

March 2016 Report to the Citizens Advisory Council
(new and updated information in italics)

DEP Highlights

Final 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 the Advance Notice of Final Rulemaking for revisions to the 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 (Washington), April 30 (Warren), and May 4 (Williamsport).

During the ANFR comment period, the Department received a total of 4,947 comments from 4,601 commentators. Of the comments received, 4,516 were form letters (10 different form letters), 129 were provided via testimony at public hearings, and 302 were unique comments. Department staff is in the process of preparing responses to all comments received for the proposed rulemaking and ANFR.

DEP presented an overview of the draft final rulemaking to COGAC and TAB on August 27 and September 2, 2015, respectively. Following these advisory committee meetings, DEP hosted a public webinar session on Friday, September 18 with members of COGAC and TAB to further discuss several issues that were raised during the most recent advisory board meetings. An audiotape of this webinar along with the document that was the subject of the discussion is posted on the DEP website under the Public Participation page. The draft final rulemaking is scheduled to be presented to TAB and COGAC on October 27 and October 29, respectively. At the close of the meeting, TAB adopted a written Resolution that stated it would incorporate comments that are developed by COGAC as part of its submittal to the Environmental Quality Board (EQB). On October 29, COGAC adopted a separate Resolution that was critical of the Department and rulemaking process and stated, in part, that the "...process of formulating new regulations for Pennsylvania's conventional oil and gas industry should be restarted in its entirety".

The 2012 Oil and Gas Act authorizes TAB to submit a report to the Environmental Quality Board (EQB) on the Department's final Chapter 78 and 78a regulation. On December 22, 2015, TAB convened a public WebEx meeting to discuss the report that it intended to develop for submittal to the EQB. On December 22, COGAC also convened a meeting to discuss the same matter. The TAB accepted public comment and prepared a report that will be considered by EQB at its next regularly scheduled meeting on February 3, 2016. A copy of this report is available on the EQB website.

On January 6, DEP submitted the final form rulemaking to the *EQB* for consideration at its upcoming meeting on February 3. *On February 3, 2016, the EQB approved the final form rulemaking by a vote of 15-4. The final form rulemaking is planned to be delivered to the IRRC on March 2, 2016. This rulemaking will also be reviewed by the Office of the Attorney General and the standing committees in the PA House of Representatives and Senate.*

Federal Regulations

Recently Submitted DEP Comments

EPA's Proposed Federal Plan Requirements: Greenhouse Gas Emissions from Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations – *On October 23, 2015, the U.S. Environmental Protection Agency (EPA) published the proposed GHG Federal Plan and Model Trading Rules for the fossil fuel-fired electric generating units (EGU) (80 FR 64966). The public comment period closed on January 21, 2016. The EPA proposed a federal plan to implement the greenhouse gas (GHG) emission guidelines (EGs) for existing fossil fuel-fired EGUs under Section 111 of the Clean Air Act (CAA). The EGs were proposed in June 2014 and finalized on August 3, 2015 as the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (also known as the Clean Power Plan or EGs). The proposal presented two approaches to a federal plan for*

states and other jurisdictions that do not submit an approvable plan to the EPA: a rate-based emission trading program and a mass-based emission trading program. These proposals also constitute proposed model trading rules that states can adopt or tailor for implementation of the final EGs. The federal plan is an important measure to ensure that congressionally mandated emission standards under the authority of the CAA are implemented. The EPA also proposed enhancements to the CAA section 111(d) framework regulations related to the process and timing for state plan submissions and EPA actions. The EPA intends to finalize both the rate-based and mass-based model trading rules in summer 2016. DEP submitted comments to EPA on January 21, 2016 and posted a copy of the comments on its website.

EPA's Proposed Cross-State Air Pollution Rule Update for the 2008 Ozone National Ambient Air Quality Standards: On December 3, 2015, the EPA proposed Cross-State Air Pollution Rule Update for the 2008 Ozone National Ambient Air Quality Standards (CSAPR Update): The public comment period closed on February 1, 2016. The primary purpose of the proposal is to address interstate air quality impacts with respect to the 2008 ozone National Ambient Air Quality Standards (NAAQS). The EPA promulgated the Cross-State Air Pollution Rule (CSAPR) on July 6, 2011, to address interstate transport of ozone pollution under the 1997 ozone NAAQS and fine particulate matter (PM_{2.5}) under the 1997 and 2006 PM_{2.5} NAAQS. The proposed rule also responds to the U.S. Court of Appeals for the District of Columbia Circuit's July 28, 2015 remand of certain states' ozone-season nitrogen oxides (NO_x) emissions budgets established under the CSAPR. This proposal also updates the status of certain states' outstanding interstate ozone transport obligations with respect to the 1997 ozone NAAQS, for which CSAPR provided a partial remedy. This proposal finds that ozone season emissions of NO_x in 23 eastern states affect the ability of downwind states to attain and maintain the 2008 ozone NAAQS. These emissions can be transported downwind as NO_x or, after transformation in the atmosphere, as ozone. For these 23 eastern states, the EPA proposes to issue Federal Implementation Plans (FIPs) that generally update the existing CSAPR NO_x ozone-season emissions budgets for EGUs and implement these budgets via the CSAPR NO_x ozone-season allowance trading program. The EPA intends to issue a FIP for any state that does not have an approved SIP addressing its contribution by the date this rule is finalized. The EPA is proposing implementation starting with the 2017 ozone season. DEP submitted comments to EPA on February 1, 2016 and posted a copy on its website. In its letter the Department requested that EPA:

- Use the most recent quality assured emission data in its modeling
- Reevaluate its cost per ton threshold levels
- Reconsider the feasibility operating certain idled EGU NO_x controls for the 2017 ozone season
- Reexamine the technical feasibility of meeting the proposed allocations
- Recognize the environmental benefits of coal refuse fired facilities
- Consider the possibility that demand may shift to high-emitting non-CSAPR units
- Restructure its proposed NO_x banked credit surrender approach
- consider non-EGU NO_x emission in both upwind and downwind states

Updated Ozone Transport Modeling Data for the 2008 Ozone National Ambient Air Quality Standard: In the Aug. 4, 2015, Federal Register (80 FR 46271) EPA issued Notice of Data Availability (NODA) for the agency's Updated Ozone Transport Modeling Data for the 2008 Ozone National Ambient Air Quality Standard (NAAQS). In its NODA, EPA requests comment on data and methods that will be used for a rulemaking proposal that the EPA is developing and expects to release later this year to address interstate ozone transport for the 2008 ozone NAAQS. The NODA includes nitrogen oxide (NO_x) emission inventories for 2011 and 2017 and provides supporting data used to develop those emission inventories. The NODA also provides base year 2011 and projected 2017 ozone concentrations and projected 2017 ozone state contribution data at individual ozone monitoring sites based on air quality modeling, supporting data including 2009 - 2013 base period and 2017 projected ozone design values. The public comment period closed on Oct. 23, 2015, and DEP submitted written comments on Oct. 16, 2015. DEP offered corrections to the inventory and inventory projections for several facilities and requested EPA review its NO_x emissions projections for many others.

Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills: The EPA proposes new Subpart Cf, which updates the Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills (Emission Guidelines or Guidelines). This proposal is designed to achieve additional reductions of landfill gas (LFG) emissions and its components, including methane, by lowering the emissions threshold for the installation of controls at municipal solid waste (MSW) landfills. The proposed rulemaking incorporates new data and information EPA received in response to the Advanced Notice of Proposed Rulemaking published in the Federal Register on July 14, 2014 (79 FR 41772). The proposed Subpart Cf also addresses other issues including surface emissions monitoring, wellhead monitoring, and the “landfill gas treatment system” definition. The proposed rulemaking was published in the Federal Register on Aug. 27, 2015 (80 FR 52100). The public comment period closed on Oct. 26, 2015, and DEP submitted written comments on Oct. 21, 2015. DEP fully supported EPA’s proposal, but recommended that EPA extend the proposed nine-month deadline for the development and submission of the State Plan to at least 12 months.

Oil and Natural Gas Sector: Emission Standards for New and Modified Sources: The EPA proposes to amend the new source performance standards (NSPS) for the oil and natural gas source category by setting standards for both methane and volatile organic compounds (VOC) for certain equipment, processes and activities across this source category. Specifically, EPA is proposing both methane and VOC standards for several emission sources not currently covered by the NSPS (i.e., hydraulically fractured oil well completions, fugitive emissions from well sites and compressor stations, and pneumatic pumps). In addition, EPA is proposing methane standards for certain emission sources (i.e., hydraulically fractured gas well completions, equipment leaks at natural gas processing plants) that are currently regulated for VOC emissions. The proposed amendments would establish methane standards for this equipment across the source category and extend the current VOC standards to the remaining unregulated equipment. Lastly, amendments to the current NSPS are being proposed that improve implementation of several aspects of the current standards. The proposed rulemaking was published in the Federal Register on Sept. 28, 2015 (80 FR 56593). DEP provided testimony during EPA’s public hearing in Pittsburgh on Sept. 29, 2015. The public comment period was extended to Dec. 4, 2015, and DEP submitted written comments dated Nov. 23, 2015, on Dec. 3, 2015. DEP fully supported EPA’s proposal, but recommended that EPA increase leak detection and repair surveys to quarterly (matching DEP’s General Permit 5) and that they explicitly define “leak” in terms of methane and VOCs to address “dry gas” areas of the Marcellus Shale Play.

Regulations Planned for DEP Comment

Nothing to report.

Regulatory Update (detailed summaries included in respective program sections)

Please refer to the [DEP Rolling Regulatory Agenda](#) for the Regulatory Update.

Proposals Open for Public Comment

- *Handling and Use of Explosives (Opened 2/27/16; Closes 3/28/16)*
- *Disinfection Requirements Rule (Opened 2/20/16; Closes 4/19/16)*
- *Nutrient Credit Trading Program Certification Request: Borough of Chambersburg- Agricultural Program (Franklin County) (Opened 2/13/16; Closes 3/14/16)*
- *Climate Change Action Plan (Opened 1/30/16; Closes 3/20/16)*

Recently Closed Comment Periods

- Federal Consistency Under the Coastal Zone Management Act – Proposed Dredging Activities in Erie Harbor (Opened 1/30/2016, Closed 2/13/2016)
- Federal Consistency Under the Coastal Zone Management Act – Proposed Dredging Activities in Conneaut Harbor (Opened 1/30/2016, Closed 2/13/2016)

Monthly Press Releases (All New, not Italicized)

Press Releases Issued

February 2 – Restored EPA Funding to Help Pennsylvania Farmers Meet Watershed Goals

February 3 – Environmental Quality Board Passes Updates to Oil and Gas Drilling Regulations

February 4 – Wolf Administration Highlights Steps to Reduce Lead Exposure

February 8 – Pennsylvania Water Systems Not the Cause of Lead Exposure

DEP Re-Schedules Public Meeting on Proposed Landfill Expansion in Northampton County

February 11 –UPDATE - DEP Postpones Public Meeting on Proposed Landfill Expansion in Northampton County

February 12 –Live Feed of Harrisburg’s Famous Peregrine Falcons Returns Just in Time for Valentine’s Day

February 16 – DEP to Host Public Hearing on Proposed Landfill Expansion in Northampton County

ADVISORY – Secretary Quigley to Host Webinar to Present Pipeline Infrastructure Task Force Recommendations

February 18 –DEP Offers Grants to Support Alternative Fuel Transportation Projects in Pennsylvania Pipeline Infrastructure Task Force Presents Report, Top 12 Recommendations to Governor Tom Wolf

February 22 – DEP Approves Coudersport Borough Authority Well Use

Active and Abandoned Mine Operations

2016 Abandoned Mine Land Program Grant

On January 14, the Office of Surface Mining (OSM) announced that \$43 million will be awarded to Pennsylvania under the 2016 AML Program Grant which became effective on January 1, 2016. Compared to the 2015, the funding level of the 2016 AML distribution is a reduction of \$1 million or 2.4%. The drop in funding is attributable to a decline in coal production. Pennsylvania’s total Title IV Grant Distribution is \$46.1 million. However, the FY 2016 sequestration of mandatory Federal budgetary resources withheld 6.8% of the AML grant funds equaling \$3.1 million. Last year, the impact of sequestration was a cut of 7.3%, the loss of \$3.5 million. In addition, through the recent Omnibus bill, there is an additional \$30 million for grants available for Pennsylvania to address abandoned mine land projects in conjunction with economic and community development and refuse goals. Further details will be forthcoming from OSM about the program.

Federal Proposed Stream Protection Rulemaking

On July 27, 2015 the federal Office of Surface Mining published a substantial revision to the coal mining regulations relating to the protection of streams. The scope of the rule is extensive. Many new additional requirements are proposed, including, for example, site-specific continuous precipitation data for every mine

site. The comment period for the proposed rulemaking was originally scheduled to end September 25, but was extended to October 26. The Department completed its evaluation of the rule and submitted comments on October 23. *The Department's 17 pages of comments included specific recommendations for alternative approaches or revised language for purposes of improving the proposed regulations. In other instances, there were sections that were not clear and requests were made for clarification. Overall, two specific requests were made: to expand the preamble to comprehensively address each aspect of the proposed rule and the supporting science and to clarify the proposed regulatory language based on feedback received during the initial comment period.*

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. The Department has received the CAC comments and will work with the Council to address their concerns. *The TGD Surface Water Protection-Underground Bituminous Coal Mining Operations will be revised to address some of the issues raised in the Act 54 report and in response to recent litigation.*

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 (AAB) on May 13. The fee reports were presented to the EQB at its May 20 meeting. The Department met with the AAB Regulation, Technical and Legislation committee on September 22 and October 23 to review information that had been requested by the PA Aggregate and Concrete Association. Another committee meeting will be scheduled. *Interaction with the advisory boards continues in an effort to present proposed rulemaking to the EQB in the third quarter of 2016.*

Final Rulemaking

Proposed Rulemaking – Areas Unsuitable for Surface Mining, Big Run and Willholm Run Watersheds, Clearfield County

Graham Township was the petitioner for the unsuitable for mining designation. As a result of the formal petition, a comprehensive technical evaluation of the area was done which yielded the result the area within the Big Run and Willholm drainage be designated as unsuitable for mining operations. The regulation proposes to amend 25 PA Code, Chapter 86, Section 86.130 to add paragraph (b) (19) to achieve the designation within the noted watersheds which includes the Mercer, Lower Kittanning, and Clarion #1, #2, and #3 coals. DEP does not anticipate any controversy or opposition with this proposal. This proposal was reviewed by the MRAB in April. It is expected to move forward to be presented to the EQB at a meeting in 2016.

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 adopted the proposed remining rulemaking at its meeting on May 20. This

proposed rulemaking was published with a 30-day comment period on October 3, 2015. 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. The EQB approved the package on September 15, 2015, but the Attorney General's Office tolled the regulation on November 10, 2015. Program staff and Regulatory Counsel developed a response which was submitted to the Attorney General's Office on December 29, 2015. *This was published in the Pennsylvania Bulletin on February 27, 2016, opening the public comment period. The public comment period closes on March 28, 2016.*

Proposed Rulemaking

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:

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.

Board of Coal Mine Safety (BCMS)

Proposed Rulemaking: Proximity Detection Systems for Continuous Mining Machines – The Mine Safety and Health Administration (MSHA) issued a final rule on proximity detection systems for continuous mining machines in underground coal mines earlier this year. The MSHA rule excludes except full-face continuous mining machines. Miners working in the vicinity of continuous mining machines are at risk of pinning, crushing, and striking hazards. This rule provides for greater protection for miners regarding these hazards. The rule was distributed to the BCMS for review prior to their June meeting. At the June meeting the Board directed DEP to draft initial regulatory language to incorporate the MSHA rule on proximity detection systems for continuous mining machines in underground coal mines into PA mine safety regulations. The package was approved by the Board of Coal Mine Safety on December 8, 2015 and sent to Office of General Counsel and Budget for review. *The rulemaking was signed off by the Office of General Counsel, the Governor's Budget Office, and the Office of Attorney General. It is expected to be published, opening the public comment period, in March.*

Pre-Draft Proposed Rulemaking: Performance Based Cable Safety – The Board undertook the issue of performance based cable standards to address both shielded cables and sensitive ground fault. *Typical low and medium voltage systems use a 15 ampere grounding resistor with a ground fault relay that trips at no more than 50% of the resistor value. It was determined that sensitive ground fault protection, set at an appropriate level, would not only decrease the potential hazard of handling a damaged cable, thereby increasing cable safety, it would also afford protection from inadvertent contact with energized circuits while troubleshooting or performing maintenance. Since the 1980's some components, such as the shearer and face motors, of the high-voltage longwall systems have used a ground fault relay which trips at no more than 0.125 amperes. A similar protection scheme can be used on low- and medium-voltage systems and can increase the protection of miners. This has been under development for several years. Currently DEP staff is working with the Board to draft regulatory language.*

Air Quality

Climate Change Advisory Committee (CCAC)

The CCAC will meet on March 8, 2016, at 10 a.m. in Room 105, RCSOB. The next CCAC meeting is scheduled for May 3, 2016, at 10:00 a.m. in Room 105, RCSOB.

Air Quality Technical Advisory Committee (AQTAC)

The last AQTAC meeting was held on February 11, 2016, at 9:15 a.m. The next AQTAC meeting is scheduled for April 14, 2016, at 9:15 a.m. in Room 105, RCSOB.

Small Business Compliance Advisory Committee (SBCAC)

The January 27, 2016, SBCAC meeting was postponed until February 17, 2016, due to weather. The next SBCAC meeting is scheduled for April 27, 2016, at 10:00 a.m. in the 12th Floor Conference Room, RCSOB.

Air Quality Rulemaking Packages

Control of VOC Emissions from Fiberglass Boat Manufacturing Materials –*The final rulemaking for fiberglass boat manufacturing materials establishes RACT as recommended in the applicable EPA Control Technique Guidelines (CTG) document. The EQB unanimously adopted the final-form rulemaking at its May 20, 2015, meeting. IRRC approved the final rulemaking on Nov. 12, 2015, and the final-form regulation was published in the Pa. Bulletin on Dec. 19, 2015. A SIP revision has been prepared for submittal to EPA.*

Control of VOC Emissions from Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Coating Processes and Pleasure Craft Surface Coatings – The proposed rulemaking would establish RACT as recommended in EPA Control Technique Guideline (CTG) documents. The EQB approved the proposed rulemaking for public review and comment at its Oct. 21, 2014, meeting. The proposed rulemaking was published in the Pa. Bulletin on Aug. 8, 2015, starting a 60-day public comment period (45 Pa. B. 4366). EQB hearings were held Sept. 8, 9, and 10, 2015, in Norristown, Harrisburg, and Pittsburgh, respectively. No testimony was presented at the hearings. The public comment period closed on Oct. 13, 2015. Comments were received on the proposed rulemaking from James Verderese, Environmental Manager for GE Transportation. IRRC also submitted comments on Nov. 12, 2015. *The draft final-form Annex A was presented to AQTAC on Feb. 11, 2016. The committee unanimously concurred with DEP's recommendation to submit the final rulemaking to the EQB.*

Control of VOC Emissions from Industrial Cleaning Solvents – At its Feb. 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. *However, in response to comments heard at the various committees, substantive changes were made to the proposed rulemaking. A revised draft Annex A was presented to AQTAC on Feb. 11, 2016. By a vote of 15-2, AQTAC concurred with DEP's recommendation to submit the proposed rulemaking to the EQB. Following consideration by the SBCAC and CAC, the revised draft Annex A will be presented to the EQB for consideration.*

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 Nov. 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. The EQB approved the final-form regulation on Nov. 17, 2015, and it will be considered by IRRC on March 10, 2016.*

Control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coating Operations and Heavier Vehicle Coating Operations – The EQB approved unanimously the proposed rulemaking for public comment and review at its April 21, 2015, meeting. The proposed rulemaking was published in *Pa. Bulletin* on Aug. 8, 2015, starting a 60-day public comment period (45 Pa. B. 4351). EQB hearings were held Sept. 8, 9, and 10, 2015, in Norristown, Harrisburg, and Pittsburgh, respectively. No testimony was presented at the hearings. The public comment period closed on Oct. 13, 2015. The EQB did not receive any public comments on the proposal, but IRRC submitted comments on Nov. 12, 2015. *The draft final-form Annex A was presented to AQTAC on Feb. 11, 2016. The committee concurred with DEP's recommendation to submit the final rulemaking to the EQB.*

Low Reid Vapor Pressure (RVP) Gasoline Repeal – *The gasoline volatility regulation codified in 25 Pa. Code Chapter 126, Subchapter C, requires that summertime gasoline with a Reid vapor pressure (RVP) limit of 7.8 pounds per square inch (psi) or less per gallon be sold at the retail level in the Pittsburgh-Beaver Valley Area (Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland counties) between May 1 and September 1 of each calendar year by all refiners, importers, distributors, resellers, terminal owners and operators and carriers. The restrictions apply between June 1 and September 15 of each year for all wholesale purchaser-consumers and retailers of gasoline. The EQB adopted the regulation in November 1997 to address a violation of the 1-hour ozone standard in the Pittsburgh-Beaver Valley Area; EPA approved the SIP revision on July 20, 1999. Given mandatory vapor recovery technology (carbon canister) requirements for all new vehicles since 2007, this regulation has had a diminishing effect on ozone precursor emissions.*

In May 2014, the Pennsylvania General Assembly enacted legislation requiring DEP to develop a SIP revision for the removal of the low RVP fuel provisions from the State Implementation Plan. The law also directs the EQB to promulgate regulation repealing the low RVP regulation (Act of May 14, 2014, P.L. 674, No. 50). On December 10, 2015, the majority of AQTAC concurred with DEP's recommendation to submit the proposed rulemaking to the EQB. The proposed repeal of this regulation was presented to the SBCAC on Feb. 17, 2016, and they unanimously concurred with the DEP's recommendation to submit the proposed rulemaking to the EQB.

Pennsylvania's Methane Reduction Strategy for the Oil and Natural Gas Industry – *Methane is the primary component of natural gas and it has been identified by the EPA as the second most prevalent greenhouse gas emitted in this nation from human activities. Pennsylvania is the second largest producer of natural gas in the*

United States. On Jan. 19, 2016, Governor Tom Wolf announced a four-point methane emission reduction strategy for unconventional natural gas operations in Pennsylvania. This strategy includes the development of a general permit for new unconventional well pad operations and modifications to the existing general permit for compressors and natural gas processing by Oct. 2016. DEP will also develop a regulatory proposal to implement EPA's final Control Technique Guidelines for the Oil and Gas Industry. This rulemaking will be submitted to EPA as a SIP revision within two years following the issuance of the final guidelines. Additionally, DEP will also develop best management practices, including leak detection and repair programs to reduce methane emissions along production, gathering, transmission and distribution lines.

Air Program Fee Schedule for Emission, Plan Approval and Operating Permit Fees - The proposed rulemaking would amend existing requirements and fee schedules codified in 25 Pa. Code Chapter 127, Subchapter I (relating to plan approval and operating permit fees) to ensure that fees are sufficient to cover the costs of administering the air program, as required by Section 502(b) of the Clean Air Act (CAA) and Section 6.3 of the Air Pollution Control Act (APCA). Existing fees for plan approval applications and operating permits would be increased and fees would be established for requests for determination (RFD) of whether a plan approval is required, risk assessment reviews, and asbestos notifications. The proposed rulemaking would also set a dollar-per-ton fee to be paid by the owner or operator of a Title V facility for up to 4,000 tons of newly federally regulated carbon dioxide (CO₂) emissions.

Energy Initiatives

Alternative Fuel Fleet Vehicles

Since 2012, the Act 13 Natural Gas Energy Development Program has awarded \$20 million to 62 companies and organizations. To date, DEP has reimbursed grantees for the purchase or conversion of *434 heavy duty vehicles* under the Act 13 program totaling more than *\$8.7 million* in program funds disbursed. The *434 vehicles* supported to date with grant funds are estimated to be displacing over *5.2 million* gasoline gallon equivalents per year. Over *\$23.5 million* in actual incremental costs have been expended on alternative fuel vehicles due to this program.

Since 2013, the Alternative Fuel Incentive Grant Program has provided \$7 million to 66 awardees to support the purchase or conversion 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 *264 vehicles* totaling just over *\$1.5 million* in program funds disbursed. The *264 vehicles* are estimated to be displacing approximately *650,845* gasoline gallon equivalents per year. Over *\$3.1 million* in actual incremental costs have been expended on alternative fuel vehicles due to this program.

Alternative Fuel Vehicle Rebate Program

The alternative fuel vehicle rebate program provides rebates to PA residents for large battery EVs and PHEVs at \$2,000 and small battery EV and PHEVs at \$1,000. DEP committed to provide 250 rebates at \$2,000 resulting in \$500,000 of pledged support to the purchase of large battery storage alternative fueled vehicles. The \$2,000 rebate level will remain available until June 30, 2016, or until 250 rebates are issued, whichever occurs first. As of January 20, 2016, 173 rebates remain at \$2,000.

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. As of December 31st, Car Charging Group, Inc. (CCGI), the technology provider for the Turnpike project, reported that the DC fast charging station construction is completed at the Oakmont Plaza and New Stanton, Plazas. This brings the Turnpike up to a total of 5 service plazas with full charging capabilities. North & South Somerset have been prepped and are ready for equipment to be installed. North & South Midway all have approved permits and construction time lines are prepared. In addition, CCGI has

prepared the bids for the central plazas: Sideling Hill, Blue Mountain, Cumberland Valley, Highspire and Lawn but has not yet distributed the bids. CCGI has also reported that cars charging at the installed plazas have increased each month, and in 2015, a total of 190 charges have been performed. DEP anticipates construction to begin in February 2016 at the North & South Somerset service plazas. In the coming months North and South Midway, Sideling Hill, Blue Mountain, Cumberland Valley, Highspire Lawn, and Valley Forge will have Level II chargers as well as Level III DC fast chargers installed capable of fully charging an electric vehicle in 30 minutes.

Promoting an Energy Efficient Work Force

Building Operator Certification (BOC)/Building Re-Tuning (BRT) Training: 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. BRT trains facility managers in a systematic approach to finding low-to-no-cost energy efficiency improvements in a target building. DEP has entered into a contract with Penn State University to conduct BOC and BRT Training for facility managers from K-12 schools and local governments from July 1, 2015 through June 30, 2016. The first BOC course was offered in Allentown beginning on August 26th and ending on November 19th. Five of the participating facility managers were from K-12 schools, and three were from local governments. The first cohort of BRT began in northwest PA on November 12th at Penncrest School District. The final three building walkthroughs for BRT were conducted on December 10th at Union City Area School District, Erie County, and Greene Township. Recruitment for another BRT cohort has begun in the Lehigh Valley. Two school districts have committed to participate thus far. Another round of BOC will begin at DEP's Northwest Regional Office in Meadville on March 1st and end on May 10th. *Fifteen of the eighteen participants are from K-12 schools, and the remainder are from local governments.* Funding is provided by the U.S. Department of Energy's (DOE) State Energy Program (SEP).

Consortium for Building Energy Innovation (CBEI): Throughout the fall semester 2014, a course entitled *Leadership in Building Energy Efficiency* 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. Five building walk-downs/retunes of Penn State buildings were conducted by the students. In the spring semester 2015, three of the fall semester students continued on in an independent study course, during which they conducted four building retunes: College Township Municipal Building, two State College Area School District buildings, and one Penn State building. DEP has entered into a contract with Penn State University for FY 2015-2016 to further develop the course and expand the offering to other colleges and universities. *On May 23rd – 25th, CBEI, led by Penn State University will be hosting a workshop at the Philadelphia Navy Yard to train professors from PA colleges and universities on how to teach the LBEE course at their own institutions.* CBEI is also offering three 2-hour workshops on U. S. Department of Energy's (DOE) Building Energy Asset Score tool. The first workshop was held at DEP's Southeast Regional Office in Norristown on December 2nd. Phoenixville Area School District, Abington School District, and the School District of Philadelphia attended. Penn State engineering students will now provide technical assistance to two of these districts, so they can assess their buildings using the Asset Score tool. On January 20th, the second workshop was held at DEP's Southwest Regional Office in Pittsburgh. *Twelve people attended, including four local governments and four K-12 school districts. The final workshop will be held in Harrisburg on March 14th for facility managers from PA State Agencies. Approximately 19 facility managers from DCNR, DGS, PFBC, and DMVA will be attending.* Funding is provided by the U.S. DOE State Energy Program.

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. DEP

and PennTAP entered into a new contract for FY 2015 – 2016 to provide 10 -12 energy efficiency assessments for small to mid-sized manufacturers. PennTAP will also provide ISO 5001 and DOE Superior Energy Performance technical assistance for several manufacturers. PennTAP's technical staff is in the outreach planning stages. Funding is provided by EPA's Pollution Prevention Incentives for States and the DOE's SEP.

PennTAP staff conducted energy efficiency site assessments at Advanced Concrete System, Snyder County and York Wallcoverings, York County. The companies represent the lumber, wood and paper and wallcovering industries respectively. Three more site assessments are scheduled for the upcoming months that represent the vehicle and vehicle equipment and advanced materials and diversified manufacturing industries in Clearfield, Montgomery and Huntingdon Counties.

The PennTAP staff conducted a webinar on "Saving Money Through Energy Management Systems" on January 28, 2016. The webinar covered the international standard for energy management systems, ISO 50001 and the Department of Energy's program, Superior Energy Performance. There were approximately 13 attendees from the manufacturing sector, Penn State students and staff as well as state government employees. The webinar was recorded so companies that could not make the webinar can view the webinar when it is convenient for them.

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. DEP entered into a SFY 2015 – 2016 sub-grant with Department of Community and Economic Development, who contracts with the Pennsylvania State Association of Township Supervisors to provide residential and commercial energy code trainings that will include guides and tools. The trainings, guides and tools will be developed as a result of the benchmarking study conducted by Performance System Developments.

The Pennsylvania Energy Code Collaborative (PECC), consisting of stakeholders working with energy codes, met December 2, 2015 to discuss their vision and goals: assist the state to measure and achieve full compliance with 2009 energy codes; educate consumers to build demand for efficient buildings and strong energy codes; and create an ongoing forum for collaborative discussion of energy code compliance and enforcement issues. The PECC agreed next steps are to develop a Code Compliance 101 factsheet with state-specific data (targeting primarily for policymakers, but adaptable for other audiences) and to help to disseminate the resources and training opportunities available through PSD's new Penn Energy Code Challenge outreach program. *A phone call was held on January 20, 2016 to discuss edits on the fact sheet on energy codes and energy efficiency for legislators and policy makers. Future legislative bills that were introduced on improving energy codes in PA were also discussed.*

LED Street Lights Technical Assistance for Municipalities

The LED Street Lights Technical Assistance project consists of two main strategies to guiding municipal officials towards a transition from HID lighting to higher efficient with LED street lights. The first approach involves individual analysis of street lighting bills from municipalities in order to assess the cost and energy reductions that can be expected based on the specific LED rates offered by the utility. DEP staff performed assessments for approximately 50 municipalities in the 4th quarter of 2015, bringing the total assessments completed to around 90. These assessments were completed for municipal street lighting customers of PPL and FirstEnergy (Met-Ed, Penelec, Penn Power, & West Penn Power). The results consistently show energy (kWh) reductions of 40-60% when converting from HPS to LED street lighting. The cost savings varies among the electric utilities. FirstEnergy customers are seeing 30% - 50% reductions in their bills, and PPL customers are seeing 0% - 15% reductions. The second approach under this project is the development of a series of

workshops designed to educate municipal officials on the LED technology and the process of working with the utility to begin replacements. During the 4th quarter of 2015, three workshops were held in FirstEnergy territories with total attendance of approximately 230 municipal officials. The workshops were held in Erie (50 attendees), Pittsburgh (70), and State College (110).

State Energy Program Competitive Award for Energy Efficiency Registry

DEP participated in the Energy Efficiency Registry Project Kick-Off Meeting held on February 9th in Washington DC. DEP's Energy Office is working with the Tennessee Department of Environment and Conservation, the National Association of State Energy Officials (NASEO), The Climate Registry (TCR), APX (a private sector provider of Renewable Energy Certificate registrations) and other partner states (GA, MI, MN, OR), to develop registry principles and operating rules for an energy efficiency registry through a USDOE grant. A national energy efficiency registry (NEER) would enable market-oriented energy efficiency programs to provide transparent outcomes and also provide a robust accounting tool for use in meeting voluntary or mandated goals. During the meeting, participants discussed a review of the project, partner roles and responsibilities, complementary efforts, steering/advisory committee composition, stakeholder engagement, and communications needs, and were given a registry primer presentation. The first phase of the project will involve primarily engagement of a steering/advisory committee to review existing registries and drafting of initial model registry principles and operating rules. Pending DOE approval, a second phase will involve stakeholder engagement to finalize the principles and rules and development of state roadmaps for adoption and implementation of the registry.

DOE has finalized the contract with Tennessee Department of Environment and Conservation (TDEC) in December 2015. While work has started on the project, TN is now working with all of the partners to execute grant agreements.

At the conclusion of this project, the team will deliver governance rules that enable the operation of a nationally accessible and user-friendly energy efficiency registry tool and a roadmap that enables states to understand its adoption and implementation. DEP plans to include DCED, PUC and other stakeholders in these discussions and planning as we move forward.

Environmental Cleanup and Brownfields

Cleanup Standards Scientific Advisory Board (CSSAB)

The Cleanup Standards Scientific Advisory Board *met on* Feb. 24, 2016. Topics *included* revisions to the Land Recycling Program Technical Guidance Manual (TGM); an overview of public comments received on the proposed Vapor Intrusion Guidance; advice from CSSAB regarding technologically enhanced naturally occurring radioactive materials (TENORM); and recommendations from the Separate Phase Liquids / Maximum Extent Practicable Subcommittee on updates to the TGM. *In addition, CSSAB officers for 2016 were elected. The next CSSAB meeting is scheduled for July 13, 2016, in Room 105, RCSOB.*

Storage Tank Advisory Committee (STAC)

The March 8, 2016, meeting of the Storage Tank Advisory Committee has been cancelled. The next meeting is scheduled for June 7, 2016, at 10 a.m. in Room 105, RCSOB.

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 2016 grant round opened October 5, 2015 and closed December 18, 2015. DEP received 229 grant applications totaling \$651,000. *The grant awards will be announced on or around April 22, 2016, in conjunction with Earth Day.*

Schools, colleges and universities, county conservation districts, nonprofit organizations, municipalities, and businesses can to apply for the grants.

The grants provide funding to develop programs and projects that support environmental education about issues including:

- **Sustainable Living:** rain gardens, rain barrels, clean energy, radon protection, composting, and other related topics.
- **Chesapeake Bay and Watershed Education:** reducing non-point source pollution, abandoned mine drainage/reclamation, water conservation, private water wells, groundwater, and other related topics
- **Air Quality:** ground level ozone, climate change, transportation, and electric generation issues
- **Brownfields:** brownfield redevelopment and creating sustainable communities
- **Energy:** energy efficiency and conservation, as well as, school energy teams, natural gas, coal, wind, solar, and other clean energy sources and technologies
- **Keystone Energy Education Program (KEEP):** school energy teams to reduce school building's energy use
- **Climate Change:** climate change and mitigation strategies
- **Environmental Literacy:** engage educators and stakeholders in content standards and field-based environmental education
- **Environmental Education Certification:** develop and implement institutionalized and community-based certification programs designed for teachers, naturalists, and educators working in schools and environmental education facilities
- **Natural Landscaping and Trees:** native plant landscaping, riparian buffers, and invasive plant management
- **Connecting Children with Nature:** immersive outdoor education

Eligible projects include, but are not limited to, teacher professional development; curriculum integration; outdoor learning resources, such as trails, shelters, streamside plantings, and educational programming; transportation to field study sites; water chemistry testing equipment; and educational events. Grants are awarded for up to \$3,000.

Go Green PA Exhibit

Go Green PA is an interactive, educational exhibit that promotes water conservation, clean watersheds, sustainable building materials, green/healthy products, energy efficiency, radon awareness, and composting.

The exhibit was featured most recently on January 9 – 16, 2016 at the Pennsylvania Farm Show.

<u>Event</u>	<u>attendance</u>	<u>audience</u>
Farm Show (2016)	585,000	General Public

PA Falcon Reintroduction Program

The 2016 nesting season *began* in late January when the adults are *renewed* their pair-bond. For the 2016 nesting season, the PA Falcon Cam will feature a new, dynamic website. *The website went live on February 12, 2016.*

The newly redesigned falcon website features a high definition, live video feed of the nest. It will now be streamed year-round. The site also provides more opportunities for people to interact through social media including Twitter, Flickr and Instagram, along with email interactions with web viewers from around the world.

The annual WILD in the City: Peregrine Falcons educator workshop will be held on Tuesday, April 5, 2016, in the second floor auditorium at the Rachel Carson State Office Building. DEP will partner with the Pennsylvania Game Commission and HersheyPark's ZooAmerica on the workshop where participants will explore the success of peregrine falcon reintroduction in the state; examine falcon specifics and endangered species concepts, and observe the falcons at the nest site.

Oil and Gas

COGAC and TAB Meetings

On January 13-14, 2016, COGAC and TAB met respectively and conducted their first committee and board meetings in calendar year 2016. The topics for both meetings included a discussion of various forms and technical guidance that are currently under development and intended to reflect the requirements contained in the final form Chapter 78, Subchapter C rulemaking. There were also four presentations by DEP staff and representatives from sister agencies. Specifically, the following presentations were provided:

- The Department of Conservation and Natural Resources (DCNR) discussed the PA Natural Heritage Program and the process for listing species of special concern. Representatives from the Pennsylvania Fish and Boat Commission and Pennsylvania Game Commission also participated in the meeting and answered questions.
- DEP's Policy Office presented an overview of the Clean Power Plan.
- A representative from the Bureau of Waste Management provided an update on revisions to DEPs residual waste codes.
- Staff from the Office of Oil and Gas Management presented a summary of updates to the well completion report.

A recording of both meetings *is* available to the public on the DEP website (on the COGAC and TAB webpage).

Oil and Gas Workload Report

Please see Attachment 2.

Radiation Protection

Radiation Protection Advisory Committee (RPAC)

The next RPAC meeting will be held on April 7, 2016, at 9:00 a.m. in 14th Floor Conference Room, RCSOB.

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 endorsed by the Radiation Protection Advisory Committee (RPAC) at its June 2014 meeting. The EQB adopted the proposed rulemaking on Oct. 21, 2014. It was published in the Pennsylvania Bulletin on March 21 with a 30-day public comment period that ended April 20. No comments were received from the public or the Independent Regulatory Review Commission (IRRC). The EQB unanimously adopted

the final-form rulemaking on Sept. 15; it was deemed approved by IRRC on Dec. 10 and *published as final* on Jan. 23, 2016. *The effective date of this rulemaking is March 18, 2016.*

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 fees for Radioactive Materials and Decommissioning Program and the 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. The proposed rulemaking is anticipated to be presented to the EQB *in the second quarter of 2016.*

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 its 2014 and 2015 meetings. DEP received the Committee’s endorsement of the package in July 2015. Regulatory language is being finalized for anticipated EQB consideration in *Summer 2016.*

Waste Management

Solid Waste and Recycling Fund Advisory Committees

The next meeting of SWAC is scheduled for Wednesday, April 27, 2016, at 10:00 a.m. in Room 105, RCSOB.

Water Programs

New Chapter 102 and 105 Delegation Agreements

The State Conservation Commission (SCC) approved the Department’s revised Chapter 102, including the post construction stormwater delegation, and the 105 delegation agreements at its September 15, 2015, meeting in Harrisburg. The agreements will be distributed statewide to conservation districts for signature in late October 2015. New conservation district managers participated in a conference call meeting in late July and webinar training was held in early August for all conservation districts and their board members. Conservation districts will have the opportunity to examine the key changes to the approved agreements prior to deciding if they desire to maintain, change, or terminate their level of delegation with the program. It is likely to take six to nine months after distribution for the conservation districts to review, approve, and return the new, fully executed agreements to the Department. Existing delegation agreements will remain in effect until a new agreement is executed or if the conservation district no longer wishes to be delegated. For conservation districts to continue delegation in one or both of the delegated programs, they must sign on to the new agreements. A termination process is established in the current delegation agreements should a conservation district wish to be no longer delegated.

Key Changes to the Chapter 102 Agreement:

- Permit Decision Guarantee/Permit Review Process (PDG/PRP) SOPs have been developed for each permit type and the timeframes in those SOPs are reflected in the delegation agreements and required output measures (ROMs).
- Post Construction Stormwater Management (PCSM) delegation has been developed in a stand-alone agreement, along with associated ROMs.
- The PCSM delegation provides for both completeness and engineering review of the PCSM plans; what was previously known as the “technical review” will be terminated. Districts who do not assume the PCSM delegation will still remain required to execute completeness reviews of PCSM plans and to make note of PCSM practices during site inspections.

- Agriculture E&S is specifically identified in the base and PCSM delegation agreements and ROMs.

Key Changes to the Chapter 105 Agreement:

- General Permit transfers and Submerged Lands License Agreement transfers will be added to the responsibilities of the delegated conservation districts.
- Customized agreements will no longer be issued. Every conservation district will be provided the same agreement with the same delegated responsibilities.
- Permit Decision Guarantee/Permit Review Process (PDG/PRP) SOPs have been developed for each permit type and the timeframes in those SOPs are reflected in the delegation agreements and ROMs.

NPDES Permitting

On May 30, DEP published a draft NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (PAG-13). The PAG-13 General Permit currently in effect does not expire until March 2018. If the reissued PAG-13 General Permit is published as final prior to the existing PAG-13 expiration date, it will not become effective until March 2018. DEP is seeking input on the draft PAG-13 early due to the possibility of changes to the General Permit that may necessitate significant efforts on the part of MS4 permittees in preparing future Notices of Intent (NOIs) for General Permit coverage. The most significant proposed change involves the development of Pollutant Reduction Plans for stormwater discharges to waters draining to the Chesapeake Bay and to waters impaired for nutrients and sediment, with mandatory reductions in pollutant loadings. DEP provided a 60-day comment period in lieu of the standard 30-day comment period. DEP subsequently decided to extend the comment period for an additional 15 days based on several public requests. As a result, the comment period ended on August 31, 2015. DEP received 609 comments from 64 individuals/groups. Bureau of Clean Water (BCW) staff currently are reviewing the comments, preparing the responses and, where necessary, revising the general permit.

BCW staff is currently working on the re-issuance of the NPDES General Permit for Discharges of Stormwater Associated with Industrial Activities (PAG-03). The current PAG-03 expired on December 5, 2015. The proposed draft PAG-03 general permit revision was advertised in the Pa Bulletin on October 17, 2015. The draft PAG-03 is available for viewing on the Department's website. The public comment period was open for 30 days until November 16, 2015. BCW published an Administrative Extension to PAG-03 until December 5, 2016 so that the current authorization for existing general permitted discharges does not expire until a new permit can be issued. However, during the period of Administrative Extension, new NPDES PAG-03 general permits cannot be issued. Persons seeking authorizations to discharge would need to apply for an individual NPDES discharge permit. *BCW staff are currently reviewing comments and preparing responses before final issuance of the new NPDES PAG-03 permit, Issuance is targeted within the next 3 months.*

Sewage Sludge Land Application Permitting

The Bureau of Clean Water (BCW) is currently re-writing the three sewage sludge land application general permits numbers PAG-07, 08 and 09. These permits initially expired in April 2014. These general permits have been administratively extended since that time and will continue to be extended until new permits are issued on a statewide basis by the BCW staff. The draft revised permits will be published for public information and comment. Target timeframe for the publication of the draft permits is within the next 3 months.

Stormwater BMP Grant Program Applications Received

DEP announced a new grant program, using EPA money, which will be used by municipalities to construct stormwater Best Management Practices (BMPs) in the Chesapeake Bay Watershed in August. The deadline for applications closed on October 9, 2015. DEP received 42 applications. The most common types of BMPs requested in the applications are raingardens, trees (urban planting and riparian buffers), and stormwater management basin retrofits. Applications came from municipalities and municipal authorities in the southcentral, northeast and northcentral DEP regional offices. Details on the program are available on the DEP stormwater website. Review and scoring of the applications is almost completed. *Scoring and recommendation*

for final selection has been completed and submitted for approval. Nineteen projects were recommended for funding, totaling \$2.28 million. Announcement of successful applicants should happen within the next couple months.

Triennial Review of Water Quality Standards

Section 303(c)(1) of the Clean Water Act and Federal regulations at 40 CFR Section 131.20 require that states periodically, but at least once every 3 years, review and revise as necessary, their water quality standards. Pennsylvania’s Water Quality Standards are set forth in 25 Pa Code Chapter 93 (Water Quality Standards) and Chapter 16 (Water Quality Toxics Management Strategy – Statement of Policy).

DEP is currently drafting proposed rulemaking and related documentation to support recommended revisions to Pennsylvania’s Water Quality Standards (Chapter 93), for consideration by the Environmental Quality Board (EQB). In addition, DEP is recommending related amendments to the Water Quality Toxics Management Strategy – Statement of Policy (Chapter 16). Water quality standards include designated uses, numeric and narrative criteria and antidegradation requirements for surface waters. The regulatory changes in this proposed rulemaking are the result of on-going reviews and evaluations of the water quality standards conducted by DEP. This proposed rulemaking fulfills the federally required triennial review of water quality standards as mandated by the federal Clean Water Act.

The triennial review of water quality standards proposed rulemaking (TR17) is expected to be presented to the Environmental Quality Board (EQB) in Spring 2016. The final rulemaking is anticipated in 2017, which will be submitted to the U.S. Environmental Protection Agency for formal review and approval in accordance with the Federal Clean Water Act.

Stream Redesignations – Sobers Run, et al. Proposed Rulemaking

As part of its continuing water quality management program and ongoing review of water quality standards, DEP is currently drafting proposed rulemaking and related documentation to support recommended revisions to stream redesignations in Pennsylvania’s Water Quality Standards (Chapter 93), for consideration by the Environmental Quality Board (EQB). The recommended amendments are to revise 25 Pa. Code Chapter 93, §§93.9c, 93.9f, and 93.9i.

Section 303(c)(1) of the federal Clean Water Act requires states to periodically review and revise, as necessary, water quality standards. This proposed rulemaking contains waterbodies that are candidates for redesignation. Stream evaluations were conducted by DEP to determine the appropriate designated use of the candidate waterbodies. The streams in this proposed rulemaking were all evaluated in response to petitions as follows:

<i>Stream</i>	<i>County</i>	<i>Petitioner</i>
<i>Swiftwater Creek</i>	<i>Monroe</i>	<i>Brodhead Creek Watershed Association</i>
<i>Sobers Run</i>	<i>Northampton</i>	<i>Bushkill Township</i>
<i>Mill Creek</i>	<i>Berks, Chester</i>	<i>Delaware Riverkeeper Network</i>
<i>Silver Creek</i>	<i>Susquehanna</i>	<i>Silver Lake Association</i>

Additionally, the Department is recommending corrections to some stream names as they appear in §93.9c. The United States Geologic Survey (USGS) maintains the National Hydrography Dataset (NHD) Flowline. These corrections are being proposed to maintain consistency between the Pennsylvania Code and the NHD Flowline.

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 RTCR was published in the PA Bulletin on October 3, 2015. Two public hearings were scheduled on November 3 (New Stanton) and November 5 (Norristown). The public comment period closed December 1, 2015. IRRC's comment period closed December 31, 2015. The draft final rulemaking is being developed and is tentatively scheduled for discussion at the March 16, 2016 Small Water Systems TAC Board meeting.

Disinfection Requirements Rule

The purpose of the proposed Disinfection Requirements Rule Chapter 109 rulemaking package is to strengthen requirements relating to microbial protection and disinfection by ensuring the adequacy of treatment designed to inactivate microbial pathogens and by ensuring the integrity of drinking water distribution systems. The amendments include:

- New monitoring and reporting requirements to ensure compliance with existing treatment techniques regarding log inactivation and CT requirements. Without this data, there is no way to determine compliance with the existing requirement.
- Increasing the minimum disinfectant residual requirements in the distribution system to 0.2 mg/L free or total chlorine. The Department's existing disinfectant residual requirements for the distribution system have not been substantially updated since 1992 and require the maintenance of a detectable residual that is defined as 0.02 mg/L. This is not protective of public health because a residual of 0.02 mg/L does not represent a true detectable residual and the level is inadequate to protect against microbial growth within the distribution system.
- The amendments also include minor clarifications to the Stage 2 Disinfectants/Disinfection Byproducts Rule (Stage 2 DBPR), Long Term 2 Enhanced Surface Water Treatment Rule (LT2) and the Lead and Copper Rule Short-Term Revisions (LCRSTR) in order to obtain or maintain primacy.

The pre-draft proposed rulemaking was originally included in the Proposed Revised Total Coliform Rule (RTCR), which was presented to the Small Water Systems Technical Assistance Center (TAC) Board on June 18 and September 23, 2014 for review and comment. However, on April 21, 2015, the Environmental Quality Board approved the proposed RTCR with modifications. The modifications included splitting out the "Non-RTCR" provisions for additional stakeholder input. The motion was made with the expectation that the "Non-RTCR" provisions would be revisited in short order. On April 30, 2015, the TAC Board voted to recommend that the Department further split the "Non-RTCR" provisions to focus solely on the disinfection requirements and the minor corrections needed to obtain/maintain primacy.

In order to provide additional opportunity for stakeholder input on the disinfection requirements, TAC meetings were convened on May 18, May 26, June 16 and June 30, 2015. Two meetings were also held with large water systems on June 29 and July 16, 2015 to gather additional comments. During these meetings, 14 water systems and organizations delivered presentations to help inform the discussion.

The proposal was presented to the EQB for consideration on Nov 17, 2015 and was approved as a proposed rulemaking. On December 30, 2015, the Disinfections Requirements Rule (7-520) was transmitted to the Office

of Attorney General commencing their 30-day review. The proposed rulemaking was published in the PA Bulletin on February 20, 2016, opening the public comment period. Three hearings are scheduled for March 28 (Harrisburg), April 5 (Norristown), and April 7 (Pittsburgh). The public comment period closes on April 19, 2016.

Water Resources Planning

Coastal Zone Advisory Committee Meeting

The Coastal Zone Advisory Committee met on January 13, 2016. Staff from the Pennsylvania Fish & Boat Commission provided a presentation on the recently published PA State Wildlife Action Plan (2015-2025), which sets forth a revised comprehensive plan for conserving native wildlife, maintaining habitat, and protecting 664 species of greatest conservation need for the next ten years. Members also received updates on the status of the 2016 Coastal Zone Grant round, Pennsylvania's Coastal Resources Management Program Section 319 Strategy for NOAA, and the recent activities of member agencies. The next meeting of the Coastal Zone Advisory Committee is scheduled for June 8, 2016.

Conservation District Watershed Specialist Activities

Since 1999, DEP's Growing Greener program has partially funded watershed specialist positions in county conservation districts across the state. Currently there are 67 watershed specialist positions partially supported with an annual allocation of approximately \$42.2 million from the Growing Greener program. DEP's Watershed Support Section, which oversees this program, is implementing a process to enhance the reporting system for these specialists to better document the benefits that can be attributed to these locally-based environmental support staff. Through this new reporting system, we can document the following accomplishments for the timeframe of July 1, 2014, through December 31, 2015:

- *Stream improvement Best Management Practices (BMPs) were implemented on over six percent of PA's stream miles*
- *44 acres of wetlands were constructed or enhanced*
- *265 watershed associations were supported and overseen*
- *381 buffer acres (291 non-CREP and 90 CREP) were constructed*
- *18,573 trout were released*
- *\$39.1 million in grant funds were awarded to CDWS for environmental projects*
- *\$1.75 million in matching funds contributed by Conservation Districts*
- *1,462 rain barrels installed collecting an estimated 80,410 gallons of storm water*
- *36,029 trees, shrubs, and live stakes planted*
- *337 tons of trash removed from streams and lakes*

Over this same timeframe, the watershed specialists accomplished the following activities specifically in the Chesapeake Bay watershed:

- *31 acres of wetlands constructed or enhanced*
- *304 buffer acres constructed (75 CREP and 229 non-CREP)*
- *13,944 trout released into tributaries to the Bay*
- *1,095 rain barrels collecting an estimated 60,225 gallons of storm water*
- *77 rain gardens constructed*
- *34,076 trees, live stakes, and shrubs planted*

Submission of Draft 319 Program Annual Report

Consistent with the EPA 319 NPS Grant Program requirements, staff from DEP complied as summary of the NPS activities relevant to our NPS Management Plan milestones and submitted that draft document to the EPA

NPS program staff in Region III EPA for their review and comment. This document includes accomplishments data collected from various program areas within and outside of DEP. A final version of the document is expected to be developed by July 1, 2016. Some of the accomplishments highlighted in the report include:

- *Over 1.4 million pounds of nitrogen load reduced this year from the implementation of reported BMPs installed under federal and state conservation programs in PA (over 93,000 pounds of phosphorus and 4,500 tons of sediment)*
- *Over 17 million pounds of iron load reduced this year from the implementation of tracked AMD remediation projects in PA (over 3.2 million pounds of aluminum and 22 million pounds of acidity)*
- *A description of the significant work being accomplished through our PA watershed specialist program.*
- *Over 400 acres of new riparian forest buffers were created this year.*
- *Over 64 billion gallons of AMD water were treated using AMD passive and active systems over the year*

USGS Water Use Data Agreement

In September 2015, DEP entered into a not-to-exceed \$26,000 Grant and Cooperative Agreement with the United States Geological Survey (USGS) as part of a national USGS Water Use Data and Research Financial Assistance Program intended to develop water use and availability datasets and integrate state agency data with USGS databases. If selected under the USGS competitive grant process, this work plan would provide funding to Pennsylvania in meeting its water use data improvement priorities under the State Water Planning process while at same time providing USGS with access to withdrawal data and ancillary information. With a deadline of June 2016, staff in both the Office of Water Resource Planning and Safe Drinking Water are working towards development of the work plan. USGS will be making awards in the fall of 2016 for projects with \$250,000 maximum award amount to each states.

CRM Marine Spatial Plan for Lake Erie

The Pennsylvania Coastal Resources Management Program staff continues to develop an online marine spatial planning map for Pennsylvania's portion of Lake Erie. The first phase of the interactive tool links to over 120 underwater video clips and descriptions of the lakebed. Staff are also linking shipwreck sidescan sonar images and underwater ROV (remotely operated vehicle) video to generalized wreck locations on the map. The first rollout of the map will be linked from DEP's website to ESRI's ArcGIS online site and will be used by various stakeholders for important decision-making on the Lake. Future phases will include mosaicked sidescan sonar images and refined bottom type characterizations.

Pennsylvania Sea Grant Presentation on Delaware County Climate Adaptation Planning

PA Coastal Resources Management staff met with a representative from PA Sea Grant to discuss the Climate Adaptation and Resiliency planning work they are helping to facilitate in Delaware County, Pennsylvania. PA Sea Grant is building on work originally started by NOAA's Coastal Services Center in Southeastern PA around 2008. The City of Chester also worked with the Georgetown Climate Center to develop the first climate-specific plan of its kind in Pennsylvania, "Strategies for a Resilient Chester," which was adopted by the City on June 25, 2014. The plan has seven recommendations that Chester is working into their ordinances and trying to implement: 1. Formation of an Environmental Advisory Council, 2. Engaging in post-storm redevelopment planning, 3. Development of a Heat Emergency Plan, 4. Seeking certification for a FEMA Flood Insurance Community Rating System, 5. Improving floodplain management, 6. Expanding vegetated buffers, and 7. Developing a Green Stormwater Infrastructure Plan.

Attachment 1

2016 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 Tab on the DEP website. Click on “Public Participation;” “Calendar of Events.”

March	
8	Storage Tank Advisory Committee, 10 a.m. Susquehanna Conference Room B, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg
22	Sewage Advisory Committee Meeting, 10:30 a.m., Room 105 RCSOB
23	Board of Coal Mine Safety, 10 a.m., Conference Room 1A and 1B, DEP Cambria Office, 286 Industrial Park Road, Ebensburg
30	Conventional Oil and Gas Advisory Committee Meeting, 10 a.m., Room 105 RCSOB
31	Oil and Gas Technical Advisory Board Meeting, 10 a.m., Room 105 RCSOB
April	
7	Radiation Protection Advisory Committee Meeting, 9:15 a.m. 14 th Floor Conference Room, RSCOB
12	State Board for Certification of Water and Wastewater Operators Meeting, 10 a.m., 10 th Floor Conference Room, RSCOB
13	Technical Advisory Committee on Diesel-Powered Equipment Meeting. 10 a.m., Westmoreland Room, DEP New Stanton Office, 131 Broadview Rd., New Stanton
14	Air Quality Technical Advisory Committee Meeting, 9:15 a.m., Room 105 RCSOB
19	Environmental Quality Board, 9 a.m., Room105 RSCOB
19	Mine Families First Response & Communications Advisory Council Meeting, 10 a.m., Fayette Room, DEP New Stanton Office, 131 Broadview Rd., New Stanton
27	Small Business Compliance Advisory Committee, 10 a.m., 12 th Floor Conference Room, RCSOB
27	Solid Waste Advisory Committee, 10 a.m., Room 105 RCSOB
May	
3	Climate Change Advisory Committee, 9:00 a.m. Room 105 RCSOB
17	Environmental Quality Board, 9:00 a.m., Room 105 RCSOB
June	
7	Storage Tank Advisory Committee, 10 a.m., Room 105 RCSOB
9	Air Quality Technical Advisory Committee Meeting, 9:15 a.m., Room 105 RCSOB
21	Environmental Quality Board, 9:00 a.m., Room 105 RCSOB
30	Solid Waste Advisory Committee, 10 a.m., Room 105 RCSOB

Attachment 2

Oil and Gas Workload Report

YTD WELL PERMIT APPLICATIONS - 1/1/2016 to 2/12/2016						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS

CONVENTIONAL	29	19	18	18	18	0
UNCONVENTIONAL	167	125	250	249	249	1
Sub Total	196	144	268	267	267	1
AUTHORIZATIONS	60	30	166	165	N/A	1
Total	256	174	434	432	431	2

WEEKLY WELL PERMIT APPLICATIONS – 2/5/2016 to 2/12/2016

	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	14	14	1	1	1	0
UNCONVENTIONAL	11	11	50	49	49	1
Sub Total	25	25	51	50	50	1
AUTHORIZATIONS	1	1	25	25	N/A	0
Total	26	26	76	75	75	1

HISTORICAL WELL PERMIT APPLICATIONS AS OF 2/12/2016

	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	197,205	197,179	195,957	189,907	1,222	104,331
UNCONVENTIONAL	21,534	21,363	20,926	17,295	437	10,366
Sub Total	218,739	218,542	216,883	207,202	1,659	114,697
AUTHORIZATIONS	41,634	41,399	41,095	N/A	304	18,632
Total	260,373	259,941	257,978	247,829	1,963	133,329

YTD INSPECTIONS - 1/1/2016 to 2/12/2016

	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	1,544	1,433	171	27
UNCONVENTIONAL	1,434	1,186	51	22
CLIENT/SITE	379	0	51	20

Total	3,357	2,619	273	69
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WEEKLY INSPECTIONS - 2/5/2016 to 2/12/2016

	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	266	261	23	4
UNCONVENTIONAL	165	157	0	2
CLIENT/SITE	47	0	11	1
Total	478	418	34	7

WELLS DRILLED

	Two Years Prior 1/1/2014 to 2/12/2014	One Year Prior 1/1/2015 to 2/12/2015	Year To Date 1/1/2016 to 2/12/2016	Week of 2/5/2016 to 2/12/2016	As of 2/12/2016
CONVENTIONAL	75	39	12	3	194,179
UNCONVENTIONAL	159	107	38	N/A	9,6356
Total	234	146	50	3	203,835

This report was prepared by Abbey Cadden, Policy Aide, DEP Policy Office. For questions or requests, please email acadden@pa.gov or call (717) 705-3769.