pa. Code Chapter 102 (relating to erosion and sediment control). The amendment pertains to Individual National Pollutant Discharge Elimination System (NPDES) Permit applications for Stormwater Discharges Associated with Construction Activities administered by the Department. Act 162 became effective on December 21, 2014.

As the agency responsible for implementing Act 162, DEP is developing materials to assist the public in understanding and complying with the requirements of Act 162. On December 20, 2014, DEP published a technical guidance document entitled “Implementation Plan for Act 162 of 2014” as interim final in the Pennsylvania Bulletin at 44 Pa.B. 7954. DEP will accept public comments on this guidance document through February 18, 2015. Two additional technical guidance documents, “Riparian Buffer, Riparian Forest Buffer Equivalency Demonstration and “Riparian Buffer, Riparian Forest Buffer Offsetting” are being developed. Notice of availability for public comment on these documents will be published in the Pennsylvania Bulletin.

Small Water Systems Technical Assistance Center (TAC) Board

The Small Water Systems TAC Board (Board) met on December 18, 2014. Staff from the Bureau of Safe Drinking Water presented and received feedback on a number of draft forms and instructions for sample siting plans, which are required under federal regulations. The next Board meeting is scheduled for March 19, 2015.

Attachment 1

2015 Events Calendar

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

January	
6	Climate Change Advisory Committee; 10 a.m., Room 105, RCSOB
14	Coastal Zone Advisory Committee; 9:30 a.m., 10 th floor Conference Room, RCSOB
14	Technical Advisory Committee on Diesel-Powered Equipment; 10 a.m., Westmoreland Room, New Stanton Office
15	Solid Waste Advisory Committee; 10 a.m., Room 105, RCSOB
22	Mining and Reclamation Advisory Board; 10 a.m., 12 th floor Conference Room, RCSOB
22	Oil and Gas Technical Advisory Board; 10 a.m., Room 105, RCSOB
28	Small Business Compliance Advisory Committee; 10 a.m., 12 th floor Conference Room, RCSOB
29	Chesapeake Bay Management Team; 9:30 a.m., Susquehanna Conference Room A&B, SCRO, Harrisburg
February	
5	Environmental Justice Advisory Board; 8:30 a.m., Delaware Room, RCSOB
6	Climate Change Advisory Committee; 10 a.m., Room 105, RCSOB
11	State Board for Certification of Water and Wastewater Systems Operators; 10 a.m., 10 th floor Conference Room, RCSOB
12	Air Quality Technical Advisory Committee; 9:15 a.m., Room 105, RCSOB
17	Environmental Quality Board; 9 a.m., Room 105, RCSOB
18	Water Resources Advisory Committee; 9:30 a.m., Room 105, RCSOB
March	
3	Storage Tank Advisory Committee; 10 a.m., Room 105, RCSOB
5	Oil and Gas Technical Advisory Board; 10 a.m., Room 105, RCSOB
10	Board of Coal Mine Safety; 10 a.m., Cambria Office, Ebensburg
11	Certification Program Advisory Committee; 9 a.m., Room 105, RCSOB
11	Laboratory Accreditation Advisory Committee, 9 a.m., Bureau of Laboratories Building, Harrisburg
17	Environmental Quality Board; 9 a.m., Room 105, RCSOB
18	State Board for Certification of Sewage Enforcement Officers; 10 a.m., Conference Room 11B, RCSOB
19	Small Water Systems Technical Assistance Center Board; 9 a.m., Room 105, RCSOB
24	Sewage Advisory Committee; 10:30 a.m., Room 105, RCSOB
April	
2	Radiation Protection Advisory Committee; 9 a.m., 14 th floor Conference Room, RCSOB
2	Solid Waste Advisory Committee, 10 a.m., Room 105, RCSOB
8	Technical Advisory Committee on Diesel-Powered Equipment; 10 a.m., Westmoreland Room, New Stanton Office
15	State Board for Certification of Water and Wastewater Systems Operators; 10 a.m., 10 th floor Conference Room, RCSOB

16	Air Quality Technical Advisory Committee; 9:15 a.m., Room 105, RCSOB
21	Climate Change Advisory Committee; 10 a.m., 12 th floor Conference Room, RCSOB
21	Environmental Quality Board; 9 a.m., Room 105, RCSOB
22	Cleanup Standards Scientific Advisory Board; 9 a.m., Room 105, RCSOB
22	Small Business Compliance Advisory Committee; 10 a.m., 12 th floor Conference Room, RCSOB
23	Mining and Reclamation Advisory Board; 10 a.m., Room 105, RCSOB
29	Mine Families First Response & Communications Advisory Council; 10 a.m., Fayette Room, New Stanton Office
May	
19	Environmental Justice Advisory Board; 8:30 a.m., Delaware Room, RCSOB
20	Environmental Quality Board; 9 a.m., Room 105, RCSOB
28	Certification Program Advisory Committee; 9 a.m., Room 105, RCSOB
June	
2	Storage Tank Advisory Committee; 10 a.m., Room 105, RCSOB
3	Coastal Zone Advisory Committee; 9:30 a.m., 10 th floor Conference Room, RCSOB
4	Radiation Protection Advisory Committee; 9 a.m., 14 th floor Conference Room, RCSOB
4	Solid Waste Advisory Committee; 10 a.m., Room 105, RCSOB
9	Board of Coal Mine Safety; 10 a.m., Cambria Office, Ebensburg
11	Air Quality Technical Advisory Committee; 9:15 a.m., Room 105, RCSOB
16	Environmental Quality Board, 9 a.m., Room 105, RCSOB
17	State Board for Certification of Water and Wastewater Systems Operators; 10 a.m., 10 th floor Conference Room, RCSOB
24	Laboratory Accreditation Advisory Committee; 9 a.m., Bureau of Laboratories, Harrisburg
24	State Board for Certification of Sewage Enforcement Officers; 10 a.m., Conference Room 11B, RCSOB
29	Small Water Systems Technical Assistance Center Board; 9 a.m., Room 105, RCSOB
July	
8	Technical Advisory Committee on Diesel-Powered Equipment; 10 a.m., Westmoreland Room, New Stanton Office
9	Mining and Reclamation Advisory Board; 10 a.m., Room 105, RCSOB
21	Environmental Quality Board; 9 a.m., Room 105, RCSOB
22	Small Business Compliance Advisory Committee; 10 a.m., 12 th floor Conference Room, RCSOB
August	
4	Environmental Justice Advisory Board; 8:30 a.m., Delaware Room, RCSOB
6	Air Quality Technical Advisory Committee; 9:15 a.m., Room 105, RCSOB
12	State Board for Certification of Water and Wastewater Systems Operators; 10 a.m., 10th floor Conference Room, RCSOB
12	Water Resources Advisory Committee; 9:30 a.m., Room 105, RCSOB
18	Climate Change Advisory Committee; 10 a.m., 12 th floor Conference Room, RCSOB
18	Environmental Quality Board; 9 a.m., Room 105, RCSOB
26	Cleanup Standards Scientific Advisory Board; 9 a.m., Room 105, RCSOB
September	
1	Storage Tank Advisory Committee; 10 a.m., Room 105, RCSOB
8	Board of Coal Mine Safety; 10 a.m., Cambria Office, Ebensburg

15	Environmental Quality Board, 9 a.m., Room 105, RCSOB
17	Small Water Systems Technical Assistance Center Board, 9 a.m., Room 105, RCSOB
22	Sewage Advisory Committee; 10:30 a.m., Room 105, RCSOB
23	State Board for Certification of Sewage Enforcement Officers; 10 a.m., Conference Room 11B, RCSOB
24	Radiation Protection Advisory Committee; 9 a.m., 14 th floor Conference Room, RCSOB
24	Solid Waste Advisory Committee/Recycling Fund Advisory Committee; 10 a.m., Room 105, RCSOB
30	Laboratory Accreditation Advisory Committee; 9 a.m., Bureau of Laboratories Building, Harrisburg
October	
2	Climate Change Advisory Committee; 10 a.m., 12 th floor Conference Room, RCSOB
2	Low-Level Waste Advisory Committee; 10 a.m., Room 105, RCSOB
8	Air Quality Technical Advisory Committee; 9:15 a.m., Room 105, RCSOB
14	Technical Advisory Committee on Diesel-Powered Equipment; 10 a.m., Westmoreland Room, New Stanton Office
20	Environmental Quality Board, 9 a.m., Room 105, RCSOB
22	Mining and Reclamation Advisory Board; 10 a.m., Room 105, RCSOB
28	Small Business Compliance Advisory Committee; 10 a.m., 12 th floor Conference Room, RCSOB
29	State Board for Certification of Water and Wastewater Systems Operators, 10 a.m., 10 th floor Conference Room, RCSOB
November	
5	Environmental Justice Advisory Board; 8:30 a.m., Delaware Room, RCSOB
17	Environmental Quality Board, 9 a.m., Room 105, RCSOB
December	
2	Laboratory Accreditation Advisory Committee; 9 a.m., Bureau of Laboratories Building, Harrisburg
4	Climate Change Advisory Committee; 10 a.m., Room 105, RCSOB
8	Board of Coal Mine Safety; 10 a.m., Cambria Office, Ebensburg
8	Storage Tank Advisory Committee; 10 a.m., Room 105, RCSOB
10	Air Quality Technical Advisory Committee; 9:15 a.m., Room 105, RCSOB
10	State Board for Certification of Water and Wastewater Systems Operators, 10 a.m., 10 th floor Conference Room, RCSOB
15	Environmental Quality Board, 9 a.m., Room 105, RCSOB
16	Cleanup Standards Scientific Advisory Board, 9 a.m., Room 105, RCSOB
16	State Board for Certification of Sewage Enforcement Officers; 10 a.m., Conference Room 11B, RCSOB
17	Small Water Systems Technical Assistance Center Board, 9 a.m., Room 105, RCSOB

Attachment 2

Oil and Gas Workload Report – Week Ending 12/19/2014

YTD WELL PERMIT APPLICATIONS - 1/1/2014 to 12/19/2014						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	1,125	62	1,254	1,241	1,237	13
UNCONVENTIONAL	3,066	202	3,183	3,152	2,865	31
Sub Total	4,191	264	4,437	4,393	4,102	44
AUTHORIZATIONS	488	45	524	479	N/A	42
Total	4,679	309	4,961	4,872	4,552	89

WEEKLY WELL PERMIT APPLICATIONS - 12/13/2014 to 12/19/2014						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	21	21	16	15	15	1
UNCONVENTIONAL	18	13	60	57	57	3
Sub Total	39	34	76	72	72	4
AUTHORIZATIONS	5	5	20	20	N/A	0
Total	44	39	96	92	92	4

HISTORICAL WELL PERMIT APPLICATIONS AS OF 12/19/2014						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	196,764	196,690	195,476	189,545	1,214	106,505
UNCONVENTIONAL	19,171	18,949	18,563	15,697	386	9,976
Sub Total	215,935	215,639	214,039	205,242	1,600	116,481
AUTHORIZATIONS	40,726	40,664	40,408	N/A	256	18,617
Total	256,661	256,303	254,447	245,323	1,856	135,098

YTD INSPECTIONS - 1/1/2014 to 12/19/2014				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	12,196	7,950	1,393	356
UNCONVENTIONAL	11,069	4,948	407	158
CLIENT/SITE	3,127	0	578	256
Total	26,392	12,898	2,378	770

WEEKLY INSPECTIONS - 12/13/2014 to 12/19/2014				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	170	158	21	2
UNCONVENTIONAL	115	109	6	2
CLIENT/SITE	43	0	19	2
Total	328	267	46	6

WELLS DRILLED					
	Two Years Prior 1/1/2012 to 12/19/2012	One Year Prior 1/1/2013 to 12/19/2013	Year To Date 1/1/2014 to 12/19/2014	Week of 12/13/2014 to 12/19/2014	As of 12/19/2014
CONVENTIONAL	1,009	943	784	8	195,134
UNCONVENTIONAL	1,325	1,189	1,347	34	8,796
Total	2,334	2,132	2,131	42	203,930

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.