

**November 2016 Report to the Citizens Advisory Council**  
(New and updated information in italics)

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**DEP Highlights**

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**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.

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.

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 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.

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. The draft final rulemaking was 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 authorized 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 was considered by EQB on February 3, 2016. A copy of this report is available on the EQB website.

On January 6, 2016, DEP submitted the final form rulemaking to the EQB for consideration. On February 3, the EQB approved the final form rulemaking by a vote of 15-4. On April 12, the House and Senate standing committees voted to disapprove the final form rulemaking; however, on Thursday, April 21, the Independent Regulatory Review Commission (IRRC) approved revisions to Pennsylvania's oil and gas drilling regulations by a vote of 3 to 2.

On June 23, Gov. Tom Wolf signed Act 52 of 2016 into law thus creating the Pennsylvania Grade Crude Development Act. Section 7 of the Act "declares that the rulemaking concerning Standards at Oil and Gas Well Sites approved by the Environmental Quality Board in 2016 prior to the effective date of this act is abrogated insofar as such regulations pertain to conventional oil and gas wells." The Act also establishes a new council named the Pennsylvania Grade Crude Development Advisory Council that is charged with a variety of duties that pertain to the advancement of conventional oil and gas industry.

The final-form rulemaking makes minor amendments to the existing Chapter 78 oil and gas regulations to remove references to unconventional wells in the wake of Act 52 of 2016, and creates a new Chapter 78a relating specifically to surface activities at unconventional well sites. The Joint Committee on Documents (JCD) oversees the work of the LRB and placed a hold on publication of the final-form rulemaking at its July meeting. The JCD considered the final-form rulemaking at a public meeting on Thursday, August 18 and approved a motion to direct the LRB to "publish the rulemaking in due course."

*This final rulemaking was published in the Pennsylvania Bulletin on October 8.*

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## **Federal Regulations**

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## **Recently Submitted DEP Comments**

Nothing to report.

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

Nothing to report.

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

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

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

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- Nutrient Credit Trading Program; Certification Request: EnergyWorks Group (Adams County) Gettysburg Energy and Nutrient Recovery Facility (Opened 10/29/2016, Closes 11/28/2016)
- Interim Final –Policy for the Replacement or Restoration of Private Water Supplies Impacted by Unconventional Operations (Opened 10/8/2016, Closes 12/7/2016)
- Interim Final – Guidelines for Implementing Area of Review (AOR) Regulatory Requirement for Unconventional Wells (Opened 10/8/2016, Closes 12/7/2016)

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### **Recently Closed Comment Periods**

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- Nutrient Credit Trading Program Certification Request: LASA Farm Property Lancaster Area Sewer Authority (Lancaster County) (Opened 10/29/2016, Closed 11/14/2016)
- Pennsylvania Abandoned Mine Reclamation Plan Amendment (Opened 10/15/2016, Closed 11/14/2016)

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### **Communications Monthly Press Releases (All New, not Italicized)**

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#### **Press Releases Issued**

**September 29** – DEP Reminds Pool Owners to Handle Waste Water Responsibly

**October 03** – GO-TIME: Centralized Grant System to Streamline, Consolidate Application Process

**October 05** – DEP to Hold Public Hearing on Proposed Natural Gas-Fired Power Plant in Lackawanna County

**October 07** – New Regulations of Shale Drilling Take Effect

**October 12** – Meadville Redevelopment Authority Receives ENERGY STAR Label Certification for the Victor C. Leap Building

**October 14** – DEP Begins Reclamation of 9.9 Acres of Inadequately Reclaimed Highwall in Jefferson County

**October 19** – DEP to Hold Public Hearing on Renewal of Scranton Sewer Authority Permit

- October 19** – ADVISORY – PITTSBURGH – MONDAY – DEP to Announce Phase 2 of Pittsburgh Botanic Garden Mine Site Cleanup and Garden Expansion
- October 21** – North-Central PA Flooding Causes Gasoline Pipeline Leak in Lycoming County
- October 22** – DEP Update on Sunoco Pipeline spill in Lycoming County
- October 24** – DEP Fines JKLM Energy LLC \$472,317 for 2015 Potter County Surfactant Discharge
- October 24** – Reminder: DEP to Hold Public Hearing on Proposed Natural Gas-Fired Power Plant in Lackawanna County
- October 24** – Pittsburgh Botanic Garden to Grow by 66 Acres with Support from DEP Abandoned Mine Land Reclamation Pilot Program
- October 25** – Lead and Copper Sampling Results Available for Many Pennsylvania Water Systems
- October 25** – ADVISORY – LANCASTER – THURSDAY – DEP Hosting Annual Statewide Brownfields Conference in Lancaster County

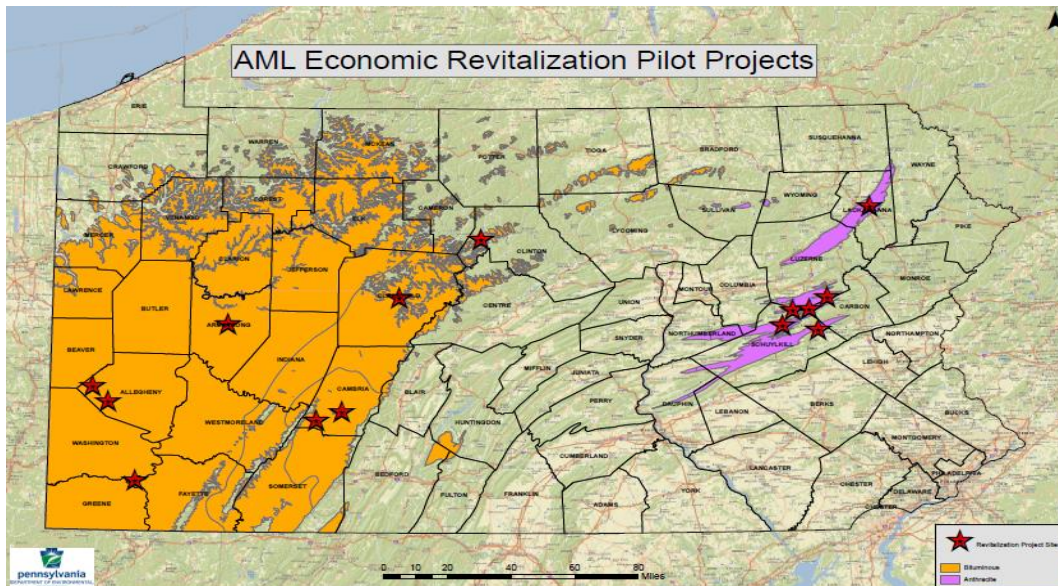
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## **Active and Abandoned Mine Operations**

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### **Abandoned Mine Lands (AML) Pilot Program**

The AML Economic Revitalization Pilot Program was authorized by Congress under the Consolidated Appropriations Act (signed by President Obama on December 18, 2015) and provides an additional \$30 million of US Treasury Funds to Pennsylvania's AML Program. At OSMRE's request this February, DEP developed a preliminary list of projects. Since this is a pilot program, DEP selected a wide variety of project types with a variety of possible economic or community development benefits and partners. DEP has targeted 14 AML Pilot Projects (8 Bituminous and 6 Anthracite) which are located in 10 coal field counties as shown in the map below. Additional Pilot Projects may be considered. An initial list of projects was sent to OSMRE in March resulting in questions and subsequent information sent to OSMRE in April. The AML Pilot Program Grant Application was approved by OSMRE on June 6 (effective June 1). Media events featuring several of the projects receiving some pilot project funding are being scheduled for different areas of the state. *Three* events have been completed; August 4, featuring the Ehrenfeld Coal Refuse Pile in Cambria County; September 7, for the Powderly Creek Underground Mine Fire just outside of Carbondale in Lackawanna County; and *October 24, the Pittsburgh Botanical Gardens in Allegheny County. Another event is planned for November 4, for the Eckley-Hazleton Rail Trail in Luzerne County.*



### **E-Permitting Project**

Earlier this year the Department launched an e-permitting project for the mining program starting with the bituminous surface permit. Future projects will move to other mining permits as well serve as the foundation for expanding to other areas of the Department. After considering leveraging other e-solutions - both DEP and other agencies - it was decided the best strategy for expanding the effort to other permits would be to develop the application in house from the ground up. A project manager was brought in and a work group was formed from staff from IT and the mining program. Once the project was formalized, requirements gathering began in late March. Requirements work is nearing completion as of the end of September and development work continues to be on schedule. The project plan provides for a live application by February 2017.

### **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. OSM has engaged with the states to discuss concerns about the rule. From this interaction it is clear that OSM is working to finalize the rule as quickly as it can. Indications are that the final rule will account for many of the comments made.

### **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. Work has started on the scoping for the next report.

### **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, 2015, and the draft report for the noncoal mining fees was reviewed with the Aggregate Advisory Board (AAB) on May 13, 2015. 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, 2015, to review information that had been requested by the PA Aggregate and Concrete Association. A preliminary draft rule was provided to the AAB in February. The AAB recommended that the Department proceed with the rulemaking process at their August 2016 meeting. Their recommendation was linked to several initiatives they would like to explore through work groups. Similarly, a preliminary draft was presented to the MRAB in January, followed by a revised draft presented at the April MRAB meeting. A revised proposal has been prepared to present to the MRAB RLT committee. *This proposal was discussed at the October 20 meeting of the MRAB where members passed a motion to approve the surface mining fee package. Since the underground coal industry is not represented on the MRAB, Bureau of Mining Program staff will work with underground coal mine trade groups to obtain input and comments to include with the fee package.*

### **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 last April. It is expected to move forward to be presented to the EQB early next year.

### **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, 2015. 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. One comment was received from the Pennsylvania Coal Alliance. IRRC comments were received on December 2, 2015. Program staff developed a final regulation which was presented at the January 21, 2016, meeting of the MRAB. The remining rulemaking was approved by the EQB in May. IRRC approved the rulemaking at its August 18 meeting. *The rulemaking was delivered to the OGC on August 18 who tolled the regulation on September 3. The tolling response and edits were approved by OGC on September 12. The regulation is planned for publication on October 22.*

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. Several comments were received by the close of the comment period on March 28 which are currently under review. The final form rulemaking was presented to the MRAB at their July meeting, resulting in a recommendation to proceed. This rulemaking will be presented to the Aggregate Advisory Board for their recommendation in November.

## **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 on January 15, 2015. The MSHA rule excludes 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. This was published on March 19, 2016, opening the 30-day public comment period. No comments were received. On May 18, 2016, a no comments letter was received from

IRRC. If a final-form regulation is delivered without revisions and if the House and Senate Environmental Resources and Energy Committees do not take any action, it will be deemed approved. While implementation is proceeding, an issue has emerged concerning instances where a miner wearing a proximity pad is close to a source interfering with radio frequencies (RFI) (e.g., dust sampler, radio, energized cable), the proximity pad may be rendered inoperable. MSHA and equipment manufacturers are working on solutions including carriers that will keep the proximity pad separated from the RFI and developing software for the pads that will give the miner an audible and visual warning if RFI interference is causing a malfunction. *This regulation is tentatively planned to be discussed at the December 13 meeting of the Board of Coal Mine Safety.*

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. Draft language was presented and discussed at the March 23, 2016, meeting of the Board. Based on the Board's review, final language was developed by Department staff and presented to the Board at their July 7 meeting. The draft was reviewed by the Board at their September 13 meeting where it was approved with some minor changes brought up by the Pennsylvania Coal Alliance. This will now continue with the regulatory review process.

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## **Air Quality**

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

The next CCAC meeting is scheduled for November 1, 2016, at 10:00 a.m. in Room 105, RCSOB.

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

The next AQTAC meeting is scheduled for December 8, 2016, at 9:15 a.m. in Room 105, RCSOB, starting at 9:15 a.m.

### **Small Business Compliance Advisory Committee (SBCAC)**

The next SBCAC meeting is scheduled for *Jan. 25, 2017*, at 10:00 a.m. in the 12<sup>th</sup> Floor Conference Room, RCSOB.

### **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 (GP-5) for compressors and natural gas processing facilities 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. The proposed general permits, including the new GP for well pads and GP-5 modifications, will be published for public review and comment this fall.



**Ozone Designations** - On Oct. 26, 2015, EPA reduced the ozone National Ambient Air Quality Standard (NAAQS) from 75 ppb to 70 ppb. Following promulgation of a new or revised air standard, states are given the opportunity to submit recommendations for the designation of attainment, unclassifiable and nonattainment areas. Using 2013, 2014, and 2015 ozone season data and EPA guidance, DEP proposed the following ozone nonattainment areas in the Aug. 20, 2016, Pa. Bulletin:

- A 7-county Pittsburgh-Beaver Valley Area;
- A 5-county Philadelphia Area;
- Indiana County; and
- Lebanon County.

The Department held public meetings in Harrisburg, Pittsburgh and Norristown on Aug. 24, 25, and 26, respectively. Twenty-four comments were received from five commentators. The Department *submitted its final recommendations to EPA on Oct. 3, 2016*. EPA will perform its own analysis to determine nonattainment areas, while taking the Commonwealth's recommendations into account. EPA will send a "120-day letter" (120 days before the final designations are due to be published by Oct. 1, 2017) to Pennsylvania by June 3, 2017, that will state whether EPA intends to modify the Commonwealth's recommendations. EPA will open a 30-day public comment period on approximately July 3, 2017. Under Section 107(d)(1)(B) of the CAA, Pennsylvania will have until Aug. 2, 2017, to submit additional information to EPA, including certified 2016 data, for EPA to consider in making final designations. EPA intends to publish the final designations on Oct. 1, 2017.

### **Air Quality Rulemaking Packages**

**Control of VOC Emissions from Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Surface Coating Processes and Pleasure Craft Surface Coatings** – The rulemaking will establish RACT as recommended in EPA's 2008 Control Technique Guidelines for Miscellaneous Metal Parts Surface Coating Processes. 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). The EQB held public hearings on 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. Written 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 and CAC on Feb. 11 and March 15, 2016, respectively. Both committees unanimously concurred with DEP's recommendation to submit the final rulemaking to the EQB for consideration. On April 27, 2016, the SBCAC also concurred unanimously with DEP's recommendation to present the final rulemaking to the EQB for action. The EQB unanimously approved the final rulemaking on June 21, 2016; the Independent Regulatory Review Commission also unanimously approved the final rulemaking on Aug. 18, 2016. *The rulemaking was published in the Pennsylvania Bulletin on Oct. 22, 2016.*

**Control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coating Operations and Heavier Vehicle Coating Operations** – The rulemaking will establish RACT requirements consistent with EPA's 2008 CTG for Automobile and Light-Duty Truck Assembly Coatings. 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 held public hearings on 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 public comments on the proposal, but IRRC submitted comments on Nov. 12, 2015. The draft final-form Annex A was presented to AQTAC and CAC on Feb. 11 and March 15, 2016, respectively. Both committees concurred with DEP's recommendation to submit the final rulemaking to the EQB. On April 27,

2016, the SBCAC also concurred unanimously with DEP's recommendation to present the final rulemaking to the EQB for action. The EQB unanimously approved the final rulemaking on June 21, 2016; on Aug. 18, 2016, the Independent Regulatory Review Commission also unanimously approved the final rulemaking. *The rulemaking was published in the Pennsylvania Bulletin on Oct. 22, 2016.*

Control of VOC Emissions from Industrial Cleaning Solvents – The proposed rulemaking would establish RACT requirements for industrial cleaning solvents as recommended in EPA's 2006 CTG for 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 SBCAC was briefed on the proposed rulemaking on April 23, 2014, and 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 committee meetings, substantive changes were made to the proposed rulemaking. A revised draft Annex A was presented to AQTAC and CAC on Feb. 11 and March 15, 2016, respectively. Both committees concurred with DEP's recommendation to submit the final rulemaking to the EQB for consideration. The proposed rulemaking was presented to the SBCAC on April 27, 2016. The SBCAC also concurred unanimously with DEP's recommendation to submit the proposed rulemaking to EQB for consideration. The proposed rulemaking is tentatively scheduled for EQB consideration this winter.

Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOCs – The Reasonably Available Control Technology (RACT) final rulemaking was approved by the EQB on Nov. 17, 2015. The final-form RACT regulation was unanimously approved by IRRC on March 10, 2016, and subsequently delivered, the same day, to the Attorney General's Office for approval as to "form and legality." The final-form RACT regulation was published in the Pennsylvania Bulletin on April 23, 2016 (46 Pa.B. 2036). The SIP revision was submitted to EPA for approval on May 16, 2016. Conditional approval is anticipated pending DEP submission of RACT Case-by-Case determinations.

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 SIP. 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 for consideration. The proposed repeal of this regulation was presented to the SBCAC and the CAC on Feb. 17 and March 15, 2016, respectively. Both committees unanimously concurred with the DEP's recommendation to submit the proposed rulemaking to the EQB for approval. *On Oct. 18, 2016, the EQB voted 15-5-0 on DEP's recommendation to move the proposed rulemaking forward to be published in the PA Bulletin for public*

*comment. The Department will hold a 60-day public comment period on the proposed rulemaking and three public hearings at DEP regional offices in Norristown, Harrisburg, and Pittsburgh, PA.*

**Air Program Fee Schedule for Emission, Plan Approval and Operating Permit Fees** – A proposed rulemaking is under development that 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 carbon dioxide (CO<sub>2</sub>) emissions if EPA’s “Standards of Performance for Greenhouse Gas Emissions from New Stationary Sources: Electric Utility Generating Units” and Clean Power Plan regulating CO<sub>2</sub> under Section 111 of the CAA are upheld by federal courts including the U.S. Supreme Court.

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## **Energy Initiatives**

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### **Application to USDOE for Competitive Solar Energy Evolution and Diffusion Studies II – State Energy Strategies (SEEDSII-SES)**

OPPEA submitted an application entitled “Finding Pennsylvania’s Solar Future: Scenario Planning and Stakeholder Engagement to Identify Tomorrow’s Solar Development and Investment Strategies” on April 29 to the United States Department of Energy (DOE) in response to the SEEDS II – State Energy Strategies Solicitation. OPPEA’s proposal is to work in partnership with Citizens for Pennsylvania’s Future (PennFuture), the Vermont Energy Investment Corporation (VEIC), and others to coordinate and conduct a scenario-based stakeholder engagement process to create a cogent statewide Solar Deployment Plan for Pennsylvania, reaching out five years and 10 years to facilitate achievement of in state solar generation representing 10 percent of Pennsylvania’s electricity sales by 2030. The period of performance would be 30 months, pending the outcome of continuation reviews and availability of funding. Eleven PA entities have pledged time to participate in the project, including the Energy Association of PA, PUC, Office of Consumer Advocate, University of Pennsylvania, all of the Sustainable Energy Funds, Solar City and Community Energy.

*OPPEA formally submitted to U.S. DOE its statement of Project Objectives and detailed budgets for DEP, and DEP’s primary partners: Citizens for Pennsylvania’s Future (PennFuture) and the Vermont Energy Investment Corporation. On October 20<sup>th</sup>, DOE announced a \$550,000 SunShot Award to the PA DEP. This project uses detailed scenario modeling to analyze current solar development and legislation and determine how they will be applied in 2030 under a scenario where up to 10 percent of electricity sales are from solar generation. The project will inform strategies that help meet state energy goals, develop environmental compliance plans, contribute to Pennsylvania’s compliance of the Clean Power Plan, and increase grid resiliency. This work will result in a well-informed solar deployment plan that will be available to policymakers, regulators, industry, investors, and consumers. This project is expected to help lower the costs, increase the speed, and lower the barriers to solar market expansion in Pennsylvania.*

**2016 Alternative Fuel Incentive Grant (AFIG):** *Award announcement for the 1<sup>st</sup> submission period occurred on September 8, 2016. During the first submission period, a total of 30 applications were submitted via the DEP Environmental eGrants system. DEP awarded more than \$1.6 million to 10 applicants including Pennsylvania schools and businesses for projects using alternative fuels and infrastructure. The winning projects are estimated to eliminate from use 980,000 gallons of gasoline. The AFIG Program offers grant funding for clean, alternative fuel projects in Pennsylvania, and investment in Pennsylvania’s energy sector. The second submission period for the 2016 AFIG Grant closed on 4 PM on Friday, September 9th. 29*

*Applications were received requesting a combined total of \$4.8 million. The selection process for awards is currently under way.*

### **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 594 heavy duty vehicles under the Act 13 program totaling more than \$11.7 million in program funds disbursed. The 594 vehicles supported to date with grant funds are estimated to be displacing over 7.4 million gasoline gallon equivalents per year. Over \$31.5 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 425 vehicles totaling over \$2.4 million in program funds disbursed. The 425 vehicles are estimated to be displacing over 1 gasoline gallon equivalents per year. Over \$4.9 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 December 30, 2016, or until 250 rebates are issued, whichever occurs first. As of October 22, 2016, 58 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 May 31st, Car Charging Group, Inc. (CCGI), the technology provider for the Turnpike project, has installed one level III DC fast charging station and one Level II charging station each at 5 service plazas along the Main Line of the PA Turnpike. DEP anticipates construction at the North & South Somerset in the fall of 2016. North & South Midway plazas will be installed in the winter of 2016/2017. Eventually, 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. CCGI is resolving issues which have caused delays in the project.*

**Green Energy Revolving Loan Fund (GELF)** *Since inception of the loan program in 2010, As of June 30, 2016, GELF has closed a total of \$14,827,001 of loans supporting the deployment of energy efficiency and alternative energy measures in Pennsylvania. These loans have leveraged nearly \$283 million in total project activities in Pennsylvania. GELF currently has available for lending \$2,523,880, consisting of \$1,137,841 revolved ARRA funding and \$1,386,039 additional State Energy Program (SEP) funding provided in 2015. GELF's loan program has expanded since inception as the program has transferred a total of \$1,167,767 of income, interest and fees into the capital available for lending. GELF is currently considering a new project, the Circle of Seasons Charter School a K-12 charter school in Fogelsville, PA.*

### **Combined Heat and Power (CHP)-Enabled Renewable, Distributed Energy Technology via Leveraged Use of Pennsylvania Marcellus Shale Gas**

*The Climate Change Action Plan Update contains a work plan that recommends increasing deployment of CHP systems in PA and recently the PUC has proposed a policy statement intended to promote CHP investments; encourage electric distribution companies (EDCs) and natural gas distribution companies (NGDCs) to make CHP an integral part of their energy efficiency and resiliency plans.*

The project is to demonstrate the use of natural gas and solar energy in a hybrid, CHP-Enabled Renewable Energy distributed energy configuration at the newly constructed Building 7R facility at the microgrid within the Philadelphia Navy Yard. This demonstration will establish a path to a more pervasive use of renewable energy technology by the application of hybrid (CHP + Solar Photovoltaic + Electric and Thermal Energy Storage combinations) systems that enable a resilient, low carbon footprint path that rationally incorporates cost-effective advances in solar cells, energy storage and distributed energy based electric grid designs. The project will provide the data and system operation experience for a transferrable design guide to enable interested municipal, industrial and rural co-op organizations to assess implementation feasibility for particular applications.

*PA DEP hosted a meeting between DEP and representatives of the US DOE Mid-Atlantic CHP Applications Center, DOE NETL, Penn State, PUC, and DCED on October 12 to discuss opportunities for collaboration to advance microgrid projects which include CHP, renewables, and storage in PA. The benefits to PA were discussed: use of indigenous shale gas and renewables for economic development, environmental improvement, and increased resiliency. There are several sites that are currently planning or considering microgrids with solar PV and energy storage, including the Philadelphia Navy Yard, Reading Airport, a municipal electric utility grid cluster in SE PA, and Pittsburgh. We discussed some of the challenges and barriers to deployment of these and similar systems, and opportunities to overcome some of these, including development of streamlined permitting for pre-certified packaged systems, as has been done in several other states. It was suggested that PA facilities could lead by example and deploy such systems to protect critical infrastructure. Other opportunities which need to be pursued include educating natural gas producers, identifying manufacturing clusters that could make use of these systems, and exploring potential utility regulatory changers and financing options. The group has agreed to come up with a document that includes definitions and a set of recommendations for next steps to encourage these systems.*

### **Industrial Energy Efficiency Assistance**

The Climate Change Action Plan Update contains a work plan that calls for greatly increasing the number of energy assessments for the manufacturing sector and this proposal directly coincides with that recommendation. 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 2016 – 2017 to provide 70-75 energy efficiency assessments for small to mid-sized manufacturers. The project will also educate the next generation of engineering students at Penn State University by including them in site visits and writing assessment reports. Funding is provided by EPA's Pollution Prevention Incentives for States and the DOE's State Energy Program.

*PennTAP's technical staff provided four energy assessments for manufacturing companies in the northwest, northcentral and southcentral regions during August. The manufacturers represented the plastics and wood, food processing lumber, vehicle equipment and paper industries.*

### **Energy Assessments and Retrofits for Restaurants and Corner Stores**

DEP contracted with the Energy Outreach and Assessment Center (EOAC) at the Philadelphia Navy Yard to design and demonstrate a scalable approach to facilitating building energy assessments that will lead to energy retrofits in small and medium sized facilities. This demonstration will focus initially on the Philadelphia PA region as a model for broader statewide applications and specifically on convenience stores and restaurants which are the most energy intensive type of commercial building (3 to 5 times higher than office buildings). These types of facilities have also been targeted by the Philadelphia Energy Authority, who will be a key partner in this project.

This initiative will draw from recent investments by Penn State, the U.S. Department of Energy (DOE) and the DEP in Building Operator Certification and Building Retuning Training designed to engage entry-level workers in building energy assessments. It will also include market partners that will execute retrofit implementations

through innovative methods that overcome many barriers currently impeding progress in building energy efficiency. Key innovations include:

- (1) **Lowering the cost of energy retrofit customer acquisition** through low cost energy assessment conducted by education and training program integration and community outreach,
- (2) **Supply chain integration** of retrofit design, pricing, product procurement, and construction, and
- (3) **Aggregation of small projects** into portfolios

*In Q1, a total of 30 businesses had a walk-through energy assessment conducted. Three were in State College and 27 were in Philadelphia. A standard assessment report template and format was in development during this period. As of September 30, 2016, three retrofit proposals were developed by PEP and submitted to the business owner. Several more proposals are in development.*

### **Building Operator Certification (BOC) Outreach and BOC/Building Re-tuning (BRT) Workshop**

DEP has contracted with PennTAP to create and deliver a well-structured statewide workshop to showcase DEP's Building Construction Technology Extension Program and to provide BRT training and BOC required maintenance points for re-certification. The workshop will highlight DEP's Scope of Work on the BRT projects that have been implemented over the past several years. Program participants will discuss BRT at their facilities and lessons learned of executing projects. BRT training will be provided to participants at the workshop interested in the hands-on training. BOC training modules will be provided to past participants of the Building Operator Certification Program to provide them an opportunity to obtain their required re-certification BOC maintenance points. PennTAP Technical Advisors and instructors from the Penn College National Sustainable Structures Center (NSSC) will present training sessions that are competency-based and offer facility personnel the improved job skills and knowledge needed to transform their workplaces to be more energy-efficient and environmentally friendly. In addition PennTAP is subcontracting with Penn College's National Sustainable Structures Center will deliver BOC training to 20 government, community colleges and K-12 school participants in 1 or 2 sessions (Statewide).

*The BOC/BRT Facility Operations Workshop date has been set for March 14, 2017. This date was chosen to avoid potential conflicts with other events and also to occur prior to a BOC certification expiry deadline at the end of March. The event will be held at the Penn Stater Conference Hotel Center. Continuing education credits (CEU) certificates will serve as the proof of participation required to qualify for BOC points. Targeted enrollment is 100. The workshop will consist of two parallel tracks that focus on a) BRT principles and the practical application in building walkthroughs, and b) a variety of BOC topics (earning certification points).*

### **BOC Q1 Activities**

*The location, subjects, dates, and logistics for the BOC training sessions have been determined and are being promoted through Penn College. An initiative to align the BOC program with the international ISO standard will be incorporated in these new training sessions. The activity to date has primarily been planning. NSSC staff will conduct outreach at the upcoming Pennsylvania Association of School Business Officials (PASBO) Facilities Management and Transportation Conference.*

### **Energy Efficient Building Codes Outreach and Education**

OPPEA staff has been preparing for the upcoming voting sessions for the 2018 International Energy Construction Code (2018 IECC, the national model code). This year is particularly important after various energy efficiency professionals did an analysis of the proposed codes and found that the 2018 IECC, as proposed, will roll back energy efficiency requirements pre-dating 2009 IECC. The National Association of State Energy Officials and Institute for Market Transformation are providing webinars to State Energy Offices and local governments across the country to educate them about the voting process and the technical issues involved the proposed 2018 IECC. *The International Construction Code Council is holding their public*

*comment hearings on the codes October 19 – 25, 2016 in Kansas City. Guides will be produced from the outcomes of the hearings and disseminated to OPPEA staff to prepare for online voting November 8 -21, 2016.*

*The Pennsylvania Energy Code Collaborative, hosted by the Northeast Energy Efficiency Partnership, held a meeting in Philadelphia on October 3, 2016 at the Delaware Valley Regional Planning Commission. The group will be discussed energy code barriers and opportunities, a collaborative roadmap to 100% code compliance and the energy code compliance 101 factsheet.*

### **Energy Financing Gap Analysis**

*DEP issued a Notice to Proceed to Harcourt, Brown & Carey (HBC), a consultant who provides advisory services to various state entities on constructing innovative energy financing programs. HBC will be reviewing all of the alternative energy financing programs provided by PA Commonwealth agencies, and will conduct a gap analysis to determine who and what types of projects are not being adequately served by these programs. The outcome of this analysis will give us information to help determine whether PA should establish new energy funding programs, such as developing a Green Bank, or establishing loan loss reserves, buy-downs, or other credit enhancement mechanisms to accomplish deployment of energy projects. We expect to use this information to inform our annual State Energy Plan submission to DOE, the Pennsylvania Climate Change Action Plan and PEDA's 2017 Energy Development Plan. The analysis, funded by the 2016/17 DOE State Energy Program, should be completed by the first quarter of 2017.*

### **EV Everywhere**

*DEP hosted an Electric Vehicle and Infrastructure planning meeting on September 22, 2016 in the RSCOB (Rachel Carson State office Building) to discuss potential CWOPA participation in the EV Everywhere program. EV Everywhere is the umbrella effort of the U.S. Department of Energy (DOE) to increase the adoption and use of plug-in electric vehicles (EVs). EV Everywhere was launched as one of a series of Clean Energy Grand Challenges that set ambitious, far-reaching, national goals that will help the U.S. become more energy secure and environmentally sustainable. Announced by President Obama in March 2012, the goal of this initiative is to enable plug-in electric vehicles (PEVs) that are as affordable and convenient for the American family as gasoline-powered vehicles by 2022. Representatives from the PA DEP, DCNR, PennDOT, DGS, Turnpike Commission, the Governor's Policy Office and outside consultants attended this meeting.*

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## **Environmental Cleanup and Brownfields**

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

*The next CSSAB meeting is scheduled for Nov. 16, 2016, at 9 a.m. in the 14<sup>th</sup> Floor Conference Room, RCSOB, 400 Market Street in Harrisburg. The proposed agenda will include a Land Recycling Program update, feedback from the Board on draft substantive revisions to Sections I, II, and III of the "Land Recycling Technical Guidance Manual" (TGM), and a presentation and discussion of draft substantive revisions to Sections V and VI of the TGM. Various minor technical program questions will also be presented and discussed with the Board.*

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

*The next STAC meeting is scheduled for Dec. 6, 2016, at 10 a.m. in Room 105, RCSOB, 400 Market Street in Harrisburg. The proposed agenda will include a discussion of draft substantive revisions to both the "Closure Requirements for Aboveground Storage Tank Systems" and "Closure Requirements for Underground Storage Tank Systems" technical guidance documents. In addition, a draft proposed rulemaking to amend Chapter 245 (Administration of the Storage Tank and Spill Prevention Program) will also be presented and discussed.*

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## **Environmental Education**

## **Environmental Education Grants Program (EEGP)**

*Applications for the 2017 Environmental Education Grants Program are now available. The grants provide funding to public and incorporated private schools, colleges and universities, county conservation districts, incorporated nonprofit organizations, along with incorporated conservation and education organizations and institutions, businesses, municipalities and municipal authorities to create or develop projects that support environmental education in the state. This program is funded through a portion of fines and penalties collected by DEP.*

For the 2017 grant round, organizations may apply for mini-grants of up to \$3,000 or general grants up to \$50,000. General grants will be awarded to organizations implementing large scale regional or statewide environmental education projects. Mini-grant applicants may apply for local environmental education projects. All applicants are encouraged to undertake projects that address DEP's priority topics of climate change, water education and environmental justice.

Applications must be submitted electronically at [dep.pa.gov/EE\\_Grants](http://dep.pa.gov/EE_Grants) from Oct. 3 through Dec. 16, 2016.

## **PA Falcon Reintroduction Program**

*The peregrine falcon fledglings have become completely independent and have dispersed from the area. The adults will remain in the area, defending the nest site. The 2017 breeding season will begin in late January when the adults are expected to renew their pair-bond.*

*Ongoing, active components of this program include: email interaction with web viewers, Falcon Wire and Twitter postings and school/youth programming on endangered species and adaptations.*

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## **Oil and Gas**

### **Petition for Declaratory and Injunctive Relief**

*On October 13, DEP received notice from the Marcellus Shale Coalition (MSC) that it filed a petition in Commonwealth Court seeking declaratory and injunctive relief challenging the Chapter 78a rulemaking. DEP also received an application for expedited special relief.*

*Specifically, MSC challenges the following:*

- *public resource provisions in Section 78a.15(f) and (g);*
- *area of review requirements in Sections 78a.52a and 78.73(c)-(d);*
- *onsite processing requirements in Section 78a.58;*
- *well development and centralized wastewater impoundments requirements in 78a.59(b)-(c);*
- *site restoration requirements in Section 78a.65;*
- *remediation of spills provisions in Section 78.66(c);*
- *waste reporting requirements in Section 78a.121.*

*The claims include a mixture of statutory authority arguments, challenges involving the Regulatory Review Act and the Commonwealth Document Laws and other claims. The Commonwealth Court of Pennsylvania began hearing oral arguments on Tuesday, October 25.*

### **COGAC and TAB Meeting Cancellations**

*Notices were published in the Pennsylvania Bulletin on October 22 that the November 2, 2016, meeting of the Conventional Oil and Gas Advisory Committee (COGAC) and the November 3, 2016 meeting of the Oil and*



*Gas Technical Advisory Committee (TAB) are cancelled due to lack of agenda items. Both meetings were scheduled to begin at 10:00 a.m. at the Rachel Carson State Office Building (Conference Room 105), 400 Market Street, Harrisburg, PA 17105.*

### **TAB Meeting Scheduled**

*On further consideration, TAB determined that there are several topics that it would like to discuss prior to the end of this calendar year; therefore, a meeting has been scheduled for November 22 to accommodate this meeting request. This meeting is scheduled to begin at 10:00 a.m. at the Rachel Carson State Office Building (Conference Room 105), 400 Market Street, Harrisburg, PA 17105. DEP will also make this meeting available to the public via a webinar format. Meeting materials and webinar registration instructions will be available on the DEP website (at the TAB web page) two weeks prior to the meeting.*

### **Outreach to Oil and Gas Operators (Centralized Impoundments)**

*On October 7, 2016, the Bureau of Oil and Gas Planning and Program Management (BOGPPM) in cooperation with the Bureau of Waste Management sent a letter to unconventional operators that possess a centralized impoundment. The letter informs them of the new requirements related to centralized impoundments. Specifically, the oil and gas surface activities rulemaking (Chapter 78a) that was published in the Pa Bulletin on October 8, 2016 requires operators of existing impoundments to either 1) notify DEP by April 8, 2017 if the operator intends to close the impoundment or pursue a residual waste storage impoundment permit for the facility, or 2) permanently close the impoundment or receive authorization to operate the impoundment as a residual waste storage impoundment by October 8, 2019. This letter notified unconventional operators of this new requirement and also included additional information such as eligibility requirements for residual waste impoundments, instructions for obtaining a residual waste permit, instructions for submitting required notifications to DEP, a permit application checklist to aid during the pre-application meeting and a list of DEP contacts.*

### **O&G Training on Electronic Submission Requirements**

*Chapter 78a requires the electronic submission of notifications, forms, requests, and unconventional well permits. Enhancements were made to the Office of Oil and Gas Management (OOGM) current Greenport applications in order to receive the above information electronically. In coordination with DEP's Application Help Desk Team, the OOGM provided instruction training on October 5<sup>th</sup> via webinar regarding the electronic applications associated with the Chapter 78a final rulemaking. The training sessions covered electronic well permitting, the electronic submission of forms, and electronic notifications. The Oil & Gas Program will make the recorded webinars available on its website.*

### **Draft Technical Guidance Documents (Environmental Protection Performance Standards at Oil and Gas Well Sites)**

*Notice of availability of two guidance documents was published as interim final with a 60-day comment period on October 8, 2016. The two technical guidance documents [Guidelines for Implementing "Area of Review Regulatory Requirement" (AOR Guidelines) and the "Policy for the Replacement or Restoration of Private Water Supplies" (Water Supply Policy)] have been developed to assist DEP and industry in implementing the final-form rulemaking. Both guidance documents have been the subject of workgroup meetings dating back to last November with a wide range of stakeholders as well as formal consideration by the Oil and Gas Technical Advisory Board (TAB) and the Conventional Oil and Gas Advisory Committee (COGAC). Edits have been made in the wake of Act 52 to remove all references in the documents to the conventional oil and gas industry.*

### **Draft Forms (Environmental Protection Performance Standards at Oil and Gas Well Sites)**

*DEP's Office of Oil and Gas Management have developed forms that will assist in the implementation of the final-form surface activities rulemaking. The draft forms were presented to TAB and COGAC in March and June. All new and amended forms necessary for the implementation of the final-form rulemaking were posted to eLibrary and ready for use on Friday, October 7.*

## **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 RPAC meeting scheduled for October 13, 2016, has been rescheduled to November 17, 2016, at 9:00 a.m. in the 14th Floor Conference Room, RCSOB.

### **Radiation Protection Rulemaking Packages**

#### **Radiation Protection Program Fees**

This proposed rulemaking will amend 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 was approved by the EQB on April 19, 2016, and published in the Pa. Bulletin on July 2, with a 60-day public comment period that *closed* Aug. 30, 2016. A comment/response document and final rulemaking are under development and are tentatively planned for RPAC review on Nov. 17, 2016.

#### **Radiological Health**

This proposed rulemaking is diverse in scope and will amend 25 Pa. Code Chapters 215-240 to establish and maintain adequate radiation protection standards and oversight due to significant technological advances in the use of radiation sources. The revisions will delete Agreement State transitional language and outdated requirements as well as add definitions for clarity of new and existing regulatory provisions. The amendments also contain comprehensive amendments for radon testing, mitigation, and laboratory analysis that largely reflect current practice. This rulemaking has been reviewed at length with RPAC at its meetings in 2014 and 2015. DEP received the Committee's endorsement of the package in July 2015. The proposed rulemaking *was presented to and unanimously approved by the EQB on Oct. 18, 2016, with PA Bulletin publication anticipated in December with a 45-day public comment period.*

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## **Waste Management**

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### **Solid Waste Advisory Committee (SWAC)**

The annual meeting of the SWAC and Recycling Fund Advisory Committee was held on Thursday, Sept. 22, at 10:00 a.m. in Room 105, RCSOB. *The 2017 meetings are currently being scheduled. The process of re-appointing and appointing members and convening a nominating committee for election of officers (Chair and Vice-Chair) is ongoing. Current members' terms expire Dec. 31, 2016, and election of officers will take place at the first meeting in 2017.*

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## **Water Programs**

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### **New Chapter 102 and 105 Delegation Agreements**

The Department of Environmental Protection has revised the delegation agreements with county conservation districts for both the Water Obstruction and Encroachments Permitting Program (WEOP Program, Chapter 105) and the Erosion and Sediment Pollution Control (E&S) and National Pollutant Discharge Elimination System

(NPDES) Permitting Program for the discharge of stormwater from construction activities (Chapter 102). The key changes to the delegation agreements include the following:

- 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.

The revised delegation agreements were approved by the State Conservation Commission at its September 19, 2015 meeting, and were sent to all conservation districts for review and signature. The districts could opt to maintain their current levels and programs of delegation agreement, add a new level or agreement, or drop a level or agreement. A letter of Intent was requested from each conservation district by February 26, 2016 indicating their choice. It is anticipated that full execution of all revised delegation agreements will take place by or before January 2017.

### **Technical Guidance Documents**

The Bureau of Waterways Engineering and Wetlands is in the process of finalizing three technical guidance documents previously published for public comment. The technical guidance documents set to be finalized are the Pennsylvania Wetland Condition Level 2 Rapid Assessment (Doc Id: 310-2137-002), Pennsylvania Riverine Condition Level 2 Rapid Assessment (Doc Id: 310-2137-003), and Pennsylvania Lacustrine Condition Level 2 Rapid Assessment (Doc Id: 310-2137-004). These technical guidance documents provide standard guidelines for evaluating the condition of palustrine wetlands, riverine and lacustrine aquatic resources for the purposes of meeting regulatory requirements contained in 25 Pa. Code Chapter 105. The technical guidance outlines how to conduct assessments, the factors to consider when doing so and establishes a scoring system based upon condition categories. Program staff presented an overview of the three proposed Aquatic Resource Condition Level 2 Rapid Assessment final technical guidance documents to the Water Resources Advisory Committee at their September 21, 2016 meeting. The WRAC members approved these technical guidance documents with a unanimous vote. The final technical guidance documents will be published in the PA Bulletin by late October/early November 2016 with an effective implementation date of January 1, 2017. Bureau staff is also currently developing a roll out plan for these technical guidance documents..

### **NPDES Permitting**

On May 30, 2015, DEP published a draft NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (PAG-13), and provided a 60 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 prepared a comment-response document, and the final PAG-13 General Permit was published in the Pennsylvania Bulletin on June 4, 2016. The General Permit will

not become effective until March 2018. DEP reissued the General Permit well in advance of the expiration date because significant work may be required by MS4s to prepare for renewal of coverage, including the possibility of developing a Pollutant Reduction Plan for stormwater discharges to waters in the Chesapeake Bay watershed and to locally impaired waters.

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. Publication of the final PAG-03 General Permit in the Pennsylvania Bulletin is anticipated for October or November.

### **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.

### **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. Scoring and recommendation for final selection has been completed and submitted for approval. Nineteen projects were recommended for funding, totaling \$2.28 million. Notice of successful applicants has been announced.

### **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) was presented to the Water Resources Advisory Committee at the March 24, 2016 meeting. 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:

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

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. The proposed rulemaking was presented to the EQB at their April 19, 2016 meeting.

**Final Rulemaking**

**Revised Total Coliform Rule (RTCR)**

The final RTCR was published in the *PA Bulletin* on September 24, 2016. The purpose of the RTCR Chapter 109 rulemaking is to incorporate necessary federal requirements needed to obtain primacy and to provide for the increased protection of public health. The RTCR 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.

**Proposed Requirements Rule**

**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 proposed rulemaking was approved by EQB on Nov 17, 2015 and was published in the PA Bulletin on February 20, 2016. Three hearings were held on March 28 (Harrisburg), April 5 (Norristown), and April 7 (Pittsburgh). The public comment period closed on April 19, 2016. IRRCs comment period closed on May 19, 2016. The draft final rulemaking should be presented to the TAC Board in mid-2017.

### **Safe Drinking Water General Update**

*There are three main purposes for this rulemaking. The first is to incorporate the remaining general update provisions that were separated from the proposed RTCR as directed by the EQB on April 21, 2015. These general updates are intended to:*

- *Clarify the source water assessment, source water protection area, and source water protection program elements and requirements.*
- *Revise the treatment technique requirements for pathogenic bacteria, viruses and protozoan cysts by adding specific turbidity performance requirements for membrane filtration.*
- *Revise the disinfection profiling and benchmarking requirements to clarify that public water systems that did not previously conduct these activities must now conduct them.*
- *Revise the permit requirements to clarify the components that must be included in a permit application for a new source, including a source water assessment, pre-drilling plan, evaluation of water quantity and quality, and hydrogeologic report.*
- *Revise the design and construction standards to require public water systems (PWS) using surface water or groundwater under the direct influence of surface water (GUDI) sources to be equipped with alarm and shutdown capabilities. These provisions would be required for plants that are not staffed continuously while the plant is in operation.*
- *Update the system management requirements for community water systems (CWSs) to strengthen system service and resiliency by requiring auxiliary power or an alternate provision such as finished water storage or interconnections.*
- *Revise the corrective action timeframes in response to a significant deficiency for PWSs using groundwater and surface water sources to be consistent.*
- *Delete the provision that allows a PWS to avoid the requirement for a corrective action by collecting five additional source water samples after an E. coli-positive triggered source water sample.*

*The second purpose is to include additional general update provisions that will:*

- *Establish the regulatory basis for the issuance of general permits for high volume, low risk modifications or activities to streamline the permitting process.*
- *Clarify that noncommunity water systems (NCWS) require a permit or approval from the Department of Environmental Protection (DEP) prior to construction and operation.*
- *Address concerns related to gaps in the monitoring, reporting and tracking of back-up water sources and entry points. As per state and federal regulations, all sources and entry points must be included in routine compliance monitoring to ensure water quality meets safe drinking water standards. Sources and entry points that do not provide water continuously are required to be monitored when used. However, monitoring requirements for back-up sources are not currently tracked, which means there are no verifiable controls in place to ensure that all sources and entry points meet safe drinking water standards.*

*The third purpose is to add new annual fees and amend (update) permit fees. Pennsylvania is ranked 4<sup>th</sup> in the nation in terms of the number of PWSs, with nearly 9,000 water systems across the Commonwealth. The DEP is responsible for regulating all PWSs and ensuring that safe and potable drinking water is continuously supplied to the 10.7 million customers they serve. In order to carry out these responsibilities, the DEP must ensure adequate funding for the Safe Drinking Water Program. The proposed rulemaking is necessary in order to fulfill the DEP's fiscal responsibility to cover most, if not all, of its state program costs. Program costs are directly tied to the resources needed to meet federal and state mandates for minimum program elements and for the administration of an effective State Drinking Water Program. Failure to meet minimum program elements may result in increased risk to public health as well as the loss of primacy for the Safe Drinking Water Program.*

*The proposed rulemaking will be presented to the Small Water Systems Technical Assistance Center (TAC) Advisory Board in November & December 2016. It is anticipated that the proposed rulemaking will be presented to the EQB in 2017.*

### **Draft 2016 Pennsylvania Integrated Water Quality Monitoring and Assessment Report (Integrated Report)**

The Department published the Draft 2016 Pennsylvania Integrated Report in the Pennsylvania Bulletin on July 30, 2016 for a 45-day comment period. The comment period closes September 12, 2016. The Integrated Report satisfies the federal Clean Water Act (CWA) Section 303(d) requirement that every two years on even numbered years submit the list of waters (flowing and lakes) that will not meet water standards following the application of technology due to a pollutant and require the development of a Total Maximum Daily Load (TMDL) to USEPA. The report also satisfies the CWA Section 305(b) requirement that states report the water quality status of all surface waters from time to time to USEPA. The list is composed of surface waters assessed for at least one of the four protected uses of aquatic life, fish consumption, potable water supply and recreation. The report is available on the Department's website at: <http://www.dep.pa.gov/Business/Water/PointNonPointMgmt/WaterQuality/Pages/Integrated-Water-Quality-Report---2016.aspx>. The report consists of five categories, waters that are attaining all four uses, waters attaining at least one use, waters not assessed, waters impaired but don't require a TMDL and waters impaired by a pollutant that require a TMDL. In addition, the report identifies the waters selected as high priorities for TMDL development and those waters that will be restored through an alternative to a TMDL, waters restored to water quality standards since the previous integrated report and other details and statistics of the water quality management program.

### **Chesapeake Bay Initial Ag Inspection Training**

DEP staff completed four training sessions for the Chesapeake Bay Initial Ag Inspection program. As part of the January 2016 Chesapeake Bay Restoration Strategy, DEP and County Conservation District staff will be conducting several thousand inspections of farm operations to ensure compliance with existing Pennsylvania regulatory requirements. The first element of the “reboot” is addressing pollutant reduction deficiencies by meeting the EPA goals of inspecting 10 percent of farms in the Bay watershed annually, with increased inspection and compliance efforts in the agriculture sector using existing DEP and Conservation District staff, and with continued DEP outreach and program development for urban stormwater systems. This inspection training was conducted for conservation district staff that will be conducting these initial inspections. On July 29<sup>th</sup>, the last of these four sessions was held in Shippensburg. The training focused on basic Chesapeake Bay information and instruction on implementation of the Initial Ag Inspection Standard Operating Procedures. More than 75 conservation district staff were trained to conduct these initial ag inspections. Conservation districts in 29 Pennsylvania counties will be conducting these inspections in the Chesapeake Bay Watershed; nine conservation districts declined to participate in these farm inspections. DEP and conservation districts have begun conducting inspections, with a majority of these inspections to be conducted in the fall through next spring.

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## **Water Resources Planning**

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### **Partnership for the Delaware Estuary (PDE) Meeting**

*The joint meeting of the PDE Environmental Implementation Committee (EIC) and Science and Technical Advisory Committee (STAC) was held on September 28, 2016, at the EPA Region III Office. PDE’s Executive Director gave a brief timeline overview on the status of the Comprehensive Conservation Management Plan (CCMP) revision. The annual in-person Steering Committee meeting will be held on October 28, 2016.*

### **Potomac River Basin**

*DEP staff participated in the kick-off scoping meeting to formulate a strategic plan for the Potomac River Basin. The effort is being led by the Interstate Commission on the Potomac River Basin (ICPRB) and their consultant. The end product, a comprehensive strategic plan for ICPRB operations, is expected in late 2017 or early 2018 and will assist in directing resource decisions in the basin.*

### **2016 Annual Great Lakes Regional Meeting of Coastal Zone Managers**

*The 2016 Annual Great Lakes Regional meeting was held in Clayton, NY, from September 27 through September 29 and was attended by representatives of the National Oceanic and Atmospheric Administration (NOAA), New York, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota. Four representatives from Pennsylvania attended the meeting: Jen Orr, Compacts and Commissions Office Director; Don Benczkowski, Coastal Resources Program Manager; Matt Walderon, Federal Consistency Specialist; Jake Moore, NWRO Coastal Zone staff.*

*The agenda consisted of topical classroom sessions that included the following: sand management and dredging issues; open water lake disposal of dredged materials; U.S. Army Corps of Engineers (USACE) Systems Approach to Geomorphic Engineering Program (SAGE); offshore wind proposals; FEMA flood mapping; green infrastructure; living shorelines; USACE Nationwide Permits; GIS mapping; coastal resilience grants; habitat blueprint; Great Lakes Restoration Initiative; Section 306A guidance/checklist/categorical exclusion list; National Marine Sanctuaries; and a look at the New York State Geographic Information Gateway. There was also a partial day tour of the St. Lawrence River, St. Lawrence federal navigation channel, Boldt castle, and a visit to the State University of New York field station on Governor’s Island in the St. Lawrence River, where research involving freshwater fish (primarily Muskellunge/Walleye/Northern Pike), wetlands and limnological monitoring is taking place year-round.*



The 2017 Annual Great Lakes Regional Meeting is set to take place in Minnesota, but no dates or specific locations have been chosen yet.

**Actions of the State Land Preservation Board**

On October 13, 2016, the state’s Agricultural Land Preservation Board met to consider new farm applications under the state’s Farmland Preservation Program. This program provides for the permanent conservation easement of high-quality farmlands across the state. DEP serves as an active member of this Board. At the meeting, 22 farms were approved for inclusion in the state’s farmland preservation program at a cost of \$4.34 million. These 22 farms cover 1,998 acres and were in Adams, Berks, Chester, Dauphin, Erie, Indiana, Lancaster, Monroe, and Northampton Counties. Following the actions of the October meeting, the program has a total of 5,025 farms enrolled under permanent easement, covering 527,018 acres. All enrolled farms are required to implement conservation plans in order to be enrolled in the program and are required to meet the provisions of Pennsylvania’s Nutrient Management Act if they are defined as Concentrated Animal Operations.

**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.”

<b>October</b>	
20	Mining Reclamation Advisory Board, 10 a.m., 105 RCSOB
26	Small Business Compliance Advisory Committee, 10:00 a.m., 12 <sup>th</sup> Floor RCSOB
<b>November</b>	
1	Climate Change Advisory Committee, 10:00 a.m., Room 105 RCSOB
2	Aggregate Advisory Board, DEP Southcentral Regional Office, 10 a.m., Susquehanna Conference Room, 900 Elmerton Avenue, Harrisburg
15	Environmental Justice Advisory Board meeting, 10 a.m., Room 105, RCSOB
15	Environmental Quality Board meeting 9 a.m., Room 105, RCSOB
15	Citizens Advisory Council meeting 10 a.m., Room 105, RCSOB
16	Cleanup Standards Scientific Advisory Board, 9:00 a.m., 14 <sup>th</sup> Floor RCSOB
17	Radiation Protection Advisory Committee, 9:00 a.m., 14 <sup>th</sup> Floor RCSOB
22	Oil and Gas Technical Advisory Board (TAB), 10 a.m., Room 105, RCSOB
<b>December</b>	
6	Storage Tank Advisory Committee, 10:00 a.m., Room 105, RSCOB
8	Air Quality Technical Advisory Committee, 9:15 a.m., Room 105, RCSOB
13	Board of Coal Mine Safety, 10:00 a.m., Conference Room 1A and 1B, Cambria Office, 286 Industrial Park Road, Ebensburg
14	State Board for Certification of Water and Wastewater Systems Operators meeting
21	State Board for Certification of Sewage Enforcement Officers meeting

## Attachment 2

### Oil and Gas Workload Report

YTD WELL PERMIT APPLICATIONS - 1/1/2016 to 10/14/2016						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	166	42	130	130	130	0
UNCONVENTIONAL	1,016	249	982	972	944	10
<b>Sub Total</b>	<b>1,182</b>	<b>291</b>	<b>1,112</b>	<b>1,102</b>	<b>1,074</b>	<b>10</b>
AUTHORIZATIONS	645	284	618	585	N/A	33
<b>Total</b>	<b>1,827</b>	<b>575</b>	<b>1,730</b>	<b>1,687</b>	<b>1,608</b>	<b>43</b>

WEEKLY WELL PERMIT APPLICATIONS – 10/8/2016 to 10/14/2016						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	0	0	0	0	0	0
UNCONVENTIONAL	2	2	1	1	1	0
<b>Sub Total</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>
AUTHORIZATIONS	1	1	2	2	N/A	0
<b>Total</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>0</b>

HISTORICAL WELL PERMIT APPLICATIONS AS OF 10/14/2016						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	197,341	197,290	196,068	189,974	1,222	103,486
UNCONVENTIONAL	22,381	22,091	21,645	17,734	446	10,171
<b>Sub Total</b>	<b>219,722</b>	<b>219,381</b>	<b>217,713</b>	<b>207,708</b>	<b>1,668</b>	<b>113,657</b>
AUTHORIZATIONS	42,272	41,879	41,542	N/A	337	18,641

<b>Total</b>	<b>261,994</b>	<b>261,260</b>	<b>259,255</b>	<b>248,628</b>	<b>2,005</b>	<b>132,298</b>
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**YTD INSPECTIONS - 1/1/2016 to 10/14/2016**

	<b>INSPECTIONS</b>	<b>FACILITIES INSPECTED</b>	<b>VIOLATIONS</b>	<b>ENFORCEMENTS</b>
CONVENTIONAL	12,612	9,792	1,625	323
UNCONVENTIONAL	12,239	5,833	298	82
CLIENT/SITE	3,437	0	673	192
<b>Total</b>	<b>28,288</b>	<b>15,625</b>	<b>2,596</b>	<b>597</b>

**WEEKLY INSPECTIONS - 10/8/2016 to 10/14/2016**

	<b>INSPECTIONS</b>	<b>FACILITIES INSPECTED</b>	<b>VIOLATIONS</b>	<b>ENFORCEMENTS</b>
CONVENTIONAL	227	219	2	3
UNCONVENTIONAL	165	165	3	1
CLIENT/SITE	81	0	5	0
<b>Total</b>	<b>473</b>	<b>384</b>	<b>10</b>	<b>4</b>

**WELLS DRILLED**

	<b>Two Years Prior 1/1/2014 to 10/14/2014</b>	<b>One Year Prior 1/1/2015 to 9/23/2015</b>	<b>Year To Date 1/1/2016 to 9/23/2016</b>	<b>Week of 9/17/2016 to 9/23/2016</b>	<b>As of 9/23/2016</b>
CONVENTIONAL	662	261	81	2	193,653
UNCONVENTIONAL	1,087	652	355	18	9,965
<b>Total</b>	<b>1,749</b>	<b>913</b>	<b>436</b>	<b>20</b>	<b>203,618</b>

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