

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

DEP Highlights

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 *and the webinar is available on DEP’s webinar page*. 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 TAB meeting scheduled for *March 20*; the TAB meeting that was

originally scheduled for *March 5*, was rescheduled to *March 20*. 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.

Federal Regulations

Recently Submitted DEP Comments

Environmental Quality Incentives Program – This interim rule with request for comment amends the existing *Environmental Quality Incentives Program (EQIP)* regulation to incorporate programmatic changes as authorized by amendments in the *Agricultural Act of 2014 (2014 Act)*. The changes include consolidating elements of the former *Wildlife Habitat Incentives Program (WHIP)* into EQIP; expanding participation among military veteran farmers or ranchers; requiring that funds provided in advance that are not expended during the 90-day period beginning on the date of receipt of funds be returned; establishing an overall payment limitation over fiscal years 2014-2018 of \$450,000; providing that EQIP funding authorized by the 2014 Act remains available until expended; and requiring that at least 5 percent of available EQIP funds to be targeted for wildlife conservation practices for each fiscal year 2014-2018.

DEP provided comments on this proposal to the NRCS on February 10, 2015. DEP commented that the proposed provision requiring a farmer to fully implement a *Comprehensive Nutrient Management Plan (CNMP)* by the end date of an EQIP contract may have the unintended consequence of encouraging farmers to develop CNMPs that are not truly comprehensive. CNMPs document the decisions made by the farmer to address identified concerns and provide a schedule to address those concerns. CNMPs are, by definition, comprehensive plans that lay out the long-term strategies of farmers to address the various nutrient-related resource concerns on the farm. Schedules to implement CNMPs can project out 10 or more years due to issues related to finances, markets, workforce availability, family, weather, technical assistance and contractor availability. DEP believes farmers need to fully implement their CNMPs, but that it is best to allow the schedules in these plans to go out past the lifespan of the common EQIP contract in order to encourage the farmers' long-term conservation goals.

Regulations Planned for DEP Comment

National Ambient Air Quality Standards for Ozone – On December 17, 2014, the U.S. Environmental Protection Agency (EPA) published in the *Federal Register* a proposed rule, *National Ambient Air Quality Standards for Ozone*, to revise the primary and secondary national ambient air quality ozone (O₃) standards to provide requisite protection of public health and welfare, respectively. EPA is proposing to revise the primary standard to a level within the range of 0.065 to 0.070 parts per million (ppm), and to revise the secondary standard to within the range of 0.065 to 0.070 ppm, which air quality analyses indicate would provide air quality, in terms of 3-year average W126 index values, at or below a range of 13-17 ppm-hours. EPA proposes to make corresponding revisions in data handling conventions for O₃ and conforming changes to the Air Quality Index; to revise regulations for the prevention of significant deterioration (PSD) program to add a transition provision for certain applications; and to propose schedules and convey information related to implementing any revised standards. EPA is also proposing changes to the O₃ monitoring seasons, the Federal Reference Method for monitoring O₃ in the ambient air, Federal Equivalent Method procedures for testing, and the Photochemical Assessment Monitoring Stations network.

DEP plans to submit comments on this proposal. Comments are due to the EPA by March 17, 2015.

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 *the second quarter of 2015*.
- *Revised Total Coliform Rule (25 Pa. Code Chapter 109) – Planned for EQB consideration in the second quarter of 2015.*
- *Radiological Health (25 Pa. Code Chapters 215-230 and 240) – Planned for EQB consideration in 2015.*
- *Radiation Protection Program Fees (25 Pa. Code Chapter 215) – Planned for EQB consideration in 2015.*
- *Unsuitable for Mining; Big Run and Willholm Run Watersheds (25 Pa. Code, Chapter 86) – Planned for EQB consideration in late 2015/early 2016*
- *Environmental Laboratory Accreditation Fee Amendments (25 Pa. Code, Chapter 252) – Planned for EQB consideration in late 2015/early 2016.*

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. Publication of the proposal in the Pennsylvania Bulletin anticipated for the second quarter of 2015.
- Security Rule for Radioactive Material (25 Pa. Code Chapter 215) – Adopted as proposed by the EQB at its October 21, 2014 meeting. Anticipate publication of the proposed rulemaking in the Pennsylvania Bulletin in the first quarter of 2015.
- 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. *Advanced Notice of Final Rulemaking (ANFR) was developed for this rule. ANFR language planned for discussion at the March 20, Oil and Gas Technical Advisory Board (TAB) meeting and the March 26, Conventional Oil and Gas Advisory Committee (COGAC) meeting. Publication of ANFR, opening 30-day public comment period, anticipated for April 2015.*

Draft Final Rulemakings

- Administration of Land Recycling Program (25 Pa. Code Chapter 250) – Public comment period closed June 17, 2014. A draft final-form Annex was presented to the Certification Standards Scientific Advisory Board (CSSAB) at its December 17, 2014 meeting. *Planned for EQB consideration in the second quarter of 2015.*
- 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 final rulemaking package. A draft final-form Annex was presented to the Air Quality Technical Advisory Committee (AQTAC) for consideration at a special meeting held November 7, 2014, and to the Small Business Citizens Advisory Council (SBCAC) on January 28, 2015.
- Standards for Surface Facilities (25 Pa. Code Chapter 208) – Public comment period closed on September 2, 2014. IRRC comments received October 2, 2014; the final rulemaking package is under review. *Planned for consideration by the Board of Coal Mine Safety in the second quarter of 2015.*
- 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. A draft final-form Annex was presented to the Air Quality Technical Advisory Committee (AQTAC) for consideration at a special meeting held November 7, 2014, and to the Small Business Citizens Advisory Council (SBCAC) on January 28, 2015. *Planned for EQB consideration in 2015.*

- 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. A draft final-form Annex was presented to the Mining and Reclamation Advisory Board (MRAB) at its January 22, 2015 meeting. *Anticipated for EQB consideration in the second quarter of 2015.*

Final Form Rulemakings

- None to report.

Petitions

- *Hosensack Creek Watershed* – Petition received February 4, 2015. Notification of receipt of petition sent to petitioner February 5, 2015. Determination of petition's administrative completeness currently under review. Several letters in support of this petition have been received. Petition will be presented to the EQB at its first meeting in 2015.
- Browns Creek Watershed – Petition received December 17, 2014. Notification of receipt sent to petitioner December 18, 2014. Determination of petition's administrative completeness sent January 16, 2015. Petition will be presented to the EQB at its first meeting in 2015.
- 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. Letter in support of Redesignation received January 27, 2015, from the Delaware Riverkeeper Network.
- 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

- *Removal of Sites from the Pennsylvania Priority List of Hazardous Sites for Remedial Response – Baghurst Alley Site and Chem Fab (Opened 2/14/15, Closes 3/16/15)*
- *Acid Mine Drainage Set-Aside Program: Program Implementation Guidelines (DEP ID: 370-5500-001) (Opened 2/21/15, Closes 3/23/15)*
- *Federal Consistency under the Coastal Zone Management Act (Opened 2/28/15, Closes 3/16/15)*

Recently Closed Comment Periods (February 2015)

- Designation Criteria for Regulated Small Municipal Separate Stormwater Sewer Systems (MS4) (385-0820-001) (Opened 1/3/2015, Closed 2/2/2015)
- *Implementation Plan for Act 162 of 2014 (DEP ID: 310-2135-001) (Opened 12/20/14, Closed 2/18/15)*
- *Management of Fill (DEP ID: 258-2182-773) (Opened 12/20/14, Closed 2/18/15)*

Legislative Update

SB 279 (Hutchinson), which establishes the Pennsylvania Grade Crude Development Advisory Council, was passed by the Senate and referred to the House Environmental Resources and Energy Committee.

Senate Environmental Resources & Energy Committee Meeting – Tuesday, February 24, 2015

The following bills were reported from Committee:

SB 214, PN 123 (Yaw): Requires a natural gas distribution utility to submit a system extension and expansion plan to the PUC for review and provide a bona fide request program in areas where it does not provide service.

SB 289, PN 173 (Fontana): Allows municipalities/municipal authorities to use public funds for private lateral sewer lines connected to sewage disposal systems.

SB 307, PN 197 (Yudichak): Requires DEP to appoint independent counsel to the Environmental Quality Board.

Senate Public Health and Welfare Committee Meeting – Wednesday, February 25, 2015

The following bills were reported from Committee:

SB375, PN 285 (Scarnati) Establishes the Health Advisory Panel on Shale Gas Extraction and Natural Gas Use comprised of the Secretaries of Health and Environmental Protection, four legislative appointments and three gubernatorial appointments.

Upcoming Committee Meetings

Senate Environmental Resources and Energy Committee Hearing on the Impact Fee – March 3, 2015, 8:30 a.m., Hearing Room 1, NOB

House Appropriations Committee Budget Hearing – DEP, Wednesday, March 11, 2015, 1:00 p.m., House Majority Caucus Room, MC

Senate Appropriations Committee Budget Hearing – DEP, Wednesday, March 25, 2015, 9:30 a.m., Hearing Room 1, North Office Building

Monthly Press Releases

February 3 – DEP to Hold Public Hearing on Operating Permit for Sunoco Pump Station in Lebanon County

February 4 – DEP Schedules Public Question and Answer Session for Proposed Power Plant Project
DEP Denies Phase I Siting Application for Falls Township Hazardous Waste Facility

February 10 – DEP Launches Mine Subsidence Insurance Notification Campaign

February 17 – DEP Enhances Advisory Role in Conventional Oil and Gas Regulation Development

February 24 – DEP Reaches Agreement with Newport Borough Water Authority to Address Drinking Water Violations

February 25 – DEP Announces Public Hearing on Draft Air Quality Plan Approval for Perdue Grain and Oil Seed Facility

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 was presented to the MRAB at its January 22 meeting. The MRAB recommended that the Department pursue the final rulemaking as quickly as possible. *The rulemaking package has been routed for approval with the goal of being on the agenda at the first EQB meeting in 2015.*

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 on November 25, 2014 to discuss the coal mining program improvements rulemaking. The MRAB committee expressed the concern that it may be premature to proceed, specifically relating to the definition of surface mining activities, since there is litigation related to this underway in the federal system. The proposed remining 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 remining rulemaking is undergoing legal review. It is likely that it will be presented to the EQB in the second quarter of 2015.* The water supply replacement rulemaking will be deferred until the remining and program improvement packages are completed due to priorities identified by MRAB.

NPDES Permitting for Mine Sites

The Mining Program continues to work with EPA to implement NPDES permitting and compliance improvements. The focus has shifted from developing tools (e.g. TGD, SOP, Permit Document and Inspection Report) to deploying the tools. EPA is working with the Mining Program to identify the parameters of further interaction between the agencies. A two-year work plan has been drafted. 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. *A number of workgroups are being established to address on-going issues. One of the workgroups will be evaluating the best way to integrate remining in TMDL watersheds.*

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 accepted 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. *As a result of the comments minor revisions will be made to the guidance.*

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 closed on January 13. Comments were received from one commenter. No substantial changes will result from the comments.

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 accepted comments until January 26. *No changes are necessary as a result of the comments.*

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 *March*.

OSMRE 2015 Abandoned Mine Lands Reclamation Grant

On January 6, 2015, OSMRE announced the availability of the fiscal year 2015 Abandoned Mine Lands (AML) Reclamation fund grants. Pennsylvania’s portion totals \$44,018,328 after \$3,466,384 (7.3%) is removed due to the mandatory federal sequestration. Available funding was also affected by a reduction in coal production.

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, 2014, asking for language clarification. DEP legal staff addressed these points and the final regulation package is being assembled. It is anticipated the final rulemaking will be presented to the Board at the March 10, 2015, meeting with eventual publication to occur in summer 2015.

Air Quality

Climate Change Advisory Committee

The Climate Change Advisory Committee (CCAC) met in Harrisburg on February 6. During the meeting, the CCAC endorsed the work plan for Re-Light PA. Discussions continued on the following work plans: Fuel Switching and Conservation, Semi-Truck Freight Transportation, Energy Codes, and High Performance Buildings. The draft “2015 Pennsylvania Climate Impacts Assessment Report” was distributed. Comments on the draft report are due to the Department by February 24. A “meet and greet” session with Secretary Quigley was held during the meeting. The next CCAC meeting is scheduled for March 18.

Air Quality Technical Advisory Committee (AQTAC)

The Air Quality Technical Advisory Committee met in Harrisburg on February 12. During the meeting, information updates were provided concerning the final area designations for the 2012 Annual PM2.5 National Ambient Air Quality Standard (NAAQS), 2013 emissions inventory for the natural gas industry, EPA’s proposed rule for the Ozone National Ambient Air Quality Standards, Cross State Air Pollution Rule, GP-5 amendments, silica sampling efforts, and a regulatory update. A “meet and greet” session with Secretary Quigley was held during the meeting. The next AQTAC meeting is scheduled for April 16.

Air Quality Rulemaking 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 members of the CAC Policy and Regulatory Oversight Committee on December 15, 2014. On January 28, the Small Business Compliance Advisory Committee voted to support the Department’s recommendation to forward the draft final-form Annex to the EQB for consideration. A follow-up conference call with CAC’s Policy and Regulatory Oversight Committee was held on February 20; the Committee will recommend endorsement of the regulation by the full CAC during the March 17, 2015 meeting.

Control of VOC Emissions from Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Coating Processes and Pleasure Craft Surface Coatings – At the AQTAC meeting on February 20, 2014, the committee 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 EQB approved the proposed rulemaking for public review and comment *at* its October 21, 2014 meeting. Publication of the proposal in the *Pennsylvania Bulletin*, 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 the SBCAC on January 28, 2015. *A follow-up conference call with the CAC's Policy and Regulatory Oversight Committee was held on February 20, 2015; the Committee voted unanimously to recommend EQB consideration of the RACT regulation by the full CAC on March 17, 2015.*

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's 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 *at its next meeting.*

Implementation of the PM_{2.5} National Ambient Air Quality Standards

EPA's Designations for the 2012 National Ambient Air Quality Standard – On December 14, 2012, the EPA promulgated a new annual fine particulate matter (PM_{2.5}) National Ambient Air Quality Standard (NAAQS), lowering the annual PM_{2.5} 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 PM_{2.5} 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 PM_{2.5} 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 PM_{2.5} 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 for the 2012 PM_{2.5} NAAQS, which are consistent with EPA’s proposed designations. The designations will become effective April 15, 2015. Based on preliminary 2012-2014 *ambient* PM_{2.5} monitoring data, several nonattainment areas including the Cambria (*including portions of Indiana County*), Lehigh and Northampton nonattainment areas are monitoring attainment of the 2012 PM_{2.5} standard. *On February 18, 2015, DEP submitted documentation to EPA certifying the ambient monitoring data and requesting the designations for these counties be changed to attainment.*

Maintenance Plan and Redesignation Request for the 1997 and 2006 PM_{2.5} Standards for the Pittsburgh/Beaver Valley Area: The Pittsburgh-Beaver Valley nonattainment area for the PM_{2.5} NAAQS, *which* includes Beaver, Butler, Washington and Westmoreland counties and portions of Allegheny, Armstrong, Greene and Lawrence counties is monitoring attainment of the 1997 annual and the 2006 24-hour PM_{2.5} National Ambient Air Quality Standards. On November 15, 2014, the Department opened a public comment on a proposed State Implementation Plan revision and redesignation request for the Pittsburgh-Beaver Valley Area. The public comment period closed on December 16, 2014. The final Maintenance Plan and Redesignation Request were submitted to EPA on December 22, 2014.

Maintenance Plan and Redesignation Request for the 1997 and 2006 PM_{2.5} Standards for the Johnstown Area: *The Johnstown PM_{2.5} nonattainment area is monitoring attainment of the 1997 annual and the 2006 24-hour PM_{2.5} National Ambient Air Quality Standards.* 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. The final Maintenance Plan and Redesignation Request were submitted to EPA on December 3, 2014.

Lyons Lead Nonattainment Area, 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 lead 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 lead monitoring data, the EPA has determined that the Lyons Area is monitoring attainment of the 2008 lead NAAQS. The “clean data” determination issued by EPA for the Lyons Area on December 29, 2014, suspends certain Clean Air Act obligations including the State Implementation Plan requirements for an attainment demonstration and contingency measures, so long as the area continues to attain the 2008 lead NAAQS. This determination will also allow EPA to suspend the mandatory sanctions clock, which was triggered *in February 2014* for a failure to submit the attainment demonstration to EPA.

On December 13, 2014, the Department proposed a SIP revision containing the comprehensive 2011 base-year inventory for the Lyons lead area. The public hearing scheduled for January 14, 2015 was cancelled and the

written comment period closed on January 15. No comments were received on the proposed SIP submittal. *The SIP revision was submitted to EPA on February 9, 2015.*

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. No comments were received on the delegation request. *The final delegation request will be submitted to EPA in March 2015.*

Energy Initiatives

Pennsylvania Energy Development Authority (PEDA)

Due to the change in Administration, outreach to both ex-officio board members and appointed board members will occur during the 1st quarter of 2015 to determine both participation and a date for a board meeting. It is expected that the annual PEDA board meeting will be held in the spring to elect officers, designate a chairperson and discuss activities for calendar year 2015.

Alternative Fuel Fleet Vehicles

On January 14, \$7.3 million in Act 13 funding was awarded to 18 companies, organizations and partnerships making the switch to natural gas for their heavy-duty fleet vehicles. *DEP is currently executing grant agreement contracts with the awardees. The first two rounds of Act 13 funding awarded a total \$14.4 million to 43 companies and organizations. So far, DEP has reimbursed grantees for the purchase or conversion of 54 heavy duty vehicles totaling more than \$1.2 million in program funds disbursed. The 54 vehicles are estimated to be displacing over 700,000 gasoline gallon equivalents per year. Additionally, the Alternative Fuel Incentive Grant Program has been providing grant support for light and medium duty natural gas vehicles as well as propane and electric fleet vehicles of any size. So far, DEP has reimbursed grantees for the purchase or conversion of 37 vehicles totaling more than \$180,000 in program funds disbursed. The 37 vehicles are estimated to be displacing approximately 100,000 gasoline gallon equivalents per year.*

Alternative Fuel Vehicle Rebate Program

On December 31, 2013, the alternative fuel vehicle rebate program began offering rebates for EVs and PHEVs at \$2,000. This commitment of 500 rebates at \$2,000 resulted in another \$1 million pledged to support alternative fueled vehicles purchased and registered by Pennsylvania residents. On December 29, 2014, DEP announced that funding remained and the program would be extended. As of January 26, 2015, 98 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 are currently being assessed so that if continued the availability of the rebates would be constant.

Green Energy Loan Fund

DEP's Office of Pollution Prevention and Energy Assistance (OPPEA) and representatives from The Reinvestment Fund held a quarterly meeting on Thursday January 22, to discuss the status of the Green Energy Loan Fund (GELF). GELF is a third-party managed revolving loan fund supporting energy efficiency and

renewable energy projects. GELF was capitalized in 2010 with \$12 million of ARRA funds. Since 2010, GELF has provided funds for 10 projects utilizing a total of \$12.3 million in energy loan funds. To date, 7 projects have been completed with one project fully repaying the loan. The 10th project utilized funds from the repaid loan completing the first revolution of the loan program. The total project budget for the 10 projects undertaken has exceeded \$250 million, resulting in significant projects deployed in Pennsylvania. Several projects are currently being underwritten and may be candidates for the use of available funding.

Promoting an Energy Efficient Work Force

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. State Energy Program (SEP) funds are being used to pay for the BOC tuition of twenty-eight facility managers from K-12 schools, local governments, and state agencies. In February 2015, one BOC class for SEP-funded facility managers wrapped up at the Good Hope Fire Station in Mechanicsburg, while a second class continued at the same location. That second class will wrap up on March 4th. Another BOC class with several SEP-funded participants continued in February in Williamsport. That class will end on May 14, 2015.

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. Bill Paletski from PennTAP served as the course instructor. The course instruction and curriculum development were paid for with SEP funds. Three of the students will be continuing on in an independent study course in the spring 2015 semester, which began on January 12. During this semester, the students will conduct walk-downs of five buildings, including: two on-campus, College Township, State College Area School District, and DEP Cambria office. SEP funds will pay for the instruction of this independent study course and further curriculum development during the spring semester.

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.

A PennTAP Specialist provided an energy efficiency assessment for a fiberglass manufacturing company in the northwest region of the state and an ISO (International Organization for Standardization) 50001 gap assessment for a company in the southcentral region of the state. ISO 50001 is the standard for energy management systems.

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) held a *meeting on February 18*. A presentation was given by Maria Ellingson, of the Building Codes Assistance Project, on recommendations to PECC for public outreach to enhance compliance with energy building codes. Jennifer Senick of Rutgers University and the Consortium for Building Energy Innovation presented a protocol to increase compliance with the energy code during change of occupancy. Shari Shapiro provided a status update on PECC activities regarding utility engagement in code initiatives through Act 129. The next meeting will be held May 13, at 10 a.m.

Environmental Cleanup and Brownfields

Cleanup Standards Scientific Advisory Board

The next Cleanup Standards Scientific Advisory Board meeting is scheduled for April 22, 2015, at 9:00 a.m. in Room 105 of the Rachel Carson State Office Building.

Storage Tank Advisory Committee Meeting

The next meeting of the Storage Tank Advisory Committee (STAC) is scheduled for March 3 at 10 a.m. in Room 105 of the Rachel Carson State Office Building. Steve Harman, Executive Director, Underground Storage Tank Indemnification Board, will provide an Underground Storage Tank Indemnification Fund update. DEP staff will update the committee on the status of the Federal underground storage tank (UST) regulations and development of the "Guidelines for the Evaluation of UST Cathodic Protection Systems" draft technical guidance. DEP staff will also report on the Chapter 250 (Administration of Land Recycling Program) draft final rulemaking and provide an update on the revisions to the Land Recycling Program's vapor intrusion guidance and technical guidance manual. Lastly, the committee will provide a recommendation to present Chapter 250 to the Environmental Quality Board as final rulemaking, and election of officers will be held. STAC is scheduled to meet again on June 2.

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 2015 grant round opened October 6, 2014 and closed December 19, 2014. *There were 180 applications approved and accepted by the program; the total requested amount was just under \$500,000. The applications are currently being reviewed and scored.*

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.

Remaining Show Schedule for 2015:

- Erie Home & Garden Expo – March 19-22; Erie
- Phillies Red Goes Green event – around Earth Day (date TBD); Philadelphia
- Capitol Complex – April 20-24 (Earth Week); Harrisburg
- Sustainable Energy Fund’s annual EnergyPath Conference & Expo – July 23-24; Scranton
- Ag Progress Days – August 18-20; Pennsylvania Furnace (near State College)

Keystone Energy Education Program (KEEP)

KEEP focuses on teaching about and tracking energy efficiency in school buildings and homes. Interested schools may attend workshops as a “building team.” Each building team may include any or all of the following:

- Teachers in grades 4-8
- School administrator or designee
- Building maintenance or facility manager or designee

Workshop participants learn about and explore energy conservation, efficiency, energy basics, student energy teams, benchmarking the school building using the free Energy Star Portfolio Manager program and more. Three workshops are scheduled for the following dates and locations:

- April 7, 2015 Westtown School, 975 Westtown Road, West Chester, PA (Register by March 31, 2015). To register, visit: <https://eventbrite.com/event/15097895211/>
- May 12, 2015 Harmony House at The Macoskey Center, Slippery Rock University, 247 Harmony Road, Slippery Rock, PA (Register by May 5, 2015). To register, visit: <https://eventbrite.com/event/15100213144/>
- June 17, 2015 Ferguson Township Elementary School, 215 W Pine St, Pine Grove Mills, PA (Register by June 10, 2015). To register, visit: <https://eventbrite.com/event/15097830016/>

PA Falcon Cam Program

The adult peregrines have renewed their pair bond. They are spending more time together at the nest ledge and web viewers can observe the pair exhibiting ritual courtship behavior. The male is providing food offerings to the female, exhibiting his ability to be a strong provider. The female will increase her hunting and feeding activities in advance of nesting activities. Egg production and viability is directly related to nutrition levels in the female. The live stream webcasting begins March 2.

Oil and Gas

Formation of Conventional Oil and Gas Advisory Committee

On February 17, DEP announced a newly formed Conventional Oil and Gas Advisory Committee (COGAC) to increase transparency and communication about regulating the conventional oil and gas drilling industry. Creating this advisory committee will increase dialogue between DEP and the regulated community as well as broaden the interests the Department hears from. Improving communication between all stake holders and the Department will foster stronger environmental safeguards in the future. COGAC will advise DEP on matters related to conventional oil and gas extraction practices and regulations and will be structured similarly to DEP’s existing Oil and Gas Technical Advisory Board.

Mechanical Integrity Assessment Program

To ensure well construction materials are functioning as intended over the life of a gas well, Pennsylvania’s Oil and Gas Regulations include requirements for regular inspections of the well components accessible to the

surface. Specifically, operators are required to conduct quarterly inspections to ensure all operating wells are in compliance with well construction and operating standards described in the regulations. During 2013, DEP developed the Mechanical Integrity Assessment an inspection form and instructions along with supporting guidance. The Office of Oil and Gas Management subsequently conducted multiple training sessions throughout the state, with over 300 operators in attendance. The quarterly inspection program began in the fourth quarter of 2013. The deadline for the first annual inspection report, consisting of quarterly inspection data for the 2014 calendar year, was February 15, 2015. The Department is currently reviewing inspection report data.

Production Reporting

All oil and gas operators in Pennsylvania were required to report resource production and waste generated to the Department by February 15, 2015. The reporting period for unconventional operators ran from July 1 through December 31, 2014; the reporting period for conventional operators was 2014 in its entirety. The reporting is conducted electronically through the Department's website and a public report on production is available at <https://www.paoilandgasreporting.state.pa.us/publicreports/Modules/Welcome/Welcome.aspx>. The Department is analyzing the data submitted as well as conducting compliance oversight of operators who failed to comply with the reporting deadline.

In accordance with the [Unconventional Well Report Act \(Act of October 22, 2014, P.L. 2853, No. 173\)](#), unconventional well operators are required to begin reporting production on a monthly basis, with the January 2015 report due by March 31, 2015, and each following monthly report due 45 days after the close of the reporting period. Waste generated at unconventional well sites must still be reported semi-annually, on February 15 and August 15 each year. The Department's electronic reporting system has been updated to reflect this change and the production reporting system is capable of receiving the monthly production reports.

Oil and Gas Workload Report

Please see Attachment 2.

Radiation Protection

Radiation Protection Advisory Committee (RPAC)

The next meeting RPAC meeting will be held on April 2, at 9 a.m. in the 14th floor conference room of the Rachel Carson State Office Building. The meeting is dedicated to finalize discussions and obtain a recommendation from the Committee on the Radiological Health rulemaking package (see below).

Radiation Protection Rulemaking Packages

Security Rule for Radioactive Material – This rulemaking incorporates by reference selected regulations from Title 10, Chapter I, of the U.S. Nuclear Regulatory Commission (NRC) Code of Federal Regulations (CFR) relating to radiation protection and control of radioactive materials. Recently NRC implemented new security-related regulations, known as 10 CFR Part 37, which Pennsylvania is required to adopt by March, 2016. The purpose of this amendment is to reference the new Part 37, except for those subsections which only apply to the NRC. The rulemaking was recommended as proposed for presentation to EQB by the Radiation Protection Advisory Committee (RPAC) at its June 2014 meeting. The EQB accepted the proposed rulemaking at its October 21, 2014, meeting. It is anticipated that the rulemaking will be published as proposed in the Pennsylvania Bulletin March 2015, opening the public comment period.

Radiation Protection Program Fees – This rulemaking amends Chapters 218 and 240 relating to fees. DEP must review the adequacy of established fees every three years. Current fee review indicates the need for a fee increase in two program areas. The Radiation Protection Program found the fees for Radioactive Materials and Decommissioning Program and Radon Program are insufficient to cover program costs. This information was presented to the EQB at its August 2014 meeting in a 3-year Fee Report. Specific fee amounts and

regulatory language is still under development. The rulemaking was last discussed with RPAC at its October 2014 meeting.

Radiological Health – This draft proposed rulemaking will amend 25 Pa. Code Chapters 215-240 to update Computed Tomography and Fluoroscopic regulations; to address new x-ray technology that is not addressed in current regulations; and to include comprehensive updates to the radon regulations to incorporate procedures and protocols that are not addressed in the current regulations. Additional items of clarification are 45-day reporting and application requirements, specifying the number of mitigation firm employees, and numerous changes and additions to the definitions section. This rulemaking has been discussed in great length with RPAC in 2014; DEP is seeking final recommendation from the Committee on the language to be proposed to EQB at RPAC's April 2, meeting.

Waste Management

Solid Waste Advisory Committee (SWAC)

The next SWAC meeting is scheduled for Thursday, April 2, 2015, in Room 105 of the RCSOB.

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. Strategy drafts *are being* finalized in preparation for a public comment period in March, with work on the strategies continuing into the spring in preparation for Management Board, Principal Staff Committee, and then Executive Council approval in late spring. The CBP *has posted summaries of each draft management strategy on its website, and continues to provide* 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.

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. The public comment period on this guidance document *closed on* February 18, 2015. *Comments were received from 9 commentators.* The Bureau of Waterways Engineering and Wetlands staff conducted two webinars on the Implementation Plan Guidance on December 17, 2014. The webinar materials are available on the DEP website at:

www.portal.state.pa.us/portal/server.pt/community/Webinars/21506/Water_Management/1615456. Two additional technical guidance documents, "Riparian Buffer, Riparian Forest Buffer Equivalency Demonstration and "Riparian Buffer, Riparian Forest Buffer Offsetting" are being *finalized*. Notice of availability for public comment on these documents will be published in the *Pennsylvania Bulletin* in March. Separate webinars for each of these guidance documents *will be held March 10 and 11. Registration information for the webinars is available on the DEP website (DEP keyword "Webinars").*

Nutrient Trading Program

DEP has been working diligently, both internally and with EPA, on a number of enhancements to the Nutrient Trading Program. A meeting of the Nutrient Trading Stakeholder Workgroup was held Monday, March 2, at 1 p.m. in Room 105 of the RCSOB to share the plan to move forward with the implementation of these program modifications. Many of these modifications are designed to address the EPA objections to the issuance of NPDES point source discharge permit renewals within the Chesapeake Bay watershed for wastewater treatment systems that started last April. EPA cited the need to discuss and resolve issues with the definition of the non-point source agricultural baseline as the reason for the objections.

Municipal Separate Storm Sewer Systems (MS4s) Workshops

The Bureau of Point and Non-Point Source Management (BPNPSM) is conducting workshops for municipal managers, public officials and engineers to help municipalities comply with water pollution control requirements associated with separate storm sewer systems. These sessions are being conducted with logistical support from Century Engineering, Inc. The first four sessions, *held in February, provided* information on the basics of MS4 permit compliance. The second four sessions, *to be held in March and April, emphasize* the additional MS4 requirements which apply to MS4 permittees with Total Maximum Daily Load (TMDL) and Chesapeake Bay Pollutant Reduction Plan obligations. Attendees are strongly encouraged to review their Individual or General NPDES MS4 permit, and to complete a series of DEP webinars before attending any of these sessions. Information on the webinars is available on DEP's website at:

www.depweb.state.pa.us/MS4. *Over 1,000 people have registered for these sessions thus far and feedback from the workshops has been very positive.* Sign-in for the remaining training session will begin at 8:30 a.m. The training will begin at 9:00 a.m. and conclude by 3:30 p.m. Lunch is included in this free training. A list of the *remaining* training sessions follows:

TMDL Plan / Chesapeake Bay Pollutant Reduction Plan Sessions:

- March 17 – Holiday Inn Lansdale, 1750 Sumneytown Pike, Kulpsville, PA
- March 19 – Inn at Leola Village, 38 Deborah Drive, Leola, PA
- March 25 – The Woodlands Inn, 1073 Highway 315, Wilkes-Barre, PA
- April 1 – Pittsburgh Marriott North, 100 Cranberry Woods Drive, Cranberry Township, PA

Space is limited, so registrations are being accepted on a first-come, first-served basis. Pre-registration is required. To register contact Joyce Rivers at Century Engineering, Inc., at (717) 901-7055 or by email: MS4Workshop@centuryeng.com. Deadline for registration is two weeks prior to the date of the session.

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.”

March	
3	Storage Tank Advisory Committee; 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
18	<i>Climate Change Advisory Committee; 10 a.m., Room 105, RCSOB</i>
18	State Board for Certification of Sewage Enforcement Officers; 10 a.m., Conference Room 11B, RCSOB
20	<i>Oil and Gas Technical Advisory Board; 10 a.m., Room 105, RCSOB</i>
24	Sewage Advisory Committee; 10:30 a.m., Room 105, RCSOB
26	<i>Conventional Oil and Gas Advisory Committee; 10 a.m., Room 105, RCSOB</i>
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
15	<i>Agricultural Advisory Board; 9 a.m., Susquehanna Room A, SCRO</i>
15	State Board for Certification of Water and Wastewater Systems Operators; 10 a.m., 10 th floor Conference Room, RCSOB
15	<i>Technical Advisory Committee on Diesel-Powered Equipment; 10 a.m., Fayette Room, New Stanton Office</i>
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
30	<i>Small Water Systems Technical Assistance Center Board; 9 a.m., Room 105, RCSOB</i>
May	
6	<i>Mine Families First Response & Communications Advisory Council; 10 a.m., Fayette Room, New Stanton Office</i>
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
18	<i>Agricultural Advisory Board; 9 a.m., Susquehanna Room A, SCRO</i>
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	Certification Program Advisory Committee; 9 a.m., 14 th Floor Conference Room, 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
19	<i>Agricultural Advisory Board; 9 a.m., Susquehanna Room A, SCRO</i>
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
21	<i>Agricultural Advisory Board; 9 a.m., Susquehanna Room A, SCRO</i>
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
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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 2/13/2015

YTD WELL PERMIT APPLICATIONS - 1/1/2015 to 2/13/2015						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	97	59	94	94	94	0
UNCONVENTIONAL	257	169	301	296	295	5
Sub Total	354	228	395	390	389	5
AUTHORIZATIONS	64	40	45	41	N/A	4
Total	418	268	440	431	430	9

WEEKLY WELL PERMIT APPLICATIONS - 1/10/2015 to 2/13/2015						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	10	10	16	16	16	0
UNCONVENTIONAL	22	22	58	58	58	0
Sub Total	32	32	74	74	74	0
AUTHORIZATIONS	7	7	7	7	N/A	0
Total	39	39	81	81	81	0

HISTORICAL WELL PERMIT APPLICATIONS AS OF 2/13/2015						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	196,894	196,811	195,597	189,653	1,214	106,439
UNCONVENTIONAL	19,529	19,282	18,889	15,896	393	10,044
Sub Total	216,423	216,093	214,486	205,549	1,607	116,483
AUTHORIZATIONS	40,806	40,711	40,451	N/A	260	18,616
Total	257,229	256,804	254,937	245,670	1,867	135,099

YTD INSPECTIONS - 1/1/2015 to 2/13/2015				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	1,110	954	71	22
UNCONVENTIONAL	1,325	1,043	38	15
CLIENT/SITE	299	0	48	16
Total	2,734	1,997	157	53

WEEKLY INSPECTIONS - 2/7/2015 to 2/13/2015				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	177	171	5	4
UNCONVENTIONAL	206	205	12	6
CLIENT/SITE	43	0	17	5
Total	426	376	34	15

WELLS DRILLED					
	Two Years Prior 1/1/2013 to 2/13/2013	One Year Prior 1/1/2014 to 2/13/2014	Year To Date 1/1/2015 to 2/13/2015	Week of 2/7/2015 to 2/13/2015	As of 2/13/2015
CONVENTIONAL	102	78	39	8	194,942
UNCONVENTIONAL	155	159	108	12	8,929
Total	257	237	147	20	203,871

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.