

**June 2017 Report to the Citizens Advisory Council**  
(New and updated information in italics)

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**DEP Highlights**

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**VW Beneficiary Mitigation Plan**

*The U. S. Department of Justice, the state of California and Volkswagen lodged partial consent decrees with the Northern District Court of California relating to Volkswagen's unlawful emissions from its 2.0-liter and 3.0-liter diesel vehicles, model years 2009 through 2016. The court approved these decrees on October 25, 2016, and May 17, 2017, respectively, providing Pennsylvania with \$118,569,539.52 for economic and environmental damages. DEP will apply to become certified as the official state agency that will receive and distribute funding from the Environmental Mitigation Trust (Mitigation Trust). DEP has developed a draft Beneficiary Mitigation Plan (Plan) that provides an overview of how Pennsylvania's portion of the trust fund will be spent. The public comment period on this Plan opened on May 20, 2017, and will close on July 5, 2017. DEP held a webinar on May 23, 2017, and will hold a listening session at each of its six regional offices in June. In general terms, the Plan calls for DEP to receive proposals for projects and rate the projects on established and publicized criteria, such as cost effectiveness, emission reductions, and the air quality where the project is located. DEP will grade project applications to determine the best eligible projects, then apply to the Trustee for approval to fund those projects.*

**Falcon Banding Live Event, May 10**

*Students and teachers from St. Stephens Episcopal School and community volunteers attended the Falcon Banding on May 10. In addition to a website livestream, we added a Facebook livestream and invited questions on social media before and during the event. Another enhancement: Oversize images of the falcons, created by the Design Office, made a vivid visual background for the live presentation.*

*The Facebook livestream had 37 shares, 1,311 clicks, and thousands of views. A pre-event promotional video had 28 shares, 543 clicks, and thousands of views. A post-event photo gallery had 35 shares and 1,187 post clicks. Falcon banding dominated our Twitter channels as well, with over 500 engagements on just three of the tweets.*

**Historical Oil and Gas Wells Media and Public Outreach**

*DEP enhanced the May 9 announcement of DEP's new research and mapping tool with a topic explainer video. The video post has had 26 shares, 252 clicks, and over 1,000 views on Facebook and almost 300 views on YouTube. The LinkedIn post has had 36 clicks. The press release has had 568 unique page views and good media pickup.*

**Environmental Justice Listening Sessions**

*DEP completed a successful Environmental Justice Listening Session tour. About 180 people attended five events in Harrisburg, Allentown, Lancaster, Chester, and Philadelphia, and more than 50 spoke about their concerns to Secretary McDonnell and EJ director Carl Jones.*

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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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- State Plan to Improve Local Water Health in Chesapeake Bay Watershed Counties (Opened 6/3/ 2017, Closes 7/7/2017)
- Clean Water and Safe Drinking Water State Revolving Fund Program Intended Use Plans (Opens 6/10/2017, Closes 7/10/2017)

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### **Recently Closed Comment Periods**

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- Proposed Rulemaking: Gasoline Volatility Requirements (Opened 2/25/2017, Closed 5/1/2017)
- Proposed Rulemaking: Sensitive Ground Fault (Opened 3/18/2017, Closed 4/17/2017)
- Air Quality Draft General Permit GP-5A; Draft General Permit GP-5, and Air Quality Permit Exemption List (Opened 2/4/2017, Closed 6/5/2017)

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

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#### **Press Releases Issued**

**April 27** – ADVISORY – MEADVILLE – WEDNESDAY – DEP to Host Public Open House on Pro Waste Services, Inc. – Municipal Waste Transfer Station

**April 27** – Governor Wolf Announces 17 Alternative Fuel Incentive Grants for Pennsylvania Schools, Businesses, and Municipalities

**May 01** – Lee Ann Murray to Lead DEP Citizens Advisory Council

**May 04** – MEDIA ADVISORY – DEP to Hold Environmental Justice Listening Session in Allentown

**May 04** – Governor Wolf, DEP Announce More Than \$2 Million in Mosquito Control Grants to 30 Pennsylvania Counties

**May 04** – DEP to Host Second Public Meeting on Proposed Landfill Expansion in Northampton County

**May 05** – New GIS Open Data Site Puts Maps of Pennsylvania Environmental Information at Public's Fingertips

**May 05** – Steering Committee for Phase 3 of Pennsylvania's Chesapeake Bay Watershed Plan to Discuss Process and Outreach, May 8

**May 08** – MEDIA ADVISORY – DEP to Hold Environmental Justice Listening Session in Lancaster

- May 09** – DEP Tackles Public Safety and Environmental Challenges of Historical Oil and Gas Wells
- May 09** – ADVISORY – HARRISBURG – TOMORROW – DEP Hosts Facebook Live Falcon Banding Event
- May 10** – Harrisburg’s Newest Peregrine Falcons Banded in Educational Event Streamed Live
- May 12** – Patrick Patterson Named Regional Director for Southeastern PA Office
- May 15** – DEP Issues Air Quality Plan Approval for Proposed Lackawanna County Natural Gas-Fired Power Plant
- May 16** – DEP Proposes Plan to Improve Safe Drinking Water Oversight
- May 16** – Drought Indicators Statewide Return to Normal
- May 16** – MEDIA ADVISORY – DEP to Hold Environmental Justice Listening Session in Delaware County
- May 16** – DEP Issues a Code Orange Air Quality Action Day Forecast for Philadelphia for May 17
- May 17** – DEP Launches Electronic 2016 Oil and Gas Annual Report to Improve Public Access to Information
- May 17** – DEP Issues a Code Orange Air Quality Action Day Forecast for the Philadelphia Area for May 18
- May 18** – Wolf Administration Seeks Input on Use of Volkswagen Settlement Funds to Reduce Pollution in PA
- May 18** – MEDIA ADVISORY – DEP to Hold Environmental Justice Listening Session in Philadelphia
- May 19** – Pennsylvanians Invited to Help Develop State Plan to Improve Local Water Health in Chesapeake Bay Watershed Counties
- May 23** – Governor Wolf’s Statement on the Confirmation of Patrick McDonnell
- May 24** – Statewide Solar Energy Planning Group to Evaluate Ways to Make Major Clean Energy Gains at June 8 Meeting
- May 25** – DEP to Hold Public Comment Period and Hearings on Atlantic Sunrise Pipeline Project Permit Applications
- May 25** – Trump Budget Proposal Threatens Safe Drinking Water, Clean Air, and Job Creation
- May 30** – DEP Determines Elcon Application to be Administratively Incomplete
- May 30** – DEP Approves Permit for Underground Injection Well in Clearfield County
- May 30** – DEP Issues Second Environmental Assessment Letter to Keystone Landfill Regarding Proposed Expansion in Lackawanna County

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## **Active and Abandoned Mine Operations**

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### **Act 54 Report Review**

*The Bureau of Mining Programs is working with the California District Mining Office to systematically review the Act 54 report. A few categories of action items have been identified. DEP 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. BMP started to draft the next report and will soon select the party that will undertake the project.*

## **Final Rulemaking**

### **Draft Final-Form Rulemaking – Handling and Use of Explosives**

The proposed rulemaking for the explosives program was reviewed with the MRAB and the Aggregate Advisory Board. Each recommended that the Department proceed with the rulemaking process. The EQB approved the package on September 15, 2015, but the Attorney General's Office tolled the regulation on November 10, 2015. Program staff and Regulatory Counsel developed a response which was submitted to the Attorney General's Office on December 29, 2015. This was published in the Pennsylvania Bulletin on February 27, 2016, opening the public comment period. The final-form rulemaking was presented to the MRAB at their July 2016 meeting, resulting in a recommendation to proceed. This rulemaking was presented to the Aggregate Advisory Board at their November 2017 meeting which also resulted in a recommendation to proceed. It is expected to be presented to the EQB in 2017.

### **NPDES Permitting for Mine Sites**

The Mining Program continues to work with EPA to implement NPDES permitting and compliance improvements. EPA is working with the Mining Program to identify the parameters of further interaction between the agencies. A checklist that would eventually provide an alternative to submission of draft permits is under discussion; some progress has been made in implementing the checklist, aimed at beginning its use soon. Monthly calls with EPA to discuss program issues have been reinstated. Several workgroups are being established to address on-going issues.

### **Guidance Document Revisions**

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

#### **Processing Completion Reports for Coal Mining Operations (563-2504-411)**

This draft guidance explains the process operators should follow to submit a completion report to have their bond liability reduced. On completion of a stage of reclamation, the operator or any other person having an interest in the bond, may file a Completion Report requesting a bond release. There will be a 30-day comment period on this guidance document this Summer.

#### **Blaster's License Suspension and Revocation Procedure (562-2402-501)**

Substantive changes have been made to the draft based on public comment. The changes enhance clarity and transparency, and ensure that the necessary actions taken are reasonable. This guidance document is expected to be published as final this Summer.

### **Board of Coal Mine Safety (BCMS)**

#### **Draft Final-Form 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 near 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. The Board tabled action on this rule at their December 13, 2016, meeting pending resolution of MSHA implementation issues.

#### 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, 2016 meeting. The draft was reviewed by the Board at their September 13, 2016 meeting where it was approved with some minor changes brought up by the Pennsylvania Coal Alliance. This was delivered to IRRC, the House and Senate Environmental Resources and Energy Committees, and Legislative Reference Bureau on March 3, 2017. It was published on March 18, 2017 opening the public comment period through April 17, 2017. *On May 17, 2017, IRRC submitted comments regarding concern over the 60-day phase in period protecting the safety of miners and the need for the regulation to require rebuilt load centers at existing mines.*

Future regulatory issues that will be taken up by the Board include a better way to define what is a reportable accident and consolidating required ventilation plans into one package to simplify the entire plan approval process.

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## **Air Quality**

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

*The next CCAC meeting is scheduled for July 11, 2017, at 10:00 a.m. in Room 105, RCSOB.*

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

*The next two AQTAC meetings are scheduled for June 15 and August 3, 2017, at 9:15 a.m. in Room 105, RCSOB.*

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

*The next SBCAC meeting is scheduled for July 26, 2017, at 10:00 a.m. in the 12<sup>th</sup> Fl. Conference Rm, RCSOB.*

### **VW Beneficiary Mitigation Plan**

*The U. S. Department of Justice, the state of California and Volkswagen lodged partial consent decrees with the Northern District Court of California relating to Volkswagen's unlawful emissions from its 2.0-liter and 3.0-liter diesel vehicles, model years 2009 through 2016. The court approved these decrees on October 25, 2016,*

*and May 17, 2017, respectively, providing Pennsylvania with \$118,569,539.52 for economic and environmental damages. DEP will apply to become certified as the official state agency that will receive and distribute funding from the Environmental Mitigation Trust (Mitigation Trust). DEP has developed a draft Beneficiary Mitigation Plan (Plan) that provides an overview of how Pennsylvania's portion of the trust fund will be spent. The public comment period on this Plan opened on May 20, 2017, and will close on July 5, 2017. DEP held a webinar on May 23, 2017, and will hold a listening session at each of its six regional offices in June. In general terms, the Plan calls for DEP to receive proposals for projects and rate the projects on established and publicized criteria, such as cost effectiveness, emission reductions, and the air quality where the project is located. DEP will grade project applications to determine the best eligible projects, then apply to the Trustee for approval to fund those projects.*

### **Pennsylvania's Methane Reduction Strategy for the Oil and Natural Gas Industry**

Methane is the primary component of natural gas and has been identified by the EPA as the second most prevalent greenhouse gas emitted from human activities in this nation. 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 included the development of a general permit for new unconventional well pad operations (GP-5A) and modifications to the existing general permit (GP-5) for compressors and natural gas processing facilities. The proposed general permits were presented to the AQTAC, CCAC and CAC on Dec. 8, 2016, Jan. 10 and Jan. 17, 2017, respectively. A Pennsylvania Bulletin notice on Feb. 4, 2017, opened a 45-day public comment period which was subsequently extended to 120 days and *closed* on June 5, 2017. AQ program staff continued to meet with interested parties to discuss the GPs and will draft a comment and response document prior to finalizing the General Permits and making them available for use.

DEP will also develop a proposed rulemaking to implement EPA's 2016 Control Technique Guidelines (CTG) for the Oil and Gas Industry. The EPA established a deadline of two years from the date of issuance of the final guidelines to submit the state's SIP revision. The CTG was issued on Oct. 27, 2016, making the state's SIP revision due to the EPA on or before Oct. 27, 2018.

### **Ozone Designations**

On Oct. 26, 2015, EPA lowered 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. There were 24 comments received from five commentators. The Department submitted its recommendations to the EPA on Oct. 3, 2016. On Feb. 28, 2017, the Department submitted certified 2016 ozone data to the EPA. Based on 2014, 2015 and 2016 certified ozone season data, on April 11, 2017, the Department recommended that the 7-county Pittsburgh-Beaver Valley Area and Indiana County be designated as attainment. In addition, the Department has begun the process of completing two exceptional event analyses with respect to forest fires contributing to high ozone concentrations across the Commonwealth in 2016. This analysis may confirm the design values for Lebanon County and Berks County meeting the 2015 Ozone NAAQS, leaving only the 5-county Philadelphia Area in nonattainment for the 2015 ozone standard of 70 ppb. The EPA will perform its own analysis to determine nonattainment areas, while taking the Commonwealth's

recommendations into account. By June 3, 2017, the EPA should send a letter that will state whether the EPA intends to modify the Commonwealth's recommendations. The EPA will open a 30-day public comment period on approximately July 3, 2017. Pennsylvania will then have until Aug. 2, 2017, to submit additional information for the EPA to consider in making final designations. The EPA intends to publish the final designations by Oct. 1, 2017.

### **2010 SO<sub>2</sub> NAAQS Attainment Demonstration SIP Revisions**

On March 18, 2016, effective April 18, 2016, the EPA published a final action finding that several states, including Pennsylvania, failed to submit SIPs to satisfy nonattainment area planning requirements of the Clean Air Act (CAA) for the 2010 1-Hour Primary SO<sub>2</sub> NAAQS. The four areas in Pennsylvania are Beaver, Indiana/Armstrong, Warren, and Allegheny Counties. The Pennsylvania SIPs, which were due by April 4, 2015, must describe how the areas will meet the SO<sub>2</sub> standard by the statutory attainment date of Oct. 4, 2018. The EPA's findings of "failure to submit" triggered mandatory deadlines for the EPA to impose sanctions if Pennsylvania does not submit SIPs addressing those requirements and for the EPA to promulgate a Federal Implementation Plan (FIP) to address any outstanding SIP requirements. The EPA is obligated to apply offset sanctions within 18 months (Oct. 18, 2017) from the effective date of the findings and highway funding sanctions in 24 months (April 18, 2018) from the effective date of the findings if the state has not submitted the SIPs and the EPA has not found them to be complete by the respective deadlines. The findings also trigger an obligation under the CAA for the EPA to promulgate a FIP no later than 2 years from the finding of failure to submit, if the state has not submitted, and the EPA has not approved, the SIP. Work is in progress to deliver the attainment demonstration SIPs for the four Pennsylvania nonattainment areas prior to the sanction deadline. On March 6, 2017, the Allegheny County Health Department (ACHD) submitted a draft SIP for the Allegheny County nonattainment area to the Department. The ACHD held a public hearing on April 6, 2017, and the public comment period closed April 11, 2017. *Because of significant comments and revisions to the draft SIP, ACHD opened a second public comment period which closed on June 6, 2017, and held a second public hearing on June 1, 2017.*

### **2008 Ozone NAAQS SIP Revisions**

On Jan. 13, 2017, the EPA notified 15 states, including Pennsylvania, and the District of Columbia that they had failed to submit certain SIP revisions to address Clean Air Act requirements for the 2008 Ozone NAAQS. The states affected are overdue in submitting SIP revisions for either their designated nonattainment areas or their entire state as a member of the Ozone Transport Region, or both.

Five areas in Pennsylvania were identified: Allentown-Bethlehem-Easton area; Lancaster area; Philadelphia-Wilmington-Atlantic City area; Pittsburgh-Beaver Valley area and the Reading area. Pennsylvania must submit a SIP revision certifying that our current Nonattainment New Source Review regulation meets the requirements of the 2008 Ozone NAAQS. DEP must also finalize the Industrial Cleaning Solvents (ICS) rulemaking, implementing the last of the 2006-2008 Federal Volatile Organic Compound Control Technique Guidelines (CTGs) (see below).

As required by Section 7.11 of the Pennsylvania Air Pollution Control Act, on Feb. 16, 2017, the Department provided written notification of the EPA's finding to the Senate and House Environmental Resources and Energy Committees.

### **Air Quality Rulemaking Packages**

#### **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 ICS. The AQTAC, SBCAC, and CAC concurred with DEP's recommendation on Feb. 20, April 23 and June 17, 2014, respectively, to submit the proposed ICS 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 proposed rulemaking Annex A was presented to AQTAC, CAC and SBCAC on Feb.*

11, March 15, and April 27, 2016, respectively. All three committees again concurred with DEP's recommendation to submit the proposed rulemaking to the EQB for consideration. The proposed ICS rulemaking was considered and unanimously approved by EQB at its March 21, 2017, meeting. After the Office of Attorney General completes its review, the proposed rulemaking is anticipated to be published for public comment in mid-June.

#### Low Reid Vapor Pressure (RVP) Gasoline Repeal

The gasoline volatility regulation 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 Sept. 15 of each year for all wholesale purchaser-consumers and retailers of gasoline. The EQB adopted the regulation in Nov. 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.

On May 14, 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 a regulation repealing the low RVP regulation. AQTAC, SBCAC and CAC concurred with DEP's recommendation to submit the proposed rulemaking to the EQB for consideration, and 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 Pennsylvania Bulletin for public comment. In the Feb. 25, 2017, Pennsylvania Bulletin and in seven major newspapers across the Commonwealth the Department published notice of a public comment period, which closed on May 1, 2017. On March 28, 29 and 30, 2017, the Department held public hearings at DEP regional offices in Pittsburgh and Norristown and at the Rachel Carson State Office Building in Harrisburg, respectively. No testimony was received at the hearings; *however, the Department is preparing responses to several written comments that were submitted to the EQB.*

#### 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. As listed in the Governor's Regulatory Agenda published in the Pennsylvania Bulletin on Feb. 4, 2017, the Air Quality Fee Schedule Amendment is scheduled for EQB consideration in the 4<sup>th</sup> Quarter of 2017.

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### **Energy Initiatives**

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

On Nov. 2, Governor Tom Wolf announced that a statewide planning project led by the Pennsylvania Department of Environmental Protection (DEP) called "Finding Pennsylvania's Solar Future," was selected to receive \$550,000 grant from the U.S. Department of Energy. The project will help to equip Pennsylvania to produce more solar energy and increase solar-generated in-state electricity sales to at least 10 percent by 2030. The project began on January 1, 2017.

The project kickoff meeting for Finding Pennsylvania's Solar Future was held on Thursday, March 2 in Harrisburg. Over 100 stakeholders attended representing academia, solar industry, utilities, Non-Governmental



Organizations, and other state agencies. Project participants were asked to commit to serving on working groups that will meet regularly throughout 2017 and 2018. Meeting materials along with an attendee list have been added to the PA Solar Future website: [www.dep.pa.gov/PAsolarfuture](http://www.dep.pa.gov/PAsolarfuture). The second meeting was held on June 8<sup>th</sup> at Carnegie Mellon University. Focus groups formed during the March 2 meeting met in preparation for the June 8<sup>th</sup> event to prepare a strategy brief for the development of the PA Solar Future Plan.

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

*The Pennsylvania Energy Development Authority (PEDA) is an independent public financing authority that was created in 1982 by the Pennsylvania Energy Development Authority and Emergency Powers Act and that was revitalized through an April 8, 2004, Executive Order. The authority's mission is to finance clean, advanced energy projects in Pennsylvania. Pennsylvania projects that could potentially qualify for funding from the Authority include solar energy, wind, low-impact hydropower, geothermal, biomass, landfill gas, fuel cells, integrated gasification combined cycle, waste coal, coal-mine methane, and demand management measures. The authority presently can award grants, loans, and loan guarantees. Tax-exempt and taxable bond financing for clean, advanced energy projects also are available through the Pennsylvania Economic Development Financing Authority (PEDFA).*

*Currently, there are 22 PEDA projects being deployed. Of those, eighteen projects have been completed and are operating and four projects are still underway. For the 22 projects, the anticipated energy savings are 13,840,945 KWh/yr, projected generation is estimated to 64,873,111 KWh/yr of alternative energy and an additional savings of 72,145 Mcf each year. Total savings/generation equals to 99,843,883 KWh/yr. The conversion of energy savings/generation to average household consumption in Pennsylvania equals to 9,600 households for a year. Projected carbon dioxide emission savings from the projects is approximately 64,399 tons each year which equals to greenhouse gas emissions savings from 13,702 typical passenger vehicles on road for a year. As projects are completed, PEDA will receive at least one, follow-up annual report which will detail alternative energy generation and energy savings.*

### **2016 Alternative Fuel Incentive Grant (AFIG)**

The AFIG Program offers grant funding for clean, alternative fuel projects in Pennsylvania, and investment in Pennsylvania's energy sector. During the first AFIG 2016 submission period, a total of 30 applications were submitted via the DEP Environmental eGrants system by April 30, 2016. The award announcement for the 1<sup>st</sup> submission period occurred on September 8, 2016. 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 an estimated 980,000 gallons of gasoline.

Award announcements for the second submission period for the 2016 AFIG were made on Tuesday, March 7, 2017. DEP awarded more than \$1.9 million to 16 applicants including Pennsylvania schools and businesses for projects using alternative fuels and infrastructure. The winning projects are estimated to eliminate from use an estimated 1.2 million gallons of gasoline.

The application submission period for Round Three of the Alternative Fuels Incentive Grant Program closed on Friday, December 30, 2016. A total of 27 applications were submitted, including: 15 applications for vehicle retrofit and/or purchase projects, 11 applications for refueling infrastructure projects, and one application for innovative technology projects. DEP staff have made recommendations for awards. The 2017 Alternative Fuel Incentive Grant Program is currently under development.

*Award announcements for the third submission period for the 2016 AFIG were made on Thursday, April 27, 2017. DEP awarded nearly \$2 million to 17 applicants including Pennsylvania schools and businesses for projects using alternative fuels and infrastructure. The winning projects are estimated to eliminate from use an estimated 650,000 gallons of gasoline annually.*

The 2017 Alternative Fuel Incentive Grant *Program opened in May with two submission due dates of July 14 and December 15, 2017.*

### **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 710 heavy duty vehicles under the Act 13 program totaling more than \$13.8 million in program funds disbursed. The 710 vehicles supported to date with grant funds are estimated to be displacing over 8.9 million gasoline gallon equivalents per year. Over \$37.4 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 *\$10.6 million* to 91 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 542 vehicles totaling over \$3.1 million in program funds disbursed. The 542 vehicles are estimated to be displacing over 1.7 million gasoline gallon equivalents per year. \$7.3 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 EVs and PHEVs. DEP has provided *174* rebates at \$2,000 since January 1, 2017, resulting in \$160,000 of support. The program transitioned to an online electronic submission format on March 18, 2017, and revised to the rebate amounts to \$1,750 for large-sized battery EVs, \$1,000 for mid-sized battery EVs and PHEVs, and \$750 for small battery EV and PHEVs. As of *May 16, 2017*, *193* rebates are available at the \$1,750 level. Upon payment of the first 250 rebates at \$1,750 or June 30, 2017, whichever occurs first, rebate amounts offered will be reassessed and likely reduced if funds remain.

### **Green Energy Revolving Loan Fund (GELF)**

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 \$534,056 available for lending consisting of revolved ARRA funding. Two projects are in active underwriting, the Hale Building which would receive a GELF loan for \$1,387,279 and the Jack M. Barrack Hebrew Academy which would receive a GELF loan in the amount \$919,497. Two projects are moving towards underwriting, the Montgomery County Human Services Energy Project which would receive a yet undetermined loan from GELF for a portion of their \$2,000,000 energy project, and the Ben Franklin Technology Partners of Southeastern which would receive a GELF loan in the amount \$170,000. GELF's loan program has expanded since inception as the program has transferred a total of \$1,342,281 of income, interest and fees into the capital available for lending. DEP and GELF are working to further develop the marketing of successes of completed projects by developing outreach tools designed to attract projects which can utilize the funds revolving back in to the loan fund.

### **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.

*On May 22, PSU held its Energy Days Symposium (<http://energydays.psu.edu/>) at the University Park Campus. The morning breakout sessions (<http://energydays.psu.edu/sessions/>) included a session focused on CHP enabled micro-grids.*

CHP Enabled Renewable Energy Guide development: The development of a coupled, user-friendly economic and engineering site analysis and system specification method has been established for assessment of potential CHP Hybrid Microgrid implementation sites. The analysis method is divided into two parts: a.) specification of the electrical generation and storage characteristics of the hybrid system; b.) specification of the thermal generation and storage characteristics of the hybrid system. The electrical generation (engine, PV) and storage (battery) assessment process is nearly complete. The electrical generation (engine, PV) and storage (battery) assessment process is completed.

### **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 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 efficiency assessments to companies in April 2017 that manufacture advanced materials and chemical, rubber and plastics in the northwest and southcentral regions of PA.*

### **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

*During the first quarter of 2017, the Penn State team taught an intensive version of their course “Leadership in Building Energy Efficiency” to 10 students from Temple University, Delaware Technical Community College, and University of Pennsylvania. Eight of those students were offered part-time internships with the project partners and six of them conducted 18 walk-through assessments at a variety of restaurants and small groceries. To date, 49 assessments have been completed, 17 proposals were generated and 7 additional ones are being developed for presentation to business owners by the end of the coming quarter. Of the completed assessments one will be using funding under the PA Small Business Assistance Grant Program (SBAG); 10 of the proposals that were developed were deferred by the business owners for various reasons, but they have strong interest in pursuing retrofits later in 2017 when the SBAG program re-opens.*

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

*Penn College is currently holding one BOC level 1 class. BOC 1 began April 6<sup>th</sup>, 2017, in State College, PA. This course will end on June 28<sup>th</sup> 2017. An initiative to align the BOC program with the international ISO standard will be incorporated in these new training sessions.*

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

The Pennsylvania Municipal League will be administering building energy code trainings in the spring and summer 2017. The Pennsylvania Construction Codes Academy and Pennsylvania Systems Development will be conducting the trainings. There will be three residential energy code trainings and six commercial energy code trainings targeted to energy plan reviewers, inspectors, builders, design professionals, and other industry professionals. *The residential energy code trainings were held on May 24, June 1, and June 15, 2017 in Lycoming, Westmoreland, and Crawford counties respectively. The commercial energy code trainings were held on May 23, May 24, May 31, June 1, June 14, and June 15, 2017 in York, Lycoming, Chester, Westmoreland, Luzerne and Crawford counties respectively.* There will also be 3 webinars on commercial energy code as well as technical assistance available to local governments. Funding is provided by DOE’s State Energy Program.

### **EV Everywhere**

*DEP, Clean Cities, and PADOT hosted a PA EV Coalition meeting on Thursday, April 13, 2017, at the PA Turnpike Commission Headquarters in Middletown. Approximately 50 people in attended. Dave Althoff (DEP) presented possible uses of DOE State Energy Program (SEP) dollars to hire a consultant for the PA EV Coalition. Tom Bonner (PECO) provided an update on the proposed “Clean Alternative Transportation Infrastructure Networks” legislation. Kevin Miller (ChargePoint) provided a national policy trends overview. Matthew Goetz (Georgetown Climate Center) presented on a new EV Smart Fleets- fleet evaluation tool that can be used by government entities and business looking to make decisions on EV purchases. During the second half of the meeting, the PA EV Coalition nominated co-chairs to lead the three committees (EV Education & Outreach, EV Procurement, and EV Charging Infrastructure). The co-chairs will act as a steering committee to lead on planning and strategies for the Coalition to move towards a comprehensive PA EV statewide goal and implementation plan. The next PA EV Coalition meeting will be held at the PA Turnpike Headquarters in Middletown on Thursday, July 27, 2017.*

### **Alternative Fuels Technical Assistance (AFTA)**

The AFTA Program provides professional consulting assistance to PA municipalities, school districts, authorities, and non-profits interested in adopting alternative fuel strategies for their fleet vehicles. Eligible entities that are accepted into the program are assigned to an alternative fuels consulting firm who will evaluate the organization’s fleet and operating profile. The result is a report that provides alternative fueling recommendations that consider the economic and environmental circumstances unique to that organization. AFTA was formally opened at the end of January, 2017. Since then, DEP has received *seven* applications for technical assistance. *Six* of the applications received were approved for inclusion in the program, and the contractor, Philadelphia Region Clean Cities, was given notice to proceed with their analysis of each fleet. A draft report for each project is due within 90 of assignment. *The first draft report, Capital Region Water was*

received in May OPPEA has extended the program 90 day to insure completion of all reports within the period of performance. DEP continues to market AFTA to eligible entities in the hopes of getting an additional technical assistance projects completed by June 30. AFTA is funded through use of a limited portion of funds (\$48,000), from the Alternative Fuels Incentive Fund.

### **National Energy Efficiency Registry (NEER)**

OPPEA partnered with six states and The Climate Registry and the National Association of State Energy Officials (NASEO) to develop a strategy to help create a NEER. Tennessee is the prime recipient of a competitive grant from the Department of Energy for this project. NEER will allow states to track initiatives within their own programs as well as demonstrate progress towards energy goals and potential compliance with existing and future state and federal environmental regulations. NEER will also allow the public and private sectors to transparently track attributes associated with energy efficiency initiatives. This will help states reduce emissions cost-effectively and will support using energy efficiency investments to improve economic competitiveness and environmental quality. The final draft of the principles and operating rules were released for public comment on April 3. *OPPEA began to work with NASEO and other NEER partners to develop a PA-specific roadmap.*

### **2017 State Energy Program (SEP)**

DOE's Office of Energy Efficiency and Renewable Energy's (EERE's) State Energy Program (SEP) issued SEP Formula Grant Guidance to states and territories on January 19, 2017. States are expected to submit applications to increase market transformation of energy efficiency and renewable energy technologies through policies, strategies, and public-private partnerships that facilitate their adoption and implementation. DOE's emphasis this year is on enhancing the robustness of States' energy plans and developing energy efficiency and renewable energy plans, and programs to support State achievement of State air quality goals. The draft allocation for Pennsylvania is \$1,530,360. *On April 27, Congress finalized the FY'17 omnibus appropriations which included stable funding for the State Energy Program (SEP) at \$50 million, and a slight increase in funding for the Weatherization Assistance Program (WAP) at \$225 million. There has been a delay, however, in the release of any DOE funds, including SEP and WAP funds.* Pennsylvania's application was submitted on March 28<sup>th</sup>, 2017, and DOE conducted a "negotiation call" on April 4 to clarify a few items. DOE now has all of the information they need to review and approve the plan. The Trump Administration released its initial 2018 budget proposal on March 16. This proposal would eliminate all funding for SEP as well as the Weatherization Assistance Program (WAP), managed in PA by DCED. The Secretaries of DEP and DCED submitted a letter to the Secretary of Energy on April 6 in support of these programs.

### **Green Schools**

OPPEA staff have worked since 1999 with schools, school districts, and partner organizations to improve school facility operations, energy and environmental content of curriculum, and the overall health of the school learning environment across Pennsylvania. DEP staff serve on the Advisory Council and working task forces of the PA Green and Healthy Schools Partnership (PAGHSP), a collaborative effort formed to promote healthy and high performing places of learning across the Commonwealth that seeks to bring together a network of non-profits, governmental agencies, and others who are committed to ensuring that all schools are healthy, environmentally friendly and cost efficient places of learning. At the May 24 Envirothon, DEP staff and the PAGHSP led the teacher session introducing the Eco-Schools program and providing time for 100+ teachers to work on their Eco-Action plans. The PAGHSP selected Eco-Schools USA as the platform to promote across the Commonwealth as the best way to allow for other green initiatives already underway at PA schools (such as those with PA Department of Agriculture). The Eco-Schools program was started in 1994 by the Foundation for Environmental Education (FEE) with support by the European Commission. It was identified by the United Nations Environment Program (UNEP) as a model initiative for Education for Sustainable Development in 2003. Currently, there are over 59 countries around the world participating in the program. In December 2008, the National Wildlife Federation (NWF) was granted host status for K-12 schools in the United States by the Foundation for Environmental Education (FEE). Through school-based action teams of students,

administrators, educators and community volunteers, NWF's Eco-Schools USA combines effective "green" management of the school grounds, the facilities and the curriculum; truly providing students with a unique, research and application based learning experience.

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## **Environmental Cleanup and Brownfields**

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

The next CSSAB meeting is scheduled for June 28, 2017, at 9 a.m. in Room 105, RCSOB, 400 Market Street, Harrisburg. *The proposed agenda will include a presentation on the draft revisions to the Land Recycling Program's Technical Guidance Manual. An update will also be provided on the Land Recycling Program's activities since the last meeting in November 2016, including the new vapor intrusion guidance that became effective in January; staff involvement in the ITRC PFOS/PFOA workgroup; and the status of the Hazardous Sites Cleanup Fund.*

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

The next STAC meeting is scheduled for June 6, 2017, at 10 a.m. in Room 105, RCSOB, 400 Market Street, Harrisburg. *The proposed agenda will include presentations by a representative from EPA on the corrosion risks in underground storage tanks storing diesel fuel and by DEP on the Division of Storage Tanks initiative to provide for electronic submission of registration information and electronic fee payments. An update on proposed revisions to Chapter 245 (Administration of the Storage Tank and Spill Prevention Program) will also be provided.*

### **Storage Tank Program ePermitting and Online Registration Fee Payments**

*The DEP provides permitting for various activities which may impact the environment in Pennsylvania. A software application has been developed which allows for electronic submission and review of permit applications, registrations, and renewals. Regulated storage tanks are assessed annual registration fees that the owner must pay to the DEP. Currently these payments are submitted via paper checks or money orders. In moving to an electronic permit application/registration submission, the Division of Storage Tanks also plans to allow owners of regulated storage tanks the ability to pay the annual registration fee electronically. The program plans to accept credit card payments in addition to Automated Clearing House (ACH) payments. The system is currently being developed; a go-live date is planned for Fall 2017.*

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## **Environmental Education**

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

For the 2017 grant round, organizations applied 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 were encouraged to undertake projects that address DEP's priority topics of climate change, water education and environmental justice.

DEP's Environmental Education and Information Center (EEIC) received 204 applications totaling \$ 2, 978, 531 for the 2017 Environmental Education Grant round. This is the single, largest request amount received through the EE Grants program. It is roughly 4 times the amount annually received. Grant raters completed the application scoring on March 3, 2017. The geographic breakdown by region includes the Northcentral Region 2 projects, Northeast Region 2 projects, Northwest Region 2 projects, Southcentral Region 5 projects, Southeast Region 6 projects, Southwest Region 6 projects, and 3 Statewide projects.

There are 78 total recommended projects for funding totaling \$ 1, 156, 412. The grant awards were announced on April 22, 2017, in conjunction with Earth Day.

### **PA Falcon Reintroduction Program**

April will involve incubation of the 4 eggs in this year's clutch. With a 33 to 35day incubation period, young should arrive somewhere around April 15.

The 2017 Peregrine Falcon Workshop has been scheduled for April 13, 2017 from 9am until 3pm. This workshop will be cooperatively delivered by DEP staff, the Pa. Game Commission, and Zoo America.

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.

For the 2017 nesting season, the PA Falcon Cam features new, high definition cameras with infrared technology where falcon cam viewers can select individual camera views for day or night time watching.

### **Pennsylvania Envirothon**

Planning for the 2017 High School Envirothon is underway. This year, the state high school Envirothon competition will take place May 23 and 24, 2017 on the campus of the University of Pittsburgh-Johnstown (UPJ). At this statewide Envirothon competition all 67 teams (over 300 students) that won their county competition will be recognized. Almost 900 teams competed in county events held statewide. Each team, consisting of 5 high school students compete in field testing using their knowledge in 5 subject areas including soils and land use, aquatic ecology, forestry, wildlife, and an annually selected environmental issue.

### **DEP Environmental Education Interns**

Currently, the Environmental Education staff are busy conducting interviews for the 2 interns to be hired for the summer of 2017. At this point, 27 potential interns have been contacted, with interviews arranged for 10 candidates. These interns assist the Environmental Education staff in program preparation and presentation.

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## **Oil and Gas**

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### **TAB Meeting**

On Thursday, April 13 members of TAB met in Room 105 at the Rachel Carson State Office Building, Harrisburg to conduct a regularly scheduled meeting. Staff from DEP's Office of Oil and Gas Management, Bureau of Regulatory Counsel and Policy Office attended and participated in the meeting. The meeting agenda was full and consisted of topics that included discussions of the draft "Pressure Barrier Technical Guidance for Unconventional Operations", "Guidelines for the Development and Implementation of Oil and Gas Well Site Integrated Contingency Plans for Unconventional Well Sites", "Area of Review Technical Guidance Document" and "Water Supply Technical Guidance Document". The meeting also included a discussion of the General Permit-5, a verbal report from a member of the "Coal-Gas Coordination Workgroup" and a discussion about the formation of various technical workgroups including: Erosion and Sedimentation Control General Permit-3 workgroup, Best Management Practices for Noise Control at Unconventional Well Sites workgroup, Wellbore Deviation workgroup, Spill Policy workgroup, Mine-Influenced Water workgroup and Liner Processing workgroup. The two remaining TAB meetings scheduled in 2017 will be rescheduled to alternate dates due to the newly established Pennsylvania Grade Crude Development Advisory Council (CDAC). The Office of Oil and Gas Management will follow up to determine room availability options and will coordinate with the Policy Office to publish revised meeting dates in the *Pennsylvania Bulletin*.

### **House Democratic Policy Committee Hearing – Marcellus Shale Severance Tax**

*On May 1, State Rep. Eddie Day Pashinski, D-Luzerne hosted a House Democratic Policy Committee hearing at Wilkes University, Wilkes-Barre to explore the impacts of implementing a potential Marcellus shale*

severance tax in Pennsylvania. Rep. Pashinski stated at the hearing that now is the time to develop a severance tax that is fair to both the people of Pennsylvania and the Marcellus shale companies. According to Rep. Sturla, the state's impact fee does not go far enough and it has been long overdue for the industry to pay its fair share for utilizing Pennsylvania's natural resources. The committee heard testimonies from Dennis Davin, Secretary, Department of Community and Economic Development; Scott Perry, Deputy Secretary for Oil and Gas Management, DEP; Frank Joanlanne, President, Borton Lawson Engineering; Marleen Troy, professor of environmental engineering, Wilkes University; and Marc Stier, Director, Pennsylvania Budget and Policy Center.

### **2016 Oil and Gas Annual Report**

On May 17, the Pennsylvania Department of Environmental Protection (DEP) published its "2016 Oil and Gas Annual Report" in an interactive, electronic format to improve public access to information about oil and gas exploration and development activities in Pennsylvania.

The goal of this report is to share information about DEP's oil and gas program in a simple and easy-to-understand format while providing opportunities for the reader to dive deeper into key topics as desired. General background information is provided along with a description of core program functions including permitting, inspection and compliance activities.

This annual report is built on the ESRI platform and links seamlessly to DEP's internal compliance and permitting enterprise-wide database. Information about oil and gas wells is geolocated in "real-time" and displayed in interactive and intuitive GIS map layers. DEP believes it is the first state environmental agency in the United States to develop an annual report using the ESRI platform in conjunction with in-house data tools.

Other features of the "2016 Oil and Gas Annual Report" include:

- Easy to read graphs, charts and tables that can also be printed and exported via e-mail;
- An introductory video "message" from the Secretary (and "closing" video);
- Short tutorial videos developed and produced by DEP and embedded in the annual report;
- Descriptions of key DEP accomplishments using a graphical "calendar" format;
- Tools to facilitate public participation and outreach (i.e., public can comment on draft regulations and policies, sign up to receive electronic notices, and attend advisory committee meetings remotely, to name a few).
- A comprehensive "Key Facts" document that summarizes important data and statistics (can be printed at the click of a button).

### **Outreach to Oil and Gas "GreenPort" Users**

In early May, all DEP GreenPort users were informed of the following developments: DEP has developed an "Oil and Gas Operator Email Registration" form (8000-FM-OOGM0153). This form is intended to allow an operator to provide an operator email address that will allow DEP to deliver electronically generated records and communications to the operator. Initially, this will include inspection reports generated using the DEP's mobile inspection application, as well as general notifications/updates. However, in the future, this may include additional records and/or communications as DEP develops additional electronic data management systems. Also, oil and gas operators can now submit well logs to the DEP in an electronic format through the eSubmission application rather than mailing them to DEP. Although operators can still submit well logs in paper format, this tool is intended to allow operators to submit its well log information in a more efficient and timely manner. Any records, except confidential and proprietary information, submitted via the eSubmission application will be available to the public.



## **Formal Release of Legacy Well Study, Interactive Mapping Tool, and Plugging Program YouTube Channel Video**

*DEP's Bureau of Oil and Gas Planning and Program Management (BOGPPM) worked with the Office of Communications to formally release several new technical and public outreach media tools on May 9<sup>th</sup>. This event is part of a larger effort to begin informing stakeholders about the full scope of the environmental and public safety challenges posed by legacy oil and gas development in Pennsylvania. The tools include BOGPPM's recently published Legacy Well Integrity and Emissions Study, which was first presented at the 2017 Geological Society of America's Northeastern/North Central Section Meeting on March 20<sup>th</sup>, an interactive mapping application that allows anyone with internet access to examine patterns of historical drilling in portions of Allegheny County; and a DEP YouTube Channel video discussing some of the challenges the agency faces in association with the management of the Commonwealth's growing legacy well population. BOGPPM estimates the legacy well problem may conservatively cost the Commonwealth around \$8 billion dollars based on an estimated mid-range population of 200,000 legacy wells that will require plugging.*

*With funding levels at a critical low, the Plugging Program has recently only been able to address emergency projects where residents have been temporarily displaced from homes due to leaking wells, or in situations where well integrity failures are so severe that the agency has deemed that public safety is in jeopardy. BOGPPM is optimistic that the release of the new tools, which target various audiences, will help raise awareness about the scope of the problem, encourage the public to report the presence of abandoned wells on their properties so risks can be appropriately managed, and facilitate stakeholder discussion relating to the establishment of sustainable sources of funding for the Plugging Program. BOGPPM staff also participated in a media interview with the Pittsburgh Post-Gazette on May 10<sup>th</sup> to help communicate challenges and how the agency intends to begin develop solutions to address them.*

## **eSubmission Application Enhancements**

*DEP's Office of Oil and Gas Management worked with the Bureau of Information Technology to develop enhancements to the eSubmission application. Operators now have the option to submit a select number of forms and requests associated with conventional well operations using the eSubmission applications. A list of submissions includes the following: Well Record, Completion Report, Pre-Drill Survey Sample Results, Request Alternate Waste Management Practice, Well Logs, Well Site Restoration Period Extension Request and Well Site Restoration Report. The eSubmission User Guide was also updated to reflect these enhancements and provides step-by-step instructions on how operators can use this tool. This user guide is located at the bottom of the Oil and Gas Electronic Submission Guides webpage.*

## **Crude Development Advisory Council (CDAC) Produced Water and Legacy Well Committee Meetings**

*The Office of Oil and Gas Management's Deputy Secretary, and Well Plugging and Subsurface Activities Division and Regional Water Program staff assembled with CDAC members and other stakeholders in Clarion on May 4<sup>th</sup> to commence committee work for two groups assembled to explore issues relating to produced water and legacy well management. During the first half of the meeting, attendees reviewed current regulatory provisions surrounding discharges to waters of the Commonwealth, innovative brine treatment strategies, treatment costs, statewide produced water trends for conventional wells, and the current state of Pennsylvania's Underground Injection Control (UIC) Program. In the afternoon, attendees discussed ongoing research relating to plugging materials and legacy well-finding efforts, statewide production trends, abandoned well plugging activities and costs, and funding associated with DEP's Well Plugging Program. The group also reviewed provisions of the Good Samaritan Law available for well plugging and briefly touched on DCED's Commonwealth Financing Authority's Orphan and Abandoned Well Plugging (CFA OAWP) Program.*

## **Oil and Gas Workload Report**

Please see Attachment 2.

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## **Radiation Protection**

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

The next RPAC meeting is scheduled for October 19, 2017, at 9:00 a.m. in the 14th Floor Conference Room, RCSOB.

### **Radiation Protection Rulemaking Packages**

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

This rulemaking amends Chapters 218 and 240 relating to fees. DEP must review the adequacy of established fees every three years, and the current fee review indicates the need for a fee increase in two program areas. The fees for Radioactive Materials and Decommissioning Program and the Radon Program are insufficient to cover program costs. This information was presented in a 3-year Fee Report to the RPAC and EQB in 2014 meetings of these bodies. RPAC has endorsed the increases. The proposed rulemaking was approved by the EQB on April 19, 2016, and published in the Pennsylvania Bulletin on July 2, with a 60-day public comment period that closed Aug. 30, 2016. The draft final annex was reviewed and endorsed by the RPAC on Nov. 17, 2016. DEP anticipates EQB consideration of the final-form rulemaking at the scheduled meeting on June 20, 2017.

#### **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. The Office of Attorney General (OAG) sent a 'tolling memo' in December with suggested edits to the rule and questions for the Department to answer. When the OAG sends a tolling memo, it halts their review of a regulation until all questions are answered and/or edits are made. The Program prepared a response, and OAG has approved the proposed rulemaking for publication. *The proposed rulemaking was published in the Pennsylvania Bulletin on May 13, 2017, with a 45-day public comment period. The Bureau of Radiation Protection conducted two webinars for the regulated community, one for Chapters 215-237 and one for Chapter 240, on May 31, 2017.*

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## **Waste Management**

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

The next SWAC meeting is scheduled for June 29, 2017, at 10:00 a.m. in Room 105 of the RCSOB. *The agenda for this meeting is still being finalized. The Recycling Fund Advisory Committee (RFAC) will also hold a special meeting on June 29th in conjunction with this regularly scheduled SWAC meeting. The purpose of the RFAC meeting is to begin a dialog about Act 101 and areas for potential revision. This will be the first of several meetings the RFAC will hold to discuss modernizing Act 101.*

### **Hazardous Waste Generator Improvements Rule**

EPA published the Hazardous Waste Generator Improvements Rule in the Federal Register (FR) on Nov. 28, 2016. The rule has an effective date of May 30, 2017. Pennsylvania incorporates the federal regulations by reference under 25 Pa. Code § 260a.3. As such, the Hazardous Waste Generator Improvements Rule will be effective in Pennsylvania on May 30, 2017, as well. Information on the Final Rule may be found at <https://www.epa.gov/hwgenerators/final-rule-hazardous-waste-generator-improvements>.

This final rule includes approximately 60 changes to the hazardous waste generator regulations that clarify existing requirements, increase flexibility, and improve environmental protection. These changes also reorganize the regulations to make them easier to follow and make certain technical corrections. Some examples of the changes in the final rule include the following:

- Allowing very small quantity generators (VSQGs) to send hazardous waste to a large quantity generator (LQG) that is under the control of the same person and consolidate it there before sending it on for management at a RCRA-designated facility, provided certain conditions are met.
- Allowing a VSQG or a small quantity generator (SQG) to maintain its existing generator category in the case of an episodic event that would otherwise bump the generator into a more stringent generator regulatory category.
- Requiring periodic re-notification for SQGs every four years (SQGs only notify once under the current federal system). States with more frequent re-notifications can retain their existing requirements.
- Replacing the phrase “conditionally exempt small quantity generator” with the phrase “very small quantity generator” to be consistent with the other two generator categories—LQGs and SQGs.
- Reorganizing the hazardous waste generator regulations by moving VSQG regulations from § 261.5 into 40 CFR Part 262, where the regulations for SQGs and LQGs are located, and by moving many of the generator regulations that are currently located in other parts of the hazardous waste standards into Part 262 to replace the current lists of cross references.

*On May 17, 2017, EPA’s Office of Resource Conservation and Recovery, provided training to DEP Central and Regional Office staff and EPA Region III staff regarding the Hazardous Waste Generator Improvements Rule. Approximately 80 people attended the training held at DEP’s Southcentral Regional Office.*

The Department is aware that the reorganization of the hazardous waste generator regulations will cause the federal and state regulations to be out of synchronization. DEP is currently considering whether a formal rulemaking will be appropriate.

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## **Water Programs & Water Resources Planning**

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### **Final Technical Guidance Documents**

*The Bureau of Waterways Engineering and Wetlands, Division of Wetlands, Encroachments and Training published the following three technical guidance documents as final in the Pa Bulletin on February 4, 2017(47 Pa B 730):*

- *DEP ID: 310-2137-002. Title: Pennsylvania Wetland Condition Level 2 Rapid Assessment Protocol*
- *DEP ID: 310-2137-003. Title: Pennsylvania Riverine Condition Level 2 Rapid Assessment Protocol*
- *DEP ID: 310-2137-004. Title: Pennsylvania Lacustrine Condition Level 2 Rapid Assessment Protocol*

*These technical guidance documents were revised because of comments received from the public comment period, DEP regional staff workshops, the Water Resources Advisory Committee, and State and Federal agency meetings. Comments were received from 17 different organizations. The comment and response document accompanies the final technical guidance document and is available for public viewing on DEP's web site at <http://www.elibrary.dep.state.pa.us/dsweb/View/Collection-10981>. DEP provided field training for staff in June of 2016. Web-based training for the regulated community was provided via webinar on May 3, 2017. A recording of the webinar is available for viewing at <http://www.dep.pa.gov/DataandTools/Webinars/Pages/Water-Management.aspx>. Field training for the regulated community is being planned for Fall 2017. These technical guidance documents will be effective July 1, 2017.*

### **Proposed changes to the Joint Permit Application Environmental Assessment Form**

*The Bureau of Waterways Engineering and Wetlands, Division of Wetlands, Encroachments and Training revised the Chapter 105 Environmental Assessment (EA) Form, which is typically submitted with Chapter 105 permit applications. Bureau staff will provide an overview of the revised Chapter 105 EA form to the regulated community via webinar on June 1, 2017. The webinar will also include the integration of the use of the Aquatic Resource Conditions of the Level 2 Rapid Assessments (L2RAPs) as well as many other changes that will affect application submittals. A link to register for the webinar can be found at: <http://www.dep.pa.gov/dataandtools/webinars/pages/default.aspx>*

### **State Water Quality Certification for FERC projects**

*The Department is proposing to implement a Policy for State Water Quality Certification Issuance for Interstate Natural Gas Transmission Pipeline Projects Regulated by the Federal Energy Regulatory Commission (FERC). The purpose of this policy is to set forth the DEP review process for these projects and to ensure compliance with State law requirements necessary to protect the quality of the waters of the Commonwealth. The draft policy will be announced in the Pennsylvania Bulletin in mid-June 2017 for public comments. The public comment period will be a 60-days upon publication.*

### **eDMR Registration**

On October 22, 2015, the EPA published the NPDES Electronic Reporting Rule (“eReporting Rule”) in the Federal Register. The eReporting Rule amended EPA’s NPDES regulations at 40 CFR § 122.41(l)(4)(i) to require the submission of Discharge Monitoring Reports (DMRs) electronically by December 21, 2016. DEP’s regulations require that permittees report monitoring results using a format or process established by DEP (25 Pa. Code § 92a.61(g)). Under EPA’s revised regulations, use of the eDMR system is mandatory. On September 9, 2016, DEP mailed a letter to permittees not currently using eDMR requesting that they submit the necessary registration paperwork to use DEP’s eDMR system. The deadline to submit the form and Agreement was December 21, 2016 (Failure to register for use of the eDMR system constitutes a violation of 25 Pa. Code § 92a.61(g)). Since beginning to use eDMR, DEP currently has a total of 2,773 active eDMR users, of which 641 of those are newly processed registrants since the September 9, 2016 mailing. In addition, 2,043 new eDMR registrations are awaiting processing by DEP staff, some of which require additional information from the permittees. On April 11, 2017, DEP mailed 1,164 Notice of Violation letters to permittees who have not mailed in completed registration paperwork or have failed to submit additional, required information as requested by DEP. Due to this extensive volume of registrations requiring manual input into the data system, along with the limited staff available to process these registrations, DEP is likely to have a difficult time meeting EPA’s target of having > 90% participation in the eDMR system by June 2017. *DEP requests that facilities respond promptly to DEP’s information requests relating to their submitted eDMR registration applications and DEP is asking applicants to be patient while their registrations are being processed due to the extensive workload of registrations to process. DEP will notify new users by email when their registration is complete.*

### **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).

On April 18, 2017, DEP presented 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 final rulemaking is anticipated in 2018, which will then 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. The final rulemaking is anticipated to be presented to the EQB at their August 2017 meeting.

**Final Rulemaking**

Nothing to report.

**Proposed Rulemaking**

**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 and Fees**

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 non-community 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. To carry out these responsibilities, the DEP must ensure adequate funding for the Safe Drinking Water Program.

The proposed rulemaking is necessary 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 was presented to the Small Water Systems Technical Assistance Center (TAC) Advisory Board in November. A webinar was held in December to reach additional stakeholders. All proposed rulemaking documents and webinar materials can be found on the Department's General Update and Fees webpage at the following link: <http://tinyurl.com/109update>. The final comments were received by TAC at their January 5, 2017 meeting. The proposed rulemaking was presented to the EQB on May 17, 2017. The EQB approved the proposed rulemaking for publication in the Pa Bulletin, which is expected to occur in July.

## **Chesapeake Bay Program**

### **Phase III Watershed Implementation Plan (WIP)**

*DEP has started the development process for the Phase III WIP. The intention of this process is to develop a final plan that:*

- 1. Is implementable to achieve the Total Maximum Daily Load (TMDL) nutrient and sediment load reduction allocations for Pennsylvania.*
- 2. Results in local water quality improvement while restoring the Chesapeake Bay.*
- 3. Addresses the US Environmental Protection Agency's expectations as described in their finalized "Expectations for the Phase III Watershed Implementation Plans" documentation including:*
  - a. Pollutant Source Sector-specific plans for reductions.*
  - b. Local area planning goals.*
  - c. Consideration of climate change, Conowingo Dam and sector growth, depending on partnership resolution of these issues.*
- 4. Addresses the additional special conditions and expectations EPA has delineated for Pennsylvania due to the Commonwealth's current "backstop" status for the agriculture and urban sectors.*
- 5. Includes stakeholder input, public engagement and comment.*

*To accomplish this the Phase III WIP will build upon the principles of the Chesapeake Bay Restoration Strategy released in January 2016 to:*

- 1. Achieve water quality improvement and protection through an effective combination of technical and financial assistance, outreach and inspection, and where needed, compliance and enforcement.*
- 2. Focus on local water quality improvement through:*
  - a. Effective targeting and prioritization of available resources*
  - b. Data collection, monitoring and continuous analysis*
- 3. Document progress and performance through effective data collection and analysis and practice verification.*
- 4. Look for innovative technical and finance strategies to maximize available public and private sector funding.*

To accomplish this task a steering committee has been formed to provide input and recommendations to the Department for the development of the Phase 3 WIP. Members include:

1. Department of Environmental Protection, Chair – Secretary Patrick McDonnell
2. Department of Agriculture – Secretary Russell Redding
3. Department of Conservation and Natural Resources – Secretary Cindy Dunn
4. State Conservation Commission – Karl Brown, Executive Secretary
5. Chesapeake Bay Commission – Representative Garth Everett, Chair
6. Susquehanna River Basin Commission – Drew Dehoff, Executive Director
7. Interstate Commission of the Potomac River Basin – Carlton Haywood, Executive Director
8. Pennsylvania Infrastructure Investment Authority – Paul Marchetti, Executive Director
9. Co-chairs of the Workgroups

The steering committee *has met twice* to begin developing the framework for moving forward, including the creation of six workgroups; each chaired by a state agency representative and *one to two* representatives from an organization with expertise in the issues that workgroup will need to address. A coordinator was also assigned to each workgroup to facilitate completion of the assignments given to each workgroup. The workgroups and co-chairs are:

- a. Local Area Goals, Priority Areas & Practices
  - Lisa Schaefer, Director of Government Relations, County Commissioners Association and Co-chair of the Chesapeake Bay Local Area Planning Target Action Team
  - Davitt Woodwell, President and CEO, Pennsylvania Environmental Council
  - Steve Taglang, Bureau of Clean Water
  - Coordinator: Kristen Wolf
- b. Stormwater
  - Felicia Dell, Director, York County Planning Commission
  - Sean Furjanic, Bureau of Clean Water
  - Coordinator: Lee Murphy
- c. Agriculture
  - Matt Royer, Representative of the PA in the Balance Steering Committee
  - *John Bell, Senior Government Affairs Counsel, Pennsylvania Farm Bureau*
  - Greg Hostetter, Department of Agriculture
  - Doug Goodlander, Bureau of Clean Water
  - Coordinator: Jill Whitcomb, Bureau of Clean Water
- d. Wastewater
  - John Brosious, Deputy Executive Director, Pennsylvania Municipal Authorities Association
  - Jay Patel, Bureau of Clean Water
  - Coordinator: Brian Schlauderaff
- e. Forestry
  - Katie Ombalski, Woods and Water Consulting, formerly with ClearWater Conservancy
  - Matthew Keefer, Department of Conservation and Natural Resources
  - Coordinator: Teddi Stark, DCNR Riparian Forest Buffer Coordinator
- f. Funding
  - *Representative Garth Everett, Chair, Chesapeake Bay Commission*
  - Marel King, PA Director, Chesapeake Bay Commission
  - *Brion Johnson, Deputy Executive Director, PENNVEST*
  - Coordinator: Nicki Kasi

Key milestones in the completion of *the plan* are:



- January 19, 2017 – EPA released interim final expectations for completion of revised Phase III WIPs to be developed by the states. Appendices will be added to this expectations document as decisions are made over the coming months regarding Conowingo Dam, Climate Change and the actual planning targets for each state.
- May 8, 2017 – EPA released final Pennsylvania state-specific expectations for the completion of Pennsylvania's Phase III WIP.
- October 2017 – EPA releases draft Phase III planning targets. These are revised nutrient and sediment reduction goals for each state by major basin.
- December 2018 – States must submit draft Phase III Watershed Implementation Plans to EPA for review and approval. These plans must be developed in concert with stakeholders and include a public outreach and comment process.
- March 2019 – Final Pennsylvania Phase III WIP is approved and released.

Key issues of interest to Pennsylvania now under review as part of a *midpoint assessment of the TMDL by the Chesapeake Bay Program Partnership* include:

- Conowingo Dam – This dam is no longer serving as a trap of nutrients and sediment. This reduction in trapping capacity is having an impact on the water quality of the Chesapeake Bay.
- Climate Change – Increases in flow and temperature by 2025 due to climate change are being analyzed as to their potential impact on future water quality and living resources habitat. Several options as to how to deal with this change in climate are being reviewed.
- Sector Allocations and Sector Growth – The wastewater systems, or point source sector, have all reached their targeted allocations. Agriculture and Urban stormwater have not. Additional work needs to be done here to reach the allocation goals and to account for population growth and change in land use. The question now becomes how much should each sector do, how should they get it done, and where in the watershed is the most impact on water quality achieved.
- Local Planning Goals – EPA included criteria for local planning goals in the interim final expectations document. These criteria were developed by the Chesapeake Bay Program Partnership Local Planning Target Task Force. The intent behind these local planning goals is to more effectively target resources and achieve success.

Incorporated into the development of the Phase III WIP may also be a re-evaluation of Pennsylvania's commitments under the 2014 Watershed Agreement. This Agreement sets goals and outcomes for the following main categories: Sustainable Fisheries; Vital Habitats; Water Quality; Toxic Contaminants; Healthy Watersheds; Stewardship; Land Conservation, Public Access; Environmental Literacy and Climate Resiliency. Some outcomes are combined into a single management strategy, resulting in a total of 29 strategies with associated two year workplans and action items. Pennsylvania developed a strategy and workplan for 25 of the 29 strategies. (The four strategies that Pennsylvania did not develop a strategy and workplan for involve areas such as blue crabs, where Pennsylvania has minimal expertise and daily involvement). In preparation for the work of the Phase III WIP, a preliminary analysis was done of the progress so far and the impact these strategies and workplans are having on the success of Pennsylvania programs. As a result, the Bay Program Partnership was informed that Pennsylvania is withdrawing from active participation in four other strategies including Healthy Watersheds, Diversity, Local Leadership and Citizen Stewardship. These will be revisited as the Phase III WIP is written to see if, through some revisions to the approach taken in these workplans, an impact to the success of the implementation of the Phase III WIP can be achieved.

*A one-day Kick-Off and Listening Session is planned for June 5, 2017 at the Radisson Hotel Harrisburg in Camp Hill. The goal for the session is to begin to solicit input and comments on the key elements that must be*

*incorporated into the Phase III WIP in order to ensure successful implementation. This one-day session will be supplemented by a 35-day written comment period starting June 3, 2017 through July 7, 2017. The input from this session and the written comments will be summarized and divided among the different workgroups for consideration and incorporation into the appropriate section of the Phase III WIP. As of the May 24 registration deadline, 234 people had registered for the Kick-Off Session. A few additional people will be accommodated upon request to attend through May 31.*

### **Chesapeake Bay Ag Inspection Activities**

As part of the January 2016 Chesapeake Bay Restoration Strategy, DEP and County Conservation District staff are conducting inspections of farm operations to ensure compliance with existing Pennsylvania regulatory requirements. This element of the restoration strategy is addressing pollutant reduction deficiencies by addressing the EPA goal of inspecting 10 percent of farms in the Bay watershed annually. This increased inspection and compliance effort directed towards the agriculture sector is being accomplished using existing DEP and Conservation District staff. DEP staff completed training sessions for the Chesapeake Bay Initial Ag Inspection program summer of 2016. The goal is for the SCRO to complete 300 inspections, Northcentral Regional Office 200 inspections, Northeast Regional Office 100 inspections and the Southeast Regional Office 30 inspections by the end of June, 2017. As of the end of *March*, the total number of inspections reported by regional offices and conservation districts was 1,125, totaling approximately 119,000 acres. As of the end of *March* the regional offices have completed 477 inspections, which included initial and follow-up inspections. Participating districts began conducting inspections in accordance with their DEP-approved inspections strategies in October. As of the end of *March*, these districts completed 648 inspections. The goal for each conservation district is 50 inspections for each full-time Bay Technician funded with EPA federal grant dollars. Through *May 15, 2017*, the conservation districts have referred 15 operations to DEP for follow up enforcement action. Two of the operations were referred due to water quality violations. The other 13 were referred because these farmers failed to produce the required Manure Management Plan or Ag Erosion and Sedimentation Control Plan, or both during the initial inspection and inspection follow up process. To date, DEP has sent 11 Notices of Violation to these farms referred to the Department of non-compliance with Manure Management and/or Ag Erosion and Sedimentation Control planning obligations. DEP has received administratively complete plans for two of the farms that received NOVs.

### **Penn State Conservation Practice Survey**

Another key component of the January 2016 Chesapeake Bay Restoration Strategy is an effort to improve the Commonwealth's data management capabilities and to quantify undocumented best management practices installed by producers on a voluntary basis. One step to accomplishing this is a survey recently completed by Penn State University. Penn State developed and sent out a survey to roughly 22,000 Pennsylvania Chesapeake Bay watershed farmers requesting that they voluntarily report non-cost share BMPs in January. Of this, 6,751 completed questionnaires were returned (30%, a notably good response); Penn State Extension staff completed verification of 10% of the surveys received across the watershed of voluntary practices installed. The final results of this survey were announced on December 16, 2016. Results are as follows:

- 475,800 acres of nutrient/manure management;
- 97,562 acres of enhanced nutrient management;
- 2,164 animal-waste storage units;
- 2,106 barnyard runoff-control systems;
- 55,073 acres of agricultural erosion and sedimentation control plans;
- 228,264 acres of conservation plans;
- more than 1.3 million linear feet of stream-bank fencing;
- 1,757 acres of grass riparian buffers; and
- 5,808 acres of forested riparian buffers.

Department staff have reported these results to the EPA Chesapeake Bay Program Office for inclusion in the Chesapeake Bay Watershed Model. Using Scenario Builder and CAST, it is estimated that these practices will

result in a reduction of 1,047,704 pounds of nitrogen per year, 79,620 pounds of phosphorus per year and 10,395,906 pounds of sediment per year delivered to the Chesapeake Bay. All the issues related to the crediting of these practices in the Watershed Model have been resolved and these practices will be incorporated into the results of the 2016 Progress Run.

### **NRCS Remote Sensing Potomac Pilot Project**

Over the past two years NRCS and the Department have been working together to complete a pilot project to use remote sensing data to identify the existence of several different best management practices in the five counties in the Potomac River Basin in Pennsylvania. It took a significant amount of effort to get the process and protocols approved by the Chesapeake Bay Program Partnership and the Bay Program Agricultural Workgroup so that this data could be incorporated into the Watershed Model. Now that this is done, using the results of this pilot, the existing historical best management practice data can be cleaned up and improved significantly. The results of this clean-up will be reflected in the 2016 Progress Run and future runs of the Watershed Model as part of the Midpoint Assessment. In addition, now that standards for the use of remote sensing as a tool for the verification of best management practices have been developed and approved so that this technology can be used in the future.

### **Chesapeake Bay Agriculture Best Management Practice Special Projects**

Request for proposals for agriculture BMP installation projects by conservation districts using EPA Chesapeake Bay grant funds was released January 24, 2017. Deadline for submittal of applications was February 28, 2017. These funds are targeted to watersheds where agriculture inspections are starting or in priority impaired watersheds identified by the Department or the county conservation district. There is no limit on the amount of funding for any one conservation district, provided they can show they have projects lined up and ready to go. Total funding available is approximately \$2.5 to \$3.0 million from the EPA Chesapeake Bay Implementation Grant (CBIG). Total number of projects received was 56, totaling over \$4.4 million. Announcement of successful projects is planned for June.

### **Chesapeake Bay Stormwater BMP Grant Program**

DEP has announced the availability of approximately \$2.4 million in grant funding for urban stormwater BMPs in the Chesapeake Bay watershed for communities with municipal separate storm sewer systems (MS4s). The BMPs must be constructed within an urbanized area in one of ten counties: Blair, Cumberland, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Luzerne, Lycoming and York. The deadline for submission of grant applications was March 3, 2017, and projects must be completed by March 31, 2019. This is the second round of grant funding for MS4s; the first round of applications were received in 2015 and involved the selection of 19 urban stormwater BMPs, totaling \$2.28 million. Funding source for this program is the EPA Chesapeake Bay Implementation Grant (CBIG). Total number of projects received was 40, totaling over \$5 million.

*Announcement of successful projects is planned for early June.*

### **Conservation Plan Reimbursement Program**

The Department recently released a request for proposals to administer a newly created Conservation Plan Reimbursement Program. The program is one of several items funded as part of the funding strategy announced in the fall of 2016. This program will provide direct reimbursement to farmers for the costs to have manure management or nutrient management plans and/or agricultural erosion and sediment control plans developed for their farms. These plans would ensure compliance with existing state regulations. *The two* contractors have been selected, one to cover the Northeast and Northcentral regions of the Chesapeake Bay Watershed and the other will cover the Southcentral and Southeast regions of the Chesapeake Bay Watershed. Farmers can be reimbursed between \$500 and \$1500 for the cost of one of these plans, depending on the number of acres to be covered by the plan. *Announcement that these funds are available for farmers is expected in mid-June.*

## **Update on State Water Plan**

*DEP is currently seeking nominations to fill remaining vacancies on each of six Regional Water Resources Committees. Once those vacancies are filled, DEP will begin filling vacancies on the Statewide Water Resources Committee as part of the review and update of the State Water Plan. The last State Water Plan was completed in 2009. Each Regional Water Resources Committee consists of representation of county conservation district and county planning commissions, DEP and compact commissions, agriculture, public water supply, wastewater, industrial, commercial, energy, environmental, conservation, water resources management and local governments. Meetings, which will occur over the course of about 18 to 24 months, will begin as soon as committees are fully reconstituted and public notice requirements are fulfilled. Information and progress on the State Water Plan may be found at <http://www.dep.pa.gov/statewaterplan>.*

## **Draft PA Lake Erie Phosphorus Reduction Domestic Action Plan – Public Comment Period**

*DEP announced that public comments are being accepted until June 26, 2017 on the Draft Pennsylvania Lake Erie Phosphorus Domestic Action Plan (DAP) in the May 27, 2017 edition of the PA Bulletin. The DAP was developed to identify those PA Lake Erie tributaries that contribute to the Central Basin of Lake Erie, evaluate their contributions of phosphorus, and describe actions that will be completed to meet the Lake Erie Phosphorus Reduction Targets adopted by the U.S. and Canada through the Great Lakes Water Quality Agreement. DEP anticipates submitting the final document to USEPA by late July 2017 to be incorporated into the U.S. Domestic Action Plan by February 2018, as well as the Lake Erie Lakewide Action and Management Plan due to be completed by the U.S. and Canada by the end of 2018.*

## **Attachment 1**

### **2017 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>June</b>	
6	Storage Tank Advisory Committee, 10:00 a.m., Room 105, RCSOB
6	Board of Coal Mine Safety, 10:00 a.m., Conference Room 1A and 1B, DEP Cambira Office, Ebensburg, PA
7	Coastal Zone Advisory Committee, 9:30 a.m. 10 <sup>th</sup> Floor Conference Room, RCSOB
15	Air Quality Technical Advisory Committee, 9:15 a.m., Room 105, RCSOB
21	State Board for Certification of Water and Wastewater Systems Operators, 10:00 a.m., 10 <sup>th</sup> Floor Conference Room, RCSOB
22	Agricultural Advisory Board, 9:00 a.m., Susquehanna Room, SCRO, 909 Elmerton Avenue, Harrisburg, PA
28	Cleanup Standards Scientific Advisory Committee, 9:00 a.m., Room 105, RCSOB
28	State Board for the Certification of Sewage Enforcement Officers, 10:00 a.m., 11 <sup>th</sup> Floor Conference Room B, RCSOB
29	Solid Waste Advisory Committee, 10:00 a.m., Room 105, RCSOB
<b>July</b>	
11	Climate Change Advisory Committee, 10:00 a.m., Room 105, RCSOB
12	Technical Advisory Committee on Diesel Powered Equipment, 10:00 a.m., Greene Room, DEP New Stanton Office, New Stanton, PA

20	Mining and Reclamation Advisory Board, 10:00 a.m., White Memorial Building, DEP Knox Office, Knox, PA.
26	Small Business Compliance Advisory Committee Meeting, 10 a.m., 12 <sup>th</sup> Floor Conference Room, RCSOB
<b>August</b>	
2	Aggregate Advisory Board - The meeting will be held at an offsite location to be determined.
9	Water Resources Advisory Committee, 9:30 a.m., Room 105, RCSOB
17	State Board for Certification of Water and Wastewater Systems Operators, 10:00 a.m., 10 <sup>th</sup> Floor Conference Room, RCSOB
24	Agricultural Advisory Board, 9:00 a.m., Susquehanna Room B, DEP South-central Regional Office, 909 Elmerton Avenue, Harrisburg
<b>September</b>	
5	Board of Coal Mine Safety, 10:00 a.m., Conference Room 1A and 1B, DEP Cambria Office, Ebensburg, PA

**Attachment 2**

**Oil and Gas Workload Report**

<b>YTD WELL PERMIT APPLICATIONS - 1/1/2017 to 5/26/2017</b>						
	<b>RECEIVED</b>	<b>UNDER REVIEW</b>	<b>PROCESSED</b>	<b>PERMITS ISSUED</b>	<b>WELLS PERMITTED</b>	<b>OTHER DISPOSITIONS</b>
CONVENTIONAL	91	23	94	94	94	0
UNCONVENTIONAL	866	676	569	547	538	22
<b>Sub Total</b>	<b>957</b>	<b>699</b>	<b>663</b>	<b>641</b>	<b>632</b>	<b>22</b>
AUTHORIZATIONS	198	81	191	152	N/A	39
<b>Total</b>	<b>1,155</b>	<b>780</b>	<b>854</b>	<b>793</b>	<b>763</b>	<b>61</b>

<b>WEEKLY WELL PERMIT APPLICATIONS - 5/20/2017 to 5/26/2017</b>						
	<b>RECEIVED</b>	<b>UNDER REVIEW</b>	<b>PROCESSED</b>	<b>PERMITS ISSUED</b>	<b>WELLS PERMITTED</b>	<b>OTHER DISPOSITIONS</b>
CONVENTIONAL	0	0	0	0	0	0
UNCONVENTIONAL	27	27	26	25	25	1
<b>Sub Total</b>	<b>27</b>	<b>27</b>	<b>26</b>	<b>25</b>	<b>25</b>	<b>1</b>

AUTHORIZATIONS	17	17	18	5	N/A	13
<b>Total</b>	<b>44</b>	<b>44</b>	<b>44</b>	<b>30</b>	<b>30</b>	<b>14</b>

**HISTORICAL WELL PERMIT APPLICATIONS AS OF 5/26/2017**

	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	197,469	197,414	196,193	190,058	1,221	103,120
UNCONVENTIONAL	23,760	23,018	22,538	18,292	480	10,384
<b>Sub Total</b>	<b>221,229</b>	<b>220,432</b>	<b>218,731</b>	<b>208,350</b>	<b>1,701</b>	<b>113,504</b>
AUTHORIZATIONS	42,601	42,217	41,815	N/A	402	18,675
<b>Total</b>	<b>263,830</b>	<b>262,649</b>	<b>260,546</b>	<b>249,457</b>	<b>2,103</b>	<b>132,179</b>

**YTD INSPECTIONS - 1/1/2017 to 5/26/2017**

	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	5,441	4,668	1,218	115
UNCONVENTIONAL	6,821	4,439	251	42
CLIENT/SITE	2,001	0	254	56
<b>Total</b>	<b>14,263</b>	<b>9,107</b>	<b>1,723</b>	<b>213</b>

**WEEKLY INSPECTIONS - 5/20/2017 to 5/26/2017**

	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	169	162	11	1
UNCONVENTIONAL	159	158	8	2
CLIENT/SITE	57	0	28	2
<b>Total</b>	<b>385</b>	<b>320</b>	<b>47</b>	<b>5</b>

**WELLS DRILLED**

	Two Years Prior 1/1/2015 to 5/26/2015	One Year Prior 1/1/2016 to 5/26/2016	Year To Date 1/1/2017 to 5/26/2017	Week of 5/20/2017 to 5/26/2017	As of 5/26/2017

CONVENTIONAL	122	23	27	1	193,623
UNCONVENTIONAL	367	153	327	15	10,440
<b>Total</b>	<b>489</b>	<b>176</b>	<b>354</b>	<b>16</b>	<b>204,063</b>

This report was prepared by Abbey Cadden, Executive Policy Specialist, DEP Policy Office. For questions or requests, please email [acadden@pa.gov](mailto:acadden@pa.gov) or call (717) 783-8727.