

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

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**DEP Highlights**

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**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, *including nine public hearings*, closed on March 14, 2014; about 24,000 comments were received. 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, 2014, formally closing the comment period. DEP presented a summary of the comments received at the June 26, 2014, 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.

*On July 10, 2014, former Governor Corbett signed into law Act 126 of 2014 (relating to omnibus Fiscal Code amendments). Act 126 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, 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, 2014, DEP presented the two individual chapters of the bifurcated proposed rulemaking to the members of TAB and discussed the pertinent aspects *of the* proposed rulemaking. The TAB meeting was conducted via a webinar in order to provide a greater opportunity for public participation; the webinar is available on DEP's webinar page. The bifurcated rulemaking *was* a first step toward placing the proposed regulatory language into a form that *could* be further adjusted to address public comments.

DEP *determined it was necessary to* utilize the Advanced Notice of Final Rulemaking (*ANFR*) process to take additional public comment on the draft changes included in the final rulemaking. DEP presented an overview of the proposed *ANFR* to TAB and the Conventional Oil and Gas Advisory Committee (COGAC) on March 20 and March 26, 2015, respectively.

On Saturday, April 4, DEP published notice of an Advance Notice of Final Rulemaking (ANFR) for revisions to the “Environmental Protection Performance Standards at Oil and Gas Well Sites” rulemaking in the *Pennsylvania Bulletin*, opening an additional 30-day public comment period.

On April 6, DEP announced extension of the public comment period by an additional 15 days to close on May 19, and the addition of three public hearings *on April 29, April 30, and May 4*.

*During the ANFR comment period, the Department received approximately 4,940 comments; 4,530 of these were contained in ten form letters. Department staff is in the process of preparing responses to all comments received for the proposed rulemaking and ANFR.*

### **Increasing Transparency in the Policy Process**

*As part of DEP’s efforts to be more open and transparent in the policy development and review process, DEP has substantially revised its Policy for the Development and Publication of Technical Guidance. On Saturday, May 30, 2015, DEP published notice of availability of the Interim Final policy in the Pennsylvania Bulletin, opening a 45-day public comment period that will close on July 14, 2015. Issuance as Interim Final means that DEP staff should implement the changed process while public comment is accepted. Revisions to the policy: (1) enhance participation and transparency in the development of policies and technical guidance documents (TGDs) by requiring increased advisory committee involvement; (2) provide clarity to DEP staff about the procedures for development of these documents, and (3) remove outdated information and update existing information.*

*In tandem with the publication of the revised guidance, DEP launched eComment, a new online public comment system for policies, TGDs, general permits, SIP revisions, and other reports. eComment is accessible via the Public Participation portion of the DEP website, or at [www.ahs.dep.pa.gov/eComment/](http://www.ahs.dep.pa.gov/eComment/). eComment enables users to: (1) view TGDs and other documents open for public comment; (2) link to the full text of the document on the eLibrary and to the Pennsylvania Bulletin notice; (3) submit comments electronically, and (3) view comments submitted by others. All comments received will be available publicly within 5 business days of receipt, and they will remain posted until documents are finalized.*

*As requested by CAC, DEP will develop the new DEP Non-Regulatory Agenda as part of the efforts to enhance public participation and transparency. In keeping with the format of the Regulatory Agenda, the Non-Regulatory Agenda outlines policies and technical guidance documents that are planned for updates over the next year.*

*Policy Office staff will be conducting trainings/webinars for both Central and Regional Office staff, as well as external stakeholders about the changes to the policy and eComment. External webinars are currently scheduled for Wednesday June 10, from 10 to 11 a.m., and Tuesday, June 30, from 2 to 3 p.m. To register for these webinars, please visit the DEP website: [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Keyword “webinars”).*

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## **Federal Regulations**

### **Recently Submitted DEP Comments**

*Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements – EPA is proposing requirements that state, local and tribal air agencies would have to meet as they implement the current and future national ambient air quality standards (NAAQS) for fine particulate matter (PM2.5). Specifically, this proposal details how the EPA proposes that air agencies meet the statutory state implementation plan (SIP) requirements that apply to areas designated nonattainment for any PM2.5 NAAQS, such as: general requirements for attainment plan due dates and attainment dates; emissions inventories;*

*attainment demonstrations; provisions for demonstrating reasonable further progress; quantitative milestones; contingency measures; and nonattainment New Source Review (NNSR) permitting programs, among other things. This proposed rule clarifies the specific attainment planning requirements that would apply to PM2.5 NAAQS nonattainment areas based on their classification (either Moderate or Serious), and the process for reclassifying Moderate areas to Serious. Additionally in this notice, EPA is proposing to revoke the 1997 primary annual standard because it revised the primary annual standard in 2012. EPA first established the PM2.5 NAAQS in 1997, completed a review of those standards in 2006, and most recently completed a review of the PM2.5 NAAQS on December 14, 2012.*

*DEP submitted comments to EPA on May 29, 2015. The comments request: 1) that EPA clarify the proposed PM2.5 precursor option policy, specifically recommending that EPA provide guidance in the preamble of its final rulemaking regarding how states should perform the analysis for VOC and NH<sub>3</sub> precursor emissions; 2) that EPA guidance provide how de minimis emissions are to be determined without requiring a specific de minimis threshold; and 3) the timely release of EPA's PM2.5 Implementation Rule. DEP's comments support EPA's flexible approach for state demonstrations that control requirements would not be needed or appropriate for an area's attainment plan, as well as the reasonable approaches for developing PM2.5 attainment demonstrations. DEP also supports EPA's position that a statewide emission inventory requirement is not needed, and EPA's proposal to revoke the 1997 primary annual PM2.5 NAAQS.*

### **Regulations Planned for DEP Comment**

*None to report.*

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### **Regulatory Update (detailed summaries included in respective program sections)**

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#### **Draft Proposed Rulemakings**

- Control of VOC Emissions from Industrial Cleaning Solvents (25 Pa. Code Chapters 121 and 129) – Planned for EQB consideration in 2015.
- Revised Total Coliform Rule (25 Pa. Code Chapter 109) – Adopted as modified by EQB its April 21 meeting. Discussed with the Small Water Systems Technical Assistance Center (TAC) Board at its April 30 meeting. *As a result*, rulemaking split into *three* parts: the first covers the Federal Revised Total Coliform Rule and will move forward as modified; the second *includes provisions for disinfectant residuals*; and the third *encompasses a general update to Chapter 109. The latter two rulemakings will move through the rulemaking process separately from RTCR.*
- *Disinfectant Residuals (25 Pa. Code Chapter 109) – Discussed with Small Water Systems TAC Board on May 18 and 26. Additional discussion planned at TAC meetings on June 16 and 30.*
- *Safe Drinking Water General Update (24 Pa. Code Chapter 109) – Rulemaking package under further development.*
- 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 Automobile and Light-Duty Truck Assembly Coating Operations and Heavier Vehicle Coating Operations (25 Pa. Code Chapter 129) – Adopted as proposed by the EQB at its April 21 meeting. Publication of the proposed rulemaking in the Pennsylvania Bulletin anticipated for the second quarter of 2015.*
- *Remining Requirements (25 Pa. Code Chapters 86 and 88) – Discussed with MRAB October 2014. Adopted by EQB as proposed at its May 20 meeting.*
- *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.*
- *Environmental Protection Performance Standards at Oil and Gas Well Sites (25 Pa. Code Chapter 78) – Rulemaking 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 discussed at the March 20, Oil and Gas Technical Advisory Board (TAB) meeting and the March 26, Conventional Oil and Gas Advisory Committee (COGAC) meeting. ANFR published in April 4, Pennsylvania Bulletin, opening 30-day public comment period. On April 18, published notice of 15-day public comment period extension and addition of three public hearings: April 29 (Washington, PA), April 30 (Warren, PA), and May 4 (Williamsport, PA). Public comment period closed May 19.*

## **Draft Final Rulemakings**

- *Security Rule for Radioactive Material (25 Pa. Code Chapter 215) – Adopted as proposed by the EQB at its October 21, 2014 meeting. Published in the Pennsylvania Bulletin on March 21. Public comment period closed April 20; no comments received. IRRC letter received May 20. Anticipated for EQB consideration third quarter 2015.*
- *Administration of Land Recycling Program (25 Pa. Code Chapter 250) – Published in the Pennsylvania Bulletin on May 17, 2014. Comment period closed June 17, 2014. Two comments received. IRRC comments received July 17, 2014. Draft final-form Annex presented to Cleanup Standards Scientific Advisory Board December 17, 2014. Anticipated for EQB consideration third quarter 2015.*
- *Additional RACT Requirements for Major Sources of NO<sub>x</sub> 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. An update on the revised draft final-form RACT II rulemaking was provided to AQTAC at its April 16 meeting. Anticipated for EQB consideration third quarter 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 at its June 23 meeting.*

## **Final Form Rulemakings**

- *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. A draft final-form Annex was presented to the Mining and Reclamation Advisory Board (MRAB) at its January 22 meeting. Adopted by EQB at its April 21 meeting.*

- *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. A conference call was held with CAC’s Policy and Regulatory Oversight Committee on February 20; CAC endorsed the regulation at its March 17 meeting. The final-form regulation was adopted unanimously by EQB at its May 20 meeting.*

### **Petitions**

- Hosensack Creek Watershed – Accepted for study by EQB at its April 21 meeting; notice of acceptance of petition for further study published in *Pennsylvania Bulletin* May 2. Currently under evaluation by DEP.
- Browns Creek Watershed – Accepted for study by EQB at its April 21 meeting; notice of acceptance of petition for further study published in *Pennsylvania Bulletin* May 2. Currently under evaluation by DEP.
- 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 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.

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### **Proposals Open for Public Comment**

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- *Federal Consistency Under the Coastal Zone Management Act – Spring Garden Street Waterfront Rehabilitation Project (Opened 5/23/2015, Closes 6/15/2015)*
- *Pennsylvania’s 2015-2016 Annual Ambient Air Monitoring Network Plan (Opened 5/16/2015, Closes 6/16/2015)*
- *Draft Program Assessment and Strategy Publication under Section 309 of the Coastal Zone Management Act (Opened 6/6/2015, Closes 7/7/2015)*
- *Policy for Development and Publication of Technical Guidance (DEP ID: 012-0900-001) (Opened 5/30/2015, Closes 7/14/2015)*
- *Draft NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (PAG-13) (Opened 5/30/2015, Closes 7/29/2015)*

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### **Recently Closed Comment Periods (May 2015)**

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- Pennsylvania’s Capability Enhancement Strategy (DEP ID: 383-0400-114) (Opened 4/4/2015, Closed 5/4/2015)
- Federal Consistency Under the Coastal Zone Management Act – Maintenance Dredging at Presque Isle and Erie Bluffs State Parks (Opened 4/18/2015, Closed 5/4/2015)

- *Riparian Buffer or Riparian Forest Buffer Equivalency Demonstration (DEP ID: 310-2135-002) (Opened 3/21/2015, Closed 5/20/2015)*
- *Riparian Buffer or Riparian Forest Buffer Offsetting (DEP ID: 310-2135-003) (Opened 3/21/2015, Closed 5/20/2015)*
- *Advanced Notice of Final Rulemaking (25 Pa. Code Chapters 78 and 78a, Environmental Protection Performance Standards at Oil and Gas Well Sites) (Opened 4/4/2015, Closed 5/19/2015)*
- *Nutrient Credit Trading Program – Credit Certification Notice (Opened 4/18/2015, Closed 5/20/2015)*
- *Federal Consistency Under the Coastal Zone Management Act – Penn’s Landing Marina; Spruce Street Harbor Park (Opens 5/9/2015, Closed 5/26/2015)*
- *Federal Consistency Under the Coastal Zone Management Act – Penn’s Landing Marina; Spruce Street Harbor Park (Opened 5/9/2015, Closed 5/26/2015)*

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## **Legislative Update**

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### **Senate Confirmation**

*Acting Secretary Quigley’s Senate confirmation hearing was held at 9:30 a.m. on Tuesday, June 2. The Committee referred Quigley to the full Senate with no recommendation. On Wednesday, June 3, the Senate confirmed Quigley’s nomination as DEP Secretary by a vote of 44-4.*

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## **Monthly Press Releases**

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**May 1** – DEP Announces Regional Keystone Energy Education Program Workshop in Philadelphia

DEP Awards \$2.05 Million in West Nile Virus Grants to 25 Counties

**May 4** – DEP Begins Helicopter Spraying to Control Black Flies

**May 5** – DEP Celebrates National Drinking Water Week

**May 6** – DEP Announces Regional Keystone Energy Education Program Workshop in Pine Grove Mills

Registration Still Open for Next Week’s Pennsylvania Brownfields Conference in Erie

**May 12** – DEP to Host Public Information Session on Jeanesville Mine Fire

DEP to Hold Public Meeting on FirstEnergy Proposal to Modify Coal Waste Landfill Permit

DEP Continues the Alternative Fuel Vehicle Rebate Program

**May 14** – DEP Announces \$20,750 Settlement against Casella Waste Management of Pennsylvania, Inc.

**May 19** – Pennsylvania Marks 20th Anniversary of Signing of Land Recycling Laws

**May 20** – DEP to Host Public Hearing Regarding Proposed Quarry Operation in Lehigh County

DEP Fines Maryland Demolition Company for Illegal Waste Disposal

ADVISORY – Harrisburg – Environmental Officials to Conduct Live Webcast of Falcon Banding

DEP Fines Washita Valley Enterprises Inc. \$53,344 for Residual Waste Violations in Bradford County

**May 21** – DEP Issues Permit to End Tullytown Landfill Disposal Operations within Two Years

**May 26** – 27 Pennsylvania Counties Remain in Drought Watch

**May 27** – DEP Announces Work to Reclaim Hazardous Abandoned Mine Land in Luzerne County

Governor Tom Wolf Creates Task Force on Pipeline Infrastructure Development

**May 28** – Governor Tom Wolf Announces Small Business Advantage Grant Recipients

## **Active and Abandoned Mine Operations**

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### **Act 54 Report Review**

The Bureau of Mining Programs is working with the California District Mining Office to systematically review the Act 54 report. This process will involve review of the report and the comments relating to the report. The goal is to compile and evaluate all of the recommendations and identify action items. *Discussions have identified a few categories of actions items. These include issues that have been addressed, but so recently that they could not be reflected in the Act 54 report, short-term actions, such as form revisions, and longer-term actions including database enhancements.*

### **Noncoal and Coal Mining Fees**

The 3-year reports for noncoal mining fees in Chapter 77 and coal mining fees in Chapter 86 are due in October and November of this year. The draft report for coal mining fees was reviewed with the Mining and Reclamation Advisory Board (MRAB) on April 23 *and the draft report for the noncoal mining fees was reviewed with the Aggregate Advisory Board on May 13.* The fee reports were presented to the EQB at its May 20 meeting.

### **Aggregate Advisory Board**

*The Aggregate Advisory Board was established by Act 137 of 2014. The first meeting of this board was held on May 13. The members identified topics for the Department to provide information on at future meetings. The primary focus of the topics is the Noncoal Surface Mining Conservation and Reclamation Fund, from the perspective of revenue, expenses and reclamation liabilities for abandoned mine sites.*

### **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 were 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 DEP pursue the final rulemaking as quickly as possible. The rulemaking was approved at the April 21 EQB 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 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 EQB approved the proposed remining rulemaking at its meeting on May 20.* The water supply replacement rulemaking will be deferred until the remining and program improvement packages are completed due to priorities identified by MRAB. *The proposed rulemaking for the explosives program was reviewed with the MRAB and the Aggregate Advisory Board. Each recommended that the Department proceed with the rulemaking process. It is anticipated that the proposed rulemaking will be presented to the EQB in the fourth quarter of 2015.*

## **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. 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. EPA has recently identified an example of a draft permit and fact sheet that provided them with the information they needed in a very clear and concise manner.

## **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. *The Comment-Response document has been finalized and minor revisions have been made to the guidance as a result of comments.*

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 *commentator*. No *substantive* 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 August.

### **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, 2014, 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 completed. The final rulemaking will be voted on by the Board at the June 23 meeting.

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## **Air Quality**

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### **Climate Change Advisory Committee (CCAC)**

*The next meeting of the CCAC is scheduled for June 9.*

### **Air Quality Technical Advisory Committee (AQTAC)**

*The AQTAC meeting scheduled for June 11 has been cancelled. The next meeting is scheduled for August 13.*

### **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 DEP'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 DEP'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 CAC endorsed the regulation during the March 17 meeting. *The EQB unanimously approved the final-form regulation at its May 20 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 DEP 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 DEP 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 2015.

Additional RACT Requirements for Major Sources of NO<sub>x</sub> 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. A follow-up conference call with the CAC’s Policy and Regulatory Oversight Committee was held on February 20; the Committee voted unanimously to recommend EQB consideration of the RACT regulation by the full CAC on March 17. CAC tabled action on this proposal at the March 17 meeting. The draft final-form Annex was again discussed with AQTAC at its April 16 meeting. *Anticipated for EQB consideration third quarter 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. The EQB approved unanimously the proposed rulemaking for public comment and review at its April 21 meeting.

## **Implementation of the PM2.5 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 (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 December 18, 2014, EPA advised Governor Corbett of the final designations for the 2012 PM2.5 NAAQS, which are consistent with EPA's proposed designations. The designations were to become effective April 15, 2015. Based on preliminary 2012-2014 ambient PM2.5 monitoring data, several nonattainment areas including the Cambria (including portions of Indiana County), Lehigh and Northampton nonattainment areas are monitoring attainment of the 2012 PM2.5 standard. On February 18, DEP submitted documentation to EPA certifying the ambient monitoring data and requesting the designations for these counties be changed to attainment. On April 7, the EPA Administrator published in the Federal Register a final rule designating Cambria (including portions of Indiana County), Lehigh and Northampton Counties as attainment areas for the 2012 PM2.5 annual standard, based on 2012-2014 ambient PM2.5 monitoring data. Therefore, the final nonattainment areas in Pennsylvania for the 2012 annual PM2.5 standard are Allegheny, Delaware and Lebanon Counties. Attainment demonstrations will be due to EPA as revisions to the State Implementation Plan within 18 months after the April 15, 2015, effective date of the final designations.

## **EPA Actions on Redesignation Requests and Maintenance Plans for the 1997 and 2006 PM2.5 National Ambient Air Quality Standards**

**Redesignation of the Allentown Area to Attainment of the 2006 PM2.5 Standard** – On April 13, EPA published a final notice in the Federal Register approving DEP's request to redesignate the Allentown Area to attainment of the 2006 24-hour PM2.5 NAAQS. In addition, EPA approved the Allentown Area maintenance plan, as a revision to the Pennsylvania SIP. This SIP revision demonstrates that the Allentown Area will maintain the 2006 24-hour PM2.5 NAAQS through 2025.

**Redesignation of the Philadelphia Area to Attainment of the 1997 and 2006 PM2.5 Standards** – On April 21, EPA published a final notice in the Federal Register approving DEP's request to redesignate the 5-county Philadelphia Area to attainment of the 1997 annual and 2006 24-hour fine particulate matter PM2.5 NAAQS. Additionally, EPA approved as a revision to the Pennsylvania SIP the associated maintenance plan to show maintenance of the 1997 annual and 2006 24-hour PM2.5 NAAQS through 2025 for the Pennsylvania portion of the Philadelphia-Wilmington, PA-NJ-DE Nonattainment Area. The maintenance plan includes the 2017 and 2025 PM2.5 and NOx MVEBs for the Pennsylvania portion of the Area for the 1997 annual and 2006 24-hour PM2.5 NAAQS, which EPA is approving for transportation conformity purposes. EPA also approved the 2007 base year emissions inventory included in the maintenance plan for the 2006 24-hour PM2.5 NAAQS.

**Redesignation of the Johnstown Area to Attainment of the 1997 and 2006 PM2.5 Standards** – On April 23, EPA proposed to approve DEP's request for the redesignation of the Johnstown Area to Attainment of the 1997 annual and 2006 24-hour *fine particulate matter* PM2.5 standards. EPA also proposed to approve as a revision to the Pennsylvania State Implementation Plan (SIP), the associated maintenance plan which demonstrates maintenance of the 1997 annual and 2006 24-hour PM2.5 *National Ambient Air Quality Standards* (NAAQS) through 2025. The maintenance plan includes the 2017 and 2025 PM2.5 and nitrogen oxides (NOx) motor vehicle emissions budgets (MVEBs), which EPA is proposing to approve for transportation conformity purposes. Additionally, EPA is proposing to approve as a revision to the Pennsylvania SIP the 2007 emissions inventory that is also included in the maintenance plan. The comment period on the proposal *ended* on May 26.

EPA Proposes a Clean Data Determination for the Liberty-Clairton 2006 PM2.5 Nonattainment Area — On April 23, EPA proposed to determine that the Liberty-Clairton in Allegheny County has attained the 2006 24-hour PM2.5 NAAQS based upon quality-assured, quality controlled and certified ambient air monitoring data for calendar years 2012-2014. A final “clean data determination” for the Liberty-Clairton Area will suspend certain Clean Air Act requirements including the submission of an attainment demonstration, reasonably available control measures (RACM), reasonable further progress (RFP), and contingency measures related to attainment of the 2006 24-hour PM2.5 NAAQS; these requirements would be suspended for as long as the Area continues to attain the 2006 24-hour PM2.5 NAAQS.

Redesignation of the Lancaster Area to Attainment of the 1997 and 2006 PM2.5 Standards – On May 1, EPA proposed to approve Pennsylvania’s April 30, 2014, request to redesignate the Lancaster County nonattainment area to attainment for both the 1997 annual and the 2006 24-hour fine particulate matter PM2.5 NAAQS. EPA is also proposing to approve as a revision to the Pennsylvania SIP the maintenance plan that shows maintenance of the 1997 annual and the 2006 24-hour PM2.5 NAAQS through 2025. The maintenance plan includes the 2017 and 2025 PM2.5 and NOx MVEBs for Lancaster, which EPA is proposing to approve for transportation conformity purposes. EPA is also proposing to approve the 2007 emissions inventory that is included in the maintenance plan.

### **Implementation of the 1-hour SO2 National Ambient Air Quality Standard**

Additional Designations for the 1-Hour SO2 Standard – On March 31, the Regional Administrator for the EPA Region III Office, Shawn Garvin, notified the Honorable Acting DEP Secretary, John Quigley, that no additional areas in Pennsylvania will be designated nonattainment for the 1-hour sulfur dioxide (SO2) NAAQS by July 2, 2016. The 1-hour SO2 NAAQS promulgated in 2010 is 75 parts per billion. In 2013, EPA designated 29 areas in 16 states including Pennsylvania (Allegheny, Beaver, Indiana, and Warren Counties) as nonattainment areas for the 2010 1-hour SO2 NAAQS. The Natural Resources Defense Council and Sierra Club filed a complaint to compel the EPA Administrator to issue designations for other areas across the country. On March 2, the U.S. District Court, Northern District of California (Court) granted a joint motion approving a Consent Decree ordering EPA to issue three additional rounds of designations for the 1-hour SO2 NAAQS by July 2, 2016, December 31, 2017, and December 31, 2020.

### **Proposed 2015 Ambient Air Quality Monitoring Network Plan**

The DEP Air Monitoring Network consists of 72 air monitoring stations located in 39 counties in Pennsylvania. Criteria pollutant monitoring is performed at 63 of the 72 monitoring stations, and sampling for air toxics is performed at 20 of the 72 monitoring stations. On May 16, the DEP published notice of the 2015 Air Quality Monitoring Network Plan. As required by 40 CFR Parts 53 and 58, state and local agencies must enhance air monitoring to “improve public health protection and better inform the public about air quality in their communities.” The plan must be made available for public inspection for at least 30 days prior to final submission to the EPA Regional Administrator. The plan, which is due to EPA by July 1, includes a statement of purpose for each monitor and provides evidence that siting and operation of each monitor meets Federal requirements. The plan also identifies proposed installations for new monitors including near-roadside NOx samplers, CO, ozone, PM2.5 and SO2 samplers and the relocation or termination of certain monitoring stations including PM10, NO2, ozone and SO2. DEP’s public comment period will end on June 16, 2015. EPA may also provide an opportunity for review and comment prior to approving or disapproving a state’s Monitoring Network Plan.

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## **Energy Initiatives**

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### **Pennsylvania Energy Development Authority (PEDA)**

PEDA held a Board meeting on May 18 to elect officers, discuss the status of the October 2014 PEDA awards and discuss future opportunities. PEDA continues to finalize grant contracts with the 28 awardees announced at the October 2014 PEDA Board meeting. Nearly one-half of the projects have begun, and one project has

*been completed. It is expected that the final grant awards will be executed into grant agreements during the May and June timeframe. Two projects, Advanced Technologies and Land Services, and Solar Secured Solutions requested to surrender their grant awards. It was decided at the board meeting to hold those funds in anticipation of additional opportunities that may result from the current state budget negotiations.*

### **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 148 heavy duty vehicles totaling more than \$3.2 million in program funds disbursed. The 148 vehicles are estimated to be displacing over 1.8 million 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 133 vehicles totaling more than \$743,000 in program funds disbursed. The 133 vehicles are estimated to be displacing approximately 297,500 gasoline gallon equivalents per year.

### **Alternative Fuel Vehicle Rebate Program**

*On May 9, the alternative fuel vehicle rebate program announced continuing support and a new commitment of rebates for EVs and PHEVs at \$2,000. This new commitment of 250 rebates at \$2,000 resulted in another \$ 500,000 pledged to support alternative fueled vehicles purchased and registered by Pennsylvania residents. The \$2,000 rebate level will remain available until December 31, 2015, or until 250 rebates are issued, whichever occurs first.*

### **PA Turnpike Electric Vehicle Charging**

DEP has been working with the PA Turnpike on the deployment of direct current (DC) fast charging stations on the PA Turnpike. At the last update meeting, Car Charging Group, Inc. (CCGI), the technology provider for the Turnpike project, reported that the DC Fast Charger was installed at the Bowmansville service plaza and the Fast Charger is being deployed at the King of Prussia service plaza. The Peter J. Camiel plaza has been prepped for installation of the DC fast charger when it is shipped. It is anticipated that these chargers should be operational within 30 days. The chargers will be the first DC Level III chargers capable of fully charging an electric vehicle in 20 minutes on the Turnpike. Additionally, CCGI has prepared and is receiving bids for installation of the western plaza group (Oakmont, New Stanton, North & South Somerset, and North & South Midway); the bids should be received in June and deployment of DC fast chargers should occur during July and August. The Turnpike is concurrently working with Penn State University Facility Engineering to finalize electrical evaluations on the central plazas (Sideling Hill, Blue Mountain, Cumberland Valley, Highspire, and Lawn). Once these evaluations are completed, CCGI will bid out installation of Level III charging stations for the central plazas. It is anticipated that the Turnpike mainline will be fully electrified by the end of the year.

### **Green Energy Loan Fund**

The Green Energy Loan Fund (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, 8 projects have been completed with one project fully repaying the loan. The 10<sup>th</sup> 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. DEP is processing grant documentation to add approximately \$1.38 million in additional Federal funding to the program from the Fiscal Year 2014 State Energy Program (SEP) allocation. DEP conducted a monitoring visit at the GELF offices in May as well as an inspection of a GELF supported project currently underway. GELF

*has two new energy efficiency projects which have recently received approval for lending. These projects may be recipients of the new funding being provided to GELF to increase the loan fund.*

### **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. Two separate BOC classes for SEP-funded facility managers in Mechanicsburg *ended* in February and March. Another BOC class with several SEP-funded participants *ended in May* in Williamsport.

### **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 DOE 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.

*On May 7, the Pennsylvania Construction Codes Academy (PCCA) held a residential building envelope design and IECC code compliance training in Delaware County. The Pennsylvania Code Collaborative (PECC) met on May 13 for their last quarterly meeting of the state fiscal year 2014-12015. The group discussed status updates on their goals; outreach to consumers; an online clearinghouse; participation in the Act 129 process; and a strategic plan. A presentation was also provided by Maria Ellingson, Building Code Assistance Project, on other state collaborative efforts. Performance Systems Development also provided some highlights of their code benchmarking and outreach efforts. The agenda closed with suggestions for next steps. A call will be scheduled in June to follow-up.*

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## **Environmental Cleanup and Brownfields**

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### **Cleanup Standards Scientific Advisory Board (CSSAB)**

The next CSSAB meeting is scheduled for August 26, at 9 a.m. in Room 105 of the Rachel Carson State Office Building.

### **Storage Tank Advisory Committee (STAC)**

*The Department held a meeting of the STAC on June 2, at 10:00 a.m., in the 14<sup>th</sup> Floor Conference Room of the Rachel Carson State Office Building. Richard Burgan provided an Underground Storage Tank Indemnification Fund update. DEP staff updated the committee on the status of the Federal underground storage tank (UST) regulations and the "Guidelines for the Evaluation of UST Cathodic Protection Systems" draft technical guidance. DEP staff also reported on the status of the Chapter 250 (Administration of the Land Recycling Program) final rulemaking and provided an update on the revisions to the Land Recycling Program's vapor intrusion guidance. Lastly, the committee established a subcommittee to review the current bylaws. The next meeting of the STAC is scheduled for September 1.*

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## **Environmental Education**

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### **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. *Grants awards totaling \$304,137 were made to 110 schools, universities, non-profit organizations, and conservation districts across Pennsylvania. Funded projects include: farm field days, summer camps, inquiry-based learning activities, professional development, and interpretive watershed signage. Grantees and EEIC staff are coordinating to execute contracts. Grantees may begin their projects July 1.*

### **DEP at Home Exhibit**

DEP at Home is an interactive, educational exhibit that promotes water conservation, clean watersheds, sustainable building materials, green/healthy products, energy efficiency and alternative transportation technologies, including electric (EV) and compressed natural gas (CNG) vehicles.

*The exhibit was featured most recently on May 20 at the State Envirothon Event, hosted by the University of Pittsburgh at Johnstown. High school students working in school teams of five completed a scavenger hunt involving portions of the display, including various sustainable building materials, DEP's CNG van, and a Nissan LEAF.*

Remaining Show Schedule for 2015:

- Sustainable Energy Fund's annual EnergyPath Conference & Expo – July 23-24; University of Scranton
- Ag Progress Days – August 18-20; PSU Ag Research Grounds, Rock Springs (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. The first KEEP workshop of 2015 was held on April 7, at Westtown School in Chester County. *Thirteen people participated in a second workshop at Slippery Rock University on May 12. Two additional workshops are scheduled for the following dates and locations:*

- June 17: 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/>
- Fall 2015: Springside Chestnut Hill Academy, 500 West Willow Grove Avenue, Philadelphia, PA (Register by May 21, 2015). To register, visit: <https://eventbrite.com/event/15879264307/>

## **PA Falcon Reintroduction Program**

*The banding event was held May 21; over 100 teachers, students, DEP/DCNR/PGC staff and falcon program volunteers attended. Wildlife managers determined the brood of three chicks to be all female. They are expected to begin fledging around May 30, and within a week all three should be developing flight skills, with the help of the adult peregrines. Watch and rescue activities will begin May 30.*

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## **Oil and Gas**

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### **Public Meeting/Hearing - Underground Injection Control (UIC) Well**

*The Department held a public meeting and public hearing on Monday, June 1, at 6 p.m. in the East Run Sportsman's Association facility located at 1668 Sebring Road, Marion Center. The purpose of the meeting and hearing was to provide information and take testimony concerning Pennsylvania General Energy Company's (PGE) application to reclassify the Marjorie C. Yanity #1025 well (API #063-31807), located in Grant Township, Indiana County, from a production well to a disposal well. The U.S. Environmental Protection Agency issued an Underground Injection Control Permit (PAS2D013BIND) on March 19, 2014, to authorize the operation of the Class II-D Injection Well.*

### **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. DEP is currently reviewing inspection report data and plans to release a report that summarizes the information that was submitted during this reporting period.

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

Please see Attachment 2.

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## **Radiation Protection**

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### **Radiation Protection Advisory Committee (RPAC)**

*The next RPAC meeting is scheduled for June 4, at 9 a.m. in the 14<sup>th</sup> Floor Conference Room of the RCSOB. Final discussion and solicitation of a recommendation from the Committee on the Radiological Health rulemaking package will be the main focus of this meeting.*

### **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 was published in the *Pennsylvania Bulletin* on March 21, opening a 30-day public comment period that ended April 20. *The Independent Regulatory Review Commission's (IRRC) 30-day*



*comment period closed on May 20. No comments were received from the public or the IRRC. EQB consideration of the final-form rulemaking is anticipated in the third quarter of 2015.*

**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, *and the current fee review indicates the need for a fee increase in two program areas. The Radiation Protection Program found that the fees for Radioactive Materials and Decommissioning Program and Radon Program are insufficient to cover program costs. This information was presented in a 3-year Fee Report to the RPAC and EQB in 2014 meetings of these bodies. RPAC has endorsed the increases. Specific fee amounts and regulatory language are being finalized for EQB consideration as proposed rulemaking in the third quarter of 2015.*

**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 at length with RPAC in 2014 and at its April 2 meeting; DEP will seek the Committee’s final recommendation on the package at RPAC’s June 4 meeting.

**Ongoing Outreach in Area with High Radon Levels**

*There has been an ongoing effort by the DEP/Bureau of Radiation Protection over the past several months to provide radon test kits to residents of an area of Upper Saucon Township, Lehigh County. This area has been found to have extremely high radon levels—some of the highest in the country. For this reason the Department has taken extraordinary measures to reach all potentially affected homeowners.*

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**Waste Management**

**Solid Waste Advisory Committee (SWAC)**

*The June 4 SWAC meeting has been cancelled due to a lack of agenda items. The next meeting is scheduled for September 24, at 10:00 a.m. in Room 105 of the Rachel Carson State Office Building. The meeting will be joint with the annual Recycling Fund Advisory Committee meeting.*

**Coal Combustion Residuals Rule**

*On December 19, 2014, EPA finalized the Coal Combustion Residuals Rule, which regulates the disposal of Coal Combustion Residuals from the combustion of coal at electric utilities and independent power producers as a solid waste under Subtitle D of RCRA. This final rule was published in the April 17 Federal Register with an effective date of October 14.*

*The intent of the rule is to establish nationally applicable minimum criteria for the safe disposal of coal combustion residuals in landfills and surface impoundments. This rule is self-implementing; however, the EPA is strongly encouraging states to address imminent and substantial endangerments through revisions to their solid waste management plans and to submit these revisions for approval.*

*Division of Municipal and Residual Waste staff are evaluating the Commonwealth’s existing solid waste regulations to determine conformance with the EPA rule.*

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**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. The CBP’s comment period for draft management strategies closed on April 30. Work on the strategies will

continue into the spring in preparation for Management Board, Principal Staff Committee, and then Executive Council approval in late July. The CBP has posted 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](http://www.chesapeakebay.net).

### **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 Rachel Carson State Office Building to share the plan to move forward with the implementation of these program modifications. *DEP has reached agreement with EPA concerning objections to significant NPDES permits located in the Bay watershed. DEP has posted all of these changes to the nutrient trading website and will be re-drafting the permits where specific objections were made by EPA.*

### **NPDES Permitting**

The master NPDES General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines (PAG-10) expired on December 20, 2014. The Department administratively extended the currently issued authorizations until December 2015 on November 15, 2014 (44 Pa.B. 7242); however, new authorizations for this general permit cannot be entertained until a new master general permit is issued by the Department. A draft of the new general permit was published in the Pennsylvania Bulletin on March 21, for public comment (45 Pa.B. 1454). *The comment period closed on April 24. The Department received official comments from federal and state agencies, industrial and public entities. Department staff will now proceed to review the comments, make any changes to the proposed draft permit that the Department considers necessary pursuant to the received comments, and then issue and publish the final permit and availability of the Comment-Response document in the Pennsylvania Bulletin.*

### **Proposed Rulemaking: Revised Total Coliform Rule**

The purpose of the proposed RTCR Chapter 109 rulemaking package is to incorporate necessary federal requirements needed to obtain primacy and to provide for the increased protection of public health. The proposal does the following:

- Strengthens public health protection by ensuring the integrity of drinking water distribution systems and monitoring for the presence of microbial contamination.
- Establishes a Maximum Contaminant Level (MCL) for *E.coli*.
- Creates a treatment technique for coliforms that requires public water supplies (PWSs) to assess their system and correct any problems that have been identified.

The Bureau of Safe Drinking Water presented the draft proposed Revised Total Coliform Rule (RTCR) rulemaking package to the EQB at its April 21 meeting. The EQB approved the RTCR rulemaking as proposed with modifications. The modifications included separating the rulemaking into 2 parts: the proposed RTCR provisions, which were approved for publication for a 60-day public comment period; and the non-RTCR provisions, which will undergo additional stakeholder input.

The proposed rulemaking package was discussed at the April 30 Small Water Systems Technical Assistance Center (TAC) Board meeting, where the Board was apprised of the modifications made by EQB. At the meeting, the TAC Board voted to recommend that DEP further break down the general Chapter 109 rulemaking into two parts: the first dealing solely with the disinfectant residuals provisions required for primacy; and the second with the remaining portions of the general update. DEP *began* soliciting input from the larger water systems on the *rulemakings* at two additional TAC Board meetings *held* May 18 and 26 in Harrisburg. *Additional discussion planned at TAC meetings on June 16 and 30.*

## 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.”

<b>June</b>	
2	Storage Tank Advisory Committee; 10 a.m., Room 105, RCSOB
3	Coastal Zone Advisory Committee; 9:30 a.m., 10 <sup>th</sup> floor Conference Room, RCSOB
4	Radiation Protection Advisory Committee; 9 a.m., 14 <sup>th</sup> floor Conference Room, RCSOB
16	<i>Small Water Systems Technical Assistance Center Board; 9 a.m., Susquehanna Rooms A &amp; B, SCRO</i>
17	State Board for Certification of Water and Wastewater Systems Operators; 10 a.m., 10 <sup>th</sup> floor Conference Room, RCSOB
18	Agricultural Advisory Board; 9 a.m., Susquehanna Room A, SCRO
18	<i>Chesapeake Bay Management Team; 1 p.m., Susquehanna Room A, SCRO</i>
23	Board of Coal Mine Safety; 10 a.m., Cambria Office, Ebensburg
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
<b>July</b>	
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., TBD
21	Environmental Quality Board; 9 a.m., Room 105, RCSOB
22	Certification Program Advisory Committee; 9 a.m., 14 <sup>th</sup> Floor Conference Room, RCSOB
22	Small Business Compliance Advisory Committee; 10 a.m., 12 <sup>th</sup> floor Conference Room, RCSOB
<b>August</b>	
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 <sup>th</sup> floor Conference Room, RCSOB
18	Environmental Quality Board; 9 a.m., Room 105, RCSOB
19	Agricultural Advisory Board; 9 a.m., Susquehanna Room A, SCRO
25	Oil and Gas Technical Advisory Board; 10 a.m., Room 105, RCSOB
26	Cleanup Standards Scientific Advisory Board; 9 a.m., Room 105, RCSOB
<b>September</b>	
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 <sup>th</sup> 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
<b>October</b>	
2	Climate Change Advisory Committee; 10 a.m., 12 <sup>th</sup> 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	Agricultural Advisory Board; 9 a.m., Susquehanna Room A, SCRO
22	Mining and Reclamation Advisory Board; 10 a.m., Room 105, RCSOB
27	Oil and Gas Technical Advisory Board; 10 a.m., Room 105, RCSOB
28	Small Business Compliance Advisory Committee; 10 a.m., 12 <sup>th</sup> floor Conference Room, RCSOB
29	State Board for Certification of Water and Wastewater Systems Operators, 10 a.m., 10 <sup>th</sup> floor Conference Room, RCSOB
<b>November</b>	
5	Environmental Justice Advisory Board; 8:30 a.m., Delaware Room, RCSOB
17	Environmental Quality Board, 9 a.m., Room 105, RCSOB
<b>December</b>	
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 <sup>th</sup> floor Conference Room, RCSOB
15	Environmental Quality Board, 9 a.m., Room 105, RCSOB
16	Agricultural Advisory Board; 9 a.m., Susquehanna Room A, SCRO
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



### OFFICE OF OIL AND GAS MANAGEMENT

5/27/2015 7:58:38 AM

### Workload Report

SSRS\_OG\_192 Ver 1.3

#### YTD WELL PERMIT APPLICATIONS - 1/1/2015 to 5/22/2015

	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	178	30	221	219	219	2
UNCONVENTIONAL	859	199	930	915	905	15
<b>Sub Total</b>	<b>1,037</b>	<b>229</b>	<b>1,151</b>	<b>1,134</b>	<b>1,124</b>	<b>17</b>
AUTHORIZATIONS	206	98	131	117	N/A	14
<b>Total</b>	<b>1,243</b>	<b>327</b>	<b>1,282</b>	<b>1,251</b>	<b>1,238</b>	<b>31</b>

#### WEEKLY WELL PERMIT APPLICATIONS - 5/16/2015 to 5/22/2015

	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	4	4	4	4	4	0
UNCONVENTIONAL	24	21	58	57	57	1
<b>Sub Total</b>	<b>28</b>	<b>25</b>	<b>62</b>	<b>61</b>	<b>61</b>	<b>1</b>
AUTHORIZATIONS	3	3	4	2	N/A	2
<b>Total</b>	<b>31</b>	<b>28</b>	<b>66</b>	<b>63</b>	<b>63</b>	<b>3</b>

#### HISTORICAL WELL PERMIT APPLICATIONS AS OF 5/22/2015

	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	196,974	196,938	195,722	189,760	1,216	106,017
UNCONVENTIONAL	20,132	19,912	19,509	16,288	403	10,113
<b>Sub Total</b>	<b>217,106</b>	<b>216,850</b>	<b>215,231</b>	<b>206,048</b>	<b>1,619</b>	<b>116,130</b>
AUTHORIZATIONS	40,953	40,797	40,527	N/A	270	18,534
<b>Total</b>	<b>258,059</b>	<b>257,647</b>	<b>255,758</b>	<b>246,219</b>	<b>1,889</b>	<b>134,664</b>

**YTD INSPECTIONS - 1/1/2015 to 5/22/2015**

	<b>INSPECTIONS</b>	<b>FACILITIES INSPECTED</b>	<b>VIOLATIONS</b>	<b>ENFORCEMENTS</b>
CONVENTIONAL	3,817	2,904	333	83
UNCONVENTIONAL	5,393	3,259	115	39
CLIENT/SITE	1,325	0	371	129
<b>Total</b>	<b>10,535</b>	<b>6,163</b>	<b>819</b>	<b>251</b>

**WEEKLY INSPECTIONS - 5/16/2015 to 5/22/2015**

	<b>INSPECTIONS</b>	<b>FACILITIES INSPECTED</b>	<b>VIOLATIONS</b>	<b>ENFORCEMENTS</b>
CONVENTIONAL	195	175	21	5
UNCONVENTIONAL	160	150	1	1
CLIENT/SITE	59	0	27	1
<b>Total</b>	<b>414</b>	<b>325</b>	<b>49</b>	<b>7</b>

**WELLS DRILLED**

	<b>Two Years Prior 1/1/2013 to 5/22/2013</b>	<b>One Year Prior 1/1/2014 to 5/22/2014</b>	<b>Year To Date 1/1/2015 to 5/22/2015</b>	<b>Week of 5/16/2015 to 5/22/2015</b>	<b>As of 5/22/2015</b>
CONVENTIONAL	341	283	122	6	194,973
UNCONVENTIONAL	473	494	362	16	9,189
<b>Total</b>	<b>814</b>	<b>777</b>	<b>484</b>	<b>22</b>	<b>204,162</b>

This report was prepared by Laura Henry, Executive Policy Specialist, DEP Policy Office. For questions or requests, please email [lahenry@pa.gov](mailto:lahenry@pa.gov) or call (717) 705-3769.