

March 2018 Report to the Citizens Advisory Council
(New and updated information in italics)

DEP Highlights

Class A Stream Redesignation Rulemaking Approved by EPA

The United States Environmental Protection Agency (EPA) approved the Class A Stream Redesignation Rulemaking Package in its entirety. EPA conducted a final review of this rulemaking under the auspices of the Federal Clean Water Act and the resultant approval was described in a February 9, 2018, letter from EPA. This approval marks administrative completeness of this rulemaking package. The Pennsylvania Code was updated on February 3, 2018 to incorporate changes resulting from the Class A Stream Redesignation rulemaking. The regulatory changes in this final rulemaking are the result of stream evaluations conducted by DEP in response to data submitted by the Pennsylvania Fish and Boat Commission (PFBC).

Environmental Education and Information Center launches new newsletter

This new quarterly e-newsletter, "Teaching Green," was just launched and is now on the agency's web-site. This newsletter was designed to share workshop opportunities, online tools, curriculum materials, grants and other resources. Check it out and find out all the good work the EE&IC has been up to.

Bureau of District Oil and Gas Operations, Permitting Operations Realignment

DEP's Bureau of District Oil and Gas Operations is realigning its permitting functions to increase program efficiency and effectiveness. Permitting functions in the Bureau of District Oil and Gas Operations currently consist of five sections, located in three district oil and gas offices. This realignment creates two new programs within the Bureau; a Surface Permitting Program and a Subsurface Permitting Program. Having the two permitting programs report to a central manager will improve consistency across the bureau's permitting programs.

Federal Regulations

Recently Submitted DEP Comments

On February 26, DEP submitted comments on EPA's State Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units, which is the proposed replacement for the Clean Power Plan. In the Advance Notice of Proposed Rulemaking, EPA is considering proposing emission guidelines to limit GHGs from existing power plants, and is soliciting information on the respective roles of the state and federal governments in that process, as well as information on the systems of emission reduction that apply to various sources, information on compliance measures, and state planning requirements under the Clean Air Act. DEP's comments address how best to implement a program of CO₂ reductions in fossil-fuel power plants under EPA's current interpretation of section 111(d). This does not change DEP's position that the Clean Power Plan should not be repealed.

On February 5, DEP's comments on the Public Utility Commission's implementation of Act 40 of 2017 were submitted with a cover letter from the Governor, who concurred with DEP's interpretation of the statute. Act 40

established geographical limits on solar photovoltaic systems that qualify for the solar share requirement of the Alternative Energy Portfolio Standards Act. DEP disagrees with the interpretation outlined in the PUC's Tentative Implementation Order, which focused on the location from which a solar generation facility's certification originated instead of the location of the facility, which DEP prefers. Because 82 percent of AEPS-certified solar energy is currently from out-of-state facilities, if these facilities continue to be grandfathered, then there will be no new incentive to develop solar within Pennsylvania.

Regulations Planned for DEP Comment

None planned.

Regulatory Update (detailed summaries included in respective program sections)

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

Proposals Open for Public Comment

- *Proposed Rulemaking: Administration of the Storage Tank and Spill Prevention Program (Opened 2/24/18; Closes 3/26/18)*
- *Draft TGM: Land Recycling Program Technical Guidance Manual (261-0300-101) (Opened 12/16/17; Closes 3/16/18)*

Recently Closed Comment Periods

- *Proposed Rulemaking: Noncoal Mining Program Fees (Opened 2/3/18; Closed 3/5/18)*
- *Federal Consistency Notice under the Coastal Zone Management Act: City of Philadelphia – Glen Foerd on the Delaware proposal to install a kayak dock on the Poquessing Creek (Opened 1/27/18; Closed 2/12/18)*
- *Federal Consistency Notice under the Coastal Zone Management Act: City of Philadelphia – Independence Seaport Museum proposal to expand its public docking facility (Opened 1/27/18; Closed 2/12/18)*
- *Advance Notice of Proposed Rulemaking: Water Quality Standard for Manganese (Opened 1/27/18; Closed 2/26/18)*
- *Draft PAG-12 NPDES General Permit for Operation of Concentrated Animal Feeding Operations (Opened 1/20/18; Closed 2/20/18)*
- *Draft Technical Guidance: Revised Total Coliform Rule Guidance (393-2129-001) (Opened 1/20/18; Closed 2/20/18)*
- *Proposed Rulemaking: Triennial Review of Water Quality Standards (Opened 10/21/17; Closed 2/16/18) (Comment period extension and additional public hearing)*
- *Draft Statement of Policy: Water Quality Toxics Management Strategy (Opened 10/21/17; Closed 2/16/18) (Comment period extension and additional public hearing)*

Communications Monthly Press Releases

Press Releases Issued

February 05 – DEP and PennDOT Earn National Recognition from Keep America Beautiful for Statewide Campaign to Cleanup Pennsylvania

February 08 – DEP Issues \$12.6 Million Penalty to Sunoco, Lifts Suspension Order Following Stringent Compliance Review

February 14 – Love and Rivalry in the Air as Harrisburg Falcons Begin 18th Courtship Season

February 15 – Sunoco Satisfies Requirements to Resume Drilling at Chester County Site

February 16 – DEP Extends and Opens Comment Periods for Permit Applications Related to Falcon Ethane Pipeline

February 22 – Wolf Administration Awards 155 Small Business Advantage Grants, Helping Cut Costs and Energy Consumption Statewide

February 23 – Wolf Administration Releases Guidelines for Maintaining Streams in Your Community Booklet and Posters to Assist Flood Recovery Efforts

February 26 – DEP Offers Free Workshops for Educators on Energy Literacy

February 27 – Wolf Administration Announces Expansion of Clean Fuel Facility

Active and Abandoned Mine Operations

FY 2018 Abandoned Mine Land (AML) Reclamation Grant

On February 24, the federal Office of Surface Mining Reclamation and Enforcement announced the FY 2018 Grants to States and Tribes, from which Pennsylvania was awarded \$55.7 million. Pennsylvania was second to Wyoming (\$91.3 million) and ahead of West Virginia (\$36.3 million). Under the AML program, the federal government has distributed over \$5 billion over the life of the program to the states and tribes. The distribution is based on a formula grounded in past and current coal production. A small portion of the increase in the grant this year is attributed to the slight increase in coal production. In addition, funds withheld under the Surface Mining and Control and Reclamation Act during the FY period between 2009 and 2011 contributed to the increase from last year's \$33.6 million.

Final Rulemaking

Draft Final-Form Rulemaking – Handling and Use of Explosives

This draft final-form rulemaking was presented to the MRAB at their July 2016 meeting, resulting in a recommendation to proceed. It was presented to the Aggregate Advisory Board at their November 2016 meeting, which also resulted in a recommendation to proceed. This rulemaking was approved by the EQB on February 20, 2018. The rulemaking was submitted to the Office of General Counsel for review and the Governor's Budget Office for the fiscal note.

Proposed Rulemaking

Non-Coal Mining Fees

The Noncoal Mining program fees are the subject of a proposed rulemaking package. It contemplates fee increases that are phased in via three two-year increments. After these phases, the fees would be adjusted using an index for employment costs. *The proposed rulemaking was published in the PA Bulletin on February 3, 2018, for public comment through March 5, 2018.*

OSM Program Consistency

On April 6, 2017, the MRAB recommended that the Department proceed with the proposed rulemaking process for the corrections to the coal mining regulations to achieve consistency with federal requirements. The rulemaking package is undergoing internal review and is tentatively planned for EQB consideration in the second quarter of 2018.

Water Supply Replacement

The mining program is beginning the preliminary process for rulemaking to update the regulations for water supply replacement for coal mining. The MRAB's Regulatory, Legislative and Technical Committee met on January 11, 2018 to review concepts and provide input prior to the drafting of proposed changes. *Another committee meeting will be held to review and discuss the text of the proposed rulemaking.*

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. A 30-day comment period opened on September 30, 2017. No comments were received. *It is anticipated this will be published as final during the second quarter of 2018.*

Air Quality

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

In 2016, Governor Tom Wolf announced a four-point methane emission reduction strategy for unconventional natural gas operations in Pennsylvania. At the Dec. 14 AQTAC meeting, DEP presented concepts for a proposed rulemaking to implement EPA's 2016 Control Technique Guidelines (CTG) for the Oil and Gas Industry. The EPA has established a deadline of two years from the date of issuance of the final guidelines to submit the state's SIP revision, which will be due to EPA on or before Oct. 27, 2018. *On Feb. 16, 2018, the White House Office of Management and Budget finished its review of EPA's proposed withdrawal notice for the CTG. When the notice is signed, EPA will publish the withdrawal proposal for public comment.*

Ozone Designations

In 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. After a public comment period and public hearing, the Department submitted its final recommendations to the EPA on Feb. 28, 2017. On Dec. 20, 2017, EPA designated 11 counties in southeast and southcentral Pennsylvania as nonattainment. The comment period for this designation closed on Feb. 5, 2018. In response, the Department has completed an Exceptional Event (EE) Analysis with respect to forest fires contributing to high ozone

concentrations across the Commonwealth. *The EE Analysis was signed by the Secretary and submitted to EPA on Feb. 21, 2018. If approved by EPA, only four counties in southeastern Pennsylvania (Berks, Chester, Delaware and Philadelphia) would remain as nonattainment for the 2015 ozone standard.*

Air Quality Rulemaking Packages

Control of VOC Emissions from Industrial Cleaning Solvents

The rulemaking would establish RACT requirements for industrial cleaning solvents (ICS) as recommended in the EPA's 2006 Control Techniques Guidelines for ICS. Three public hearings were held in July 2017, and seven *commentators and IRRC submitted comments*. The draft final rulemaking was *endorsed by the SBCAC on Jan. 24 and AQTAC on Feb. 8, 2018. On Feb. 20, 2018, the Citizens Advisory Council discussed the draft final rulemaking and concurred with the Department's recommendation to present it to the EQB, which will occur in the second quarter of 2018.*

Low Reid Vapor Pressure (RVP) Gasoline Volatility Requirements Repeal

In 2014, the Pennsylvania General Assembly enacted Act 50 of 2014, 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. *The EQB adopted the final rulemaking on Dec. 12, 2017, and IRRC approved it on Feb. 22, 2018. It is now under review by the Attorney General. The Department is also currently preparing a non-interference demonstration SIP revision.*

Air Program Fee Schedule for Emission, Plan Approval and Operating Permit Fees

A proposed rulemaking is under development that would amend existing AQ fee schedules to ensure that the fees are sufficient to cover the costs of administering the air program, as required by the Clean Air Act (CAA) and the Air Pollution Control Act (APCA). The overall AQ budget and fee concepts were presented to the CAC on Jan. 16, 2018. The Bureau *anticipates AQTAC review of a draft proposed rulemaking in the second quarter of 2018.*

Revision of Sulfur Limits in No. 2 and Lighter Commercial Fuel Oil

A proposed rulemaking is under development that would reduce the maximum allowable sulfur content in No. 2 and lighter commercial fuel oil, sold for and used in combustion units, from the current limit of 500 parts per million (ppm) of sulfur to 15 ppm. Emissions of sulfur dioxide (SO₂) contribute to the formation of regional haze, which degrades visibility in many American cities and scenic areas, and fine particulate matter (PM_{2.5}). The draft proposed rulemaking was presented to the SBCAC and AQTAC on Jan. 24 and Feb. 8, 2018, respectively. *On Feb. 20, 2018, the CAC discussed the proposed rulemaking draft Annex A and concurred with the Department's recommendation to present it to the EQB for consideration.*

Energy Initiatives

Finding Pennsylvania's Solar Future

On January 18th, The PA Solar Future Team provided an initial draft plan to over 400 stakeholders seeking feedback and comments as the Solar Future team continues to develop the plan with an anticipated completion in June. *The Team received stakeholder feedback, and reviewed those comments at a meeting of committed partners on February 20th. The Team is now incorporating the feedback and comments received into the document. The next quarterly stakeholder meeting is scheduled for March 8th in Pittsburgh.*

2017 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. The second application acceptance period closed on December 15, 2017 with a total of 27 applications submitted. *These applications have been scored and recommendations for funding are being developed by AFIG staff. Draft guidance for the 2018 program has been submitted to executive staff for approval. The program is in the process of moving to the DCED eGrants system for application acceptance and is expected to reopen in spring 2018.*

Approximately \$1 million in Pennsylvania FAST Act Alternative Fuel Corridor Infrastructure grants were made available to install: public-use electric, hydrogen, propane, and compressed natural gas refueling infrastructure along the highway corridors in Pennsylvania. One application was received and has been *approved* for funding.

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

OPPEA and various stakeholders are participating in a project 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. The CHP Enabled Renewable Energy Guide is being developed and delivery will take place in year 2 of the effort. *Barring any unforeseen issues, a microturbine should be installed and producing power by May 2018. Air quality, pad, gas line, and interconnect permits are submitted, when the system engineering drawings are finalized. Bid solicitations are in the process for the concrete pad, fencing, and natural gas services. Penn State at The Navy Yard's next statewide meeting will be held on February 27-28 in State College, PA.*

Building Construction Technology Extension Center

DEP has contracted with the Pennsylvania Technical Assistance Program at the Pennsylvania State University (PennTAP) to provide Building Re-Tuning (BRT) training to K-12 school district and local government facility managers. Three workshops will be held, coupled with a recorded webinar for registered attendees to watch prior to the workshops. *DEP's contractor, PennTAP, held the second of three-building re-tuning (BRT) workshops in southeastern PA on February 15th, 2018, at the Penn State Great Valley Campus. This program is specifically targeted to reach facility managers/staff in K-12, governmental, and community college facilities to train them how to better manage their existing buildings for optimal energy efficiency. The third session BRT workshop is in the planning stage for mid May 2018. Funding is provided by the U.S. Department of Energy's (DOE) State Energy Program (SEP).*

Energy-Efficient Building Codes Outreach and Education

OPPEA contracted with The Pennsylvania Municipal League (PML) to administer 2009 International Energy Conservation Code trainings to code officials, contractors, developers, and other energy code professionals. The trainings will be provided by the Pennsylvania Code Construction Academy and Performance Systems Development (PSD). Three commercial energy code webinars were made available January 10, 2018, February 7, 2018 and March 7, 2018 on "Commercial Building Ventilation", "Energy Issues in Hotels and Multifamily Housing", and "A Process that Works for Commercial Energy Code Enforcement", respectively. There were 28 attendees at the January 10th event and 25 attendees at the February 7th event

representing local governments, third party inspectors and college universities. The in-person residential and commercial energy code trainings will be on April 5, 2018 and April 17, 2018 at Monroeville and Kulpsville, respectively.

EV Everywhere

The Drive Electric PA (DEPA) Coalition met on Friday, January 12th, at the PA Turnpike Commission Headquarters. During this meeting, the Coalition discussed and prioritized the following topics: Results of the Market Intervention Best Practices Research; and Major market, policy and infrastructure barriers and opportunities. These activities will form the first rough draft of the PA EV Roadmap. Also discussed were the Business of DEPA (organization structure of the group); the status of HB 1446 (providing for transportation fueling infrastructure development and electric vehicle charging and natural gas fueling networks); and the status of the Delaware Valley Regional Planning Commission activities. This meeting was the second quarterly meeting to be facilitated by our State Energy Program (SEP) contractor. The contractor will continue to work with the group to develop the EV Roadmap policy document for EV adoption. The next Quarterly meeting is scheduled for March 26th, 2018.

Green Schools

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. *DEP's Keystone Energy Education Program, a free professional development workshop for teachers around energy, is being offered in six locations around Pennsylvania in March and May. The dates are: March 20 at Jacobsberg Environmental Education Center, March 21 at Ridley Creek State Park, March 22 at Tyler State Park, May 8 at the NW DEP Regional Office, May 9 at Westmoreland County Conservation District, and May 17 at King's Gap Environmental Education Center. Teachers will receive Act 48 credits, a kit with tools to assist in conducting energy experiments and energy audits, and guidance on completing the Energy Pathway under the Eco-Schools USA program.*

Environmental Cleanup and Brownfields

Final-Omit Rulemaking, 25 Pa. Code, Chapter 250 (relating to Administration of the Land Recycling Program)

The final-omit rulemaking corrects three transcription errors in the Statewide health standard medium-specific concentration values listed in Appendix A of Chapter 250. The errors for Aldrin, beryllium and cadmium were discovered after the latest rulemaking became effective in August 2016. The rulemaking was approved unanimously by the EQB on Dec. 12, 2017, and by IRRC at its Feb. 22, 2018 public meeting. Pennsylvania Bulletin publication is anticipated in mid-March 2018.

Proposed Rulemaking, 25 Pa. Code, Chapter 250

The Department is developing a proposed rulemaking to update Statewide health standard medium-specific concentrations (MSCs) listed in Appendix A of Chapter 250. Appendix A includes eight tables of values that list the cleanup standard concentrations, physical and toxicological properties, and other information relating to hundreds of regulated substances. These tables periodically need to be updated based on new federal regulations and the publication of new toxicological data. Additional changes to the regulations may be needed to clarify regulatory language, update outdated information, and to make other corrections. Concepts of this proposal are tentatively planned for discussion with the CSSAB at its April 4, 2018 meeting.

Technical Guidance Manual (TGM) Public Comment Period

The Department has completed proposed revisions to the Land Recycling Program TGM. Notice of the revised TGM was published in the Pennsylvania Bulletin on Dec. 16, 2017, with a 90-day public comment period that will end on March 16, 2018. Substantial revisions include a reorganization of information to improve clarity and flow of the document, clarification of complicated concepts, updating outdated information, removing redundant text, and the addition of vapor intrusion and groundwater monitoring guidance.

Proposed Amendments to 25 Pa. Code, Chapter 245 (relating to Administration of the Storage Tank and Spill Prevention Program)

Proposed amendments to Chapter 245, Administration of the Storage Tank and Spill Prevention Program focus on strengthening the underground storage tank (UST) requirements by increasing the emphasis on properly operating and maintaining equipment. Currently, UST owners and operators are required to have spill prevention, overflow prevention, and release detection equipment in place, but are not required to periodically verify the functionality of some of that equipment. The proposed rulemaking was approved by the EQB on Oct. 17, 2017, and published in the Pennsylvania Bulletin on Feb. 24, 2018, with a 30-day public comment period.

Environmental Education

Environmental Education Grants Program (EEGP)

The process for offering a 2019 DEP Environmental Education Mini Grant program is underway. For the remainder of 2018, the Environmental Education and Information Center will continue to process the second year of the Environmental Education General Grants. These grants are efforts that are being delivered at a regional or statewide level.

PA Falcon Reintroduction Program

With the beginning of March, preparations are being made for the upcoming breeding season. At this point, last year's breeding pair look to be the pair that will again breed in 2018. The male, banded black/red #WV, is 15 years old and originated from the Walt Whitman Bridge in Philadelphia. The female, banded black/green 48/AE, is nearly nine years old and originated from the Pennsylvania Turnpike bridge in Bucks County. There were some younger visitors to the ledge but, once again, the breeding pair will be the same as the last five years. Peregrine falcons typically lay between 3 to 5 eggs, beginning in mid to late-March so anticipation is building. Planning has begun for a Falcon Teacher Workshop scheduled for March 29, 2018. In early May, the 2018 Falcon Banding Event will occur in cooperation with the Game Commission and ZOOAMERICA North American Wildlife Park.

"Weathering the Storm" Stormwater Workshop

Promotional activities are in place to promote Stormwater Workshops on June 12 in the Northwest Region, and June 13 in the Southwest Region. The Northwest workshop will feature cooperation between DEP, DCNR, the city of Erie, and the PA SeaGrant staff. It will include a tour of downtown Erie highlighting Stormwater BMP's currently in use at the Erie Art Museum, Gannon University and City Hall. The Southwest workshop will also feature collaboration between DEP, DCNR and the Winnie Palmer Nature Reserve at Saint Vincent College.

Keystone Energy Education Program (KEEP)

The KEEP workshops are scheduled to begin in March. Locations for these workshops will include Tyler State Park on March 20, Ridley Creek State Park on March 21, and Jacobsburg Environmental Education Center courtesy of DCNR. Additional KEEP workshops *have been scheduled for western and central Pennsylvania. Locations include May 8th at DEP's Northwest Regional Office, May 9th at the Westmoreland County Conservation District, and May 17th at DCNR's Kings Gap Environmental Education Center.*

Chesapeake Bay MWEE Programming

A Full Education Workgroup meeting was held on February 22, 2018. Members from the Chesapeake Bay states met and reviewed the results of the Environmental Literacy Indicator Tool, and reviewed the outline for an on-line training module for MWEEs (Meaningful Watershed Educational Experience) to continue its development. 2018-2019 priorities were discussed including actions and management approaches to support this work.

NOAA Chesapeake Bay B-Wet Grant

In preparation for a full working group meeting scheduled for March 15th, an Evaluation Progress Report was reviewed. The report detailed the completion of evaluation activities and deliverables in the first half of the first year of this grant. The scope of work for the evaluation that was included in the progress report includes:

- 1. Statewide Task Force Meeting: Recommendations made for effectiveness of future meetings and project initiatives.*
- 2. Reviewed internally produced project documents including review of the statewide survey.*
- 3. Reviewed alignment of project initiatives and activities within the Chesapeake Bay Program Environmental Literacy Plan for Pennsylvania.*

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Oil and Gas

Oil and Gas Technical Advisory Board Meeting

On Wednesday, February 14, the Oil and Gas Technical Advisory Board (TAB) conducted a regular meeting of the board in Room 105 at the Rachel Carson State Office Building. Krishnan Ramamurthy and Charles Boritz presented a PowerPoint presentation and overview of the draft final GP-5 and GP-5A permits and the Exemption #38. DEP presented a "3-Year Fee Report" to TAB. The report states that given the current volume of well permits received, the fee is no longer sufficient to fund DEP's oil and gas program. The report will be advanced to the Environmental Quality Board with a recommendation to develop a regulation to address the disparity between the program income generated by the permit fees and DEP's cost of administering the oil and gas program. DEP also intends to present a draft fee rulemaking to EQB. Other topics discussed included an update from the Coal-Gas Coordination Committee, an update on the draft "Guidelines for Chain Pillar Development and Longwall Mining Adjacent to Unconventional Wells," a discussion of the draft "Water Supply Replacement Technical Guidance Document," an update on legacy wells and an update on the gas storage field well integrity initiative. The next meeting of TAB is scheduled for May 10 at 10:00 am in Room 105 at the Rachel Carson State Office Building.

Bureau of District Oil and Gas Operations, Permitting Operations Realignment

DEP's Bureau of District Oil and Gas Operations is realigning its permitting functions to increase program efficiency and effectiveness. Permitting functions in the Bureau of District Oil and Gas Operations currently consist of five sections, located in three district oil and gas offices. This realignment creates two new programs within the Bureau; a Surface Permitting Program and a Subsurface Permitting Program. Having the two permitting programs report to a central manager will improve consistency across the bureau's permitting programs.

Mobile Surface Activities Inspection Report (SAIR) Application

On January 24, the final scheduled production version of the oil and gas mobile Surface Activities Inspection Report (SAIR) application was released for use by oil and gas surface activity inspection staff. This release is the culmination of almost two years of development and provides significant enhancements from the initial system test version of the application. It is the first of several mobile inspection applications currently under development for various programs within the Department. The mobile SAIR application is currently being utilized to document more than 99% of the surface activity inspections being conducted by oil and gas staff. Although this is the final scheduled release of the mobile SAIR application, it is anticipated that BIT resources will be available to incorporate additional enhancements into this application in the future, potentially including additional functionality that is being developed for subsequent mobile inspection applications.

Appalachian Region Technology Transfer Team Webinar

Staff from the Bureau of Oil and Gas Planning and Program Management (BOGPPM) presented to the Appalachian Region Technology Transfer Team on February 5th. The webinar was coordinated by the U.S Department of Interior's Office of Surface Mining, Reclamation and Enforcement. Participating member states include Pennsylvania, West Virginia, Virginia, Tennessee, Maryland, Ohio, and Kentucky. BOGPPM staff discussed the history and context that led to the development of DEP's "Guidelines for Chain Pillar and Longwall Mining Adjacent to Unconventional Wells," a technical guidance document that was recently published as interim final to facilitate coordination between the coal and unconventional gas industries aimed at the safe extraction of both coal and natural gas resources. Staff also discussed ongoing work being conducted by the Oil and Gas Technical Advisory Board's Coal-Gas Industry-Agency Committee. BOGPPM staff continue to provide outreach across state borders, as the technical work being developed in the state has applicability that extends to other portions of the Appalachian Basin and perhaps even further to areas of the world where shale-gas and coal resources overlap.

Oil and Gas Workload Report

Please see Attachment 2.

Radiation Protection

Radiation Protection Rulemaking Packages

Final Rulemaking - Radiological Health

This rulemaking 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. Revisions made to the rulemaking based on public comments were discussed with and endorsed by RPAC at its Oct. 19, 2017 meeting. The Department tentatively plans to present the final rulemaking to the EQB in *the second quarter* of 2018.

Waste Management

Solid Waste Advisory Committee (SWAC)

The next SWAC meeting is scheduled for Thursday, March 8, 2018, at 10 a.m. in Room 105, RCSOB. *At the meeting, the Committee will hear a presentation from DEP on potential revisions to the Management of Fill Policy.*

Act 101 Workgroup

RFAC members are serving on the Act 101 Workgroup and have been engaged in discussions on potential revisions to Act 101 since June 2017. Meetings have been held during the regularly scheduled SWAC meetings, and separate Workgroup meetings are also being scheduled as needed. A Workgroup meeting was held on Jan. 30 that focused on the duties of County Recycling Coordinators under the Section 903 grants and a broader discussion of the funding mechanisms and grant programs in Act 101. The next meeting will occur on March 8 in conjunction with the SWAC meeting, when the Workgroup will wrap up overall grant discussions and provide a recommendation to the Department on County Recycling Coordinator responsibilities.

Water Programs

Safe Drinking Water Disinfection Requirements Rule Approved by IRRC

The Final-Form Disinfection Requirements Rule was presented to the Independent Regulatory Review Commission (IRRC) for review at their February 22 meeting. Only two questions were posed to DEP staff – one relating to the cause of the Alamosa, CO outbreak referenced in the Order, and the other relating to the revised cost estimates detailed in the Order. The answers provided were satisfactory, and IRRC voted unanimously to approve the Disinfection Requirements Rule. It is now under review by the Attorney General.

Draft PAG-12 NPDES General Permit for CAFOs

DEP published for public comment a draft PAG-12 NPDES General Permit for Operation of Concentrated Animal Feeding Operations (CAFOs) in the Pennsylvania Bulletin on January 20, 2018. The public comment period concluded on February 20, 2018, and DEP received comments from 13 commentators. DEP staff is in the process of considering the comments, revising the permit package as necessary, developing a Comment-

Response document, and publishing the final PAG-12 General Permit. The existing PAG-12 expires on March 31, 2018.

Class A Stream Redesignation Rulemaking Approved by EPA

The United States Environmental Protection Agency (EPA) approved the Class A Stream Redesignation Rulemaking Package in its entirety. EPA conducted a final review of this rulemaking under the auspices of the Federal Clean Water Act and the resultant approval was described in a February 9, 2018 letter from EPA. This approval marks administrative completeness of this stream redesignation rulemaking package. The Pennsylvania Code at Title 25 Pa Code Chapter 93 (relating to water quality standards) was updated on February 3, 2018, to incorporate changes resulting from the Class A Stream Redesignation rulemaking. The regulatory changes in this final rulemaking are the result of stream evaluations conducted by DEP in response to data submitted by the Pennsylvania Fish and Boat Commission (PFBC). In this final-form rulemaking, redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for High Quality designations based upon their classifications as Class A wild trout streams. A surface water that has been classified a Class A wild trout stream by the PFBC, based on species-specific biomass standards, following public notice and comment, qualifies for High Quality designation.

Sobers Run, et al., Stream Redesignation Rulemaking

The final rule for the Sobers Run, et al., stream redesignation rulemaking was published in the Pennsylvania Bulletin on February 10, 2018, at 48 Pa.B. 866, thereby making it effective. The regulatory changes in the Sobers Run Package were the result of stream evaluations conducted by DEP to determine the appropriate designated use in response to four petitions. The proposed rule was approved by the Environmental Quality Board (EQB) on April 19, 2016, and the final rulemaking was approved by the EQB on August 15, 2017.

Triennial Review of Water Quality Standards

On January 30, 2018, the fourth and final public hearing for the Triennial Review of Water Quality Standards and the Water Quality Toxics Management Strategy Statement of Policy was held at the DEP Southeast Regional Office in Norristown. Four people, representing the PA Land Trust Association, the Delaware Riverkeeper Network, the River Network, and the Wissahickon Valley Watershed Association, provided verbal comments at the Environmental Quality Board's hearing on the proposed Triennial Review rulemaking. No witnesses presented oral or written comment on the proposed Statement of Policy. Commentators focused on the definition and implementation of conservation easements, development of a chloride standard, development of PFA standards (Polyfluoroalkyl substances), fish propagation, dissolved oxygen criteria, and protections for Delaware River Basin Commission Zones 3, 4, and 5 on the lower Delaware River and Estuary, as well as other varied concerns. In addition to the hearings, DEP opened a public comment period for this proposed rulemaking. DEP received comments from nearly 800 commentators by the close of the extended comment period on February 16, 2018.

Advance Notice of Proposed Rulemaking (ANPR) for Manganese (Mn) Water Quality Standard

The comment period soliciting information for the development of proposed amendments to Chapters 93 and 96 (relating to water quality standards; and water quality standards implementation) in response to Act 40 of 2017, which added subsection (j) to section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), regarding the Environmental Quality Board (Board) closed on February 26, 2017. At the time of this entry, DEP received information from 11 different commentators on the ANPR.

Safe Drinking Water Public Water Supply Manual Part IV, Noncommunity System Design Standards

DEP intends to revise Part IV of the PWS Manual, which includes the design standards for noncommunity water system approvals. There are three main reasons for this update:

- To be consistent with the Chapter 109 SDW General Update rulemaking.
- To provide clarification of existing design standards.
- To provide a detailed plan and design standards for noncommunity approvals that streamlines the approval process while still being protective of public health. Part IV of the PWS Manual has not been updated since March of 1998. The Safe Drinking Water program will be requesting comments from the TAC Board at its March 29, 2018 meeting.

Chesapeake Bay Program - EPA BMP Verification Program

On Tuesday, February 13, DEP's Chesapeake Bay Office staff met with staff of the EPA Bay Program Office in Annapolis to get a basic understanding of the requirements and standards that must be met for the state's BMP verification program. This program must be in place and operating by December 2018 to avoid losing credit for documented BMPs in the Chesapeake Bay Watershed Model that do not meet prescribed standards and life spans. Once approved by EPA, some of the materials developed by the BMP verification program can be added to the Phase 3 WIP as an Appendix. A significant amount of future EPA grant funding may need to be devoted to this effort.

Chesapeake Bay Watershed Agreement Outcomes and Phase 3 WIP Meeting

DEP staff have been working with members of the EPA Region 3 and Chesapeake Bay Program Offices, other state representatives working on the Phase 3 WIP, and coordinators for the Goal Implementation Teams (GITs) to incorporate outcomes from the Chesapeake Bay Watershed Agreement into the Phase 3 WIP. To date there is agreement that 12 of the 31 outcomes in the Agreement have a direct link to the Phase 3 WIP, and the Bay Program is working on developing outreach materials to facilitate messaging around these outcomes for use by jurisdiction staff involved in writing individual states' WIPs. These outcomes could also assist with implementation and measuring progress.

Delaware River Basin Commission (DRBC) Natural Gas Development Regulations

The fifth public hearing on the proposed rules for natural gas development in the Delaware River Basin was held on February 22 at the Lehigh Carbon Community College in Schnecksville, Lehigh County. There were 47 people who signed in to the hearing and 30 people who provided testimony. Testimony was similar to other hearings with approximately one fourth opposed to the proposed rule and three fourths in favor of the proposed rule. The next hearing is by telephone on March 6, 2018, which currently has 15 people signed up to attend. Environmental groups have asked for additional public hearings in each state; however, other states have not felt it necessary to have hearings in their states and the hearings have not been highly attended. At least 3,000 public comments have been received to date. The public comment period will remain open until March 30.

Availability of Revised Instructions and Form for Chapter 105 Water Obstruction and Encroachment General Permit Registrations

Effective March 26, 2018, DEP will require the use of the new General Permit Registration Form for Chapter 105 Water Obstruction and Encroachment Permits. This information is intended to clarify the application process for a Water Obstruction and Encroachment General Permit registration in accordance with 25 Pa. Code Chapter 105 (relating to dam safety and waterway management). These revisions do not change the substantive requirements to qualify for a Federal or State authorization under the Pennsylvania State Programmatic General Permit-5 (PASPGP-5) or any Chapter 105 General Permit. This new format should expedite the Department reviews to determine if any impact area triggers a review by the United States Army Corps of Engineers for the Federal authorization. The Bog Turtle Screening Form (3150-PM-BWEW-0550) will no longer be required because bog turtle habitat information is now available when a Pennsylvania Natural Diversity Inventory receipt is obtained.

Environmental Justice

Office of Environmental Justice

The Office of Environmental Justice (OEJ) is working with regional staff to carry out the Environmental Justice Public Participation policy for a surface mining permit application in Westover Borough submitted by P&N Coal Company, Inc. and a composting facility permit application in Susquehanna Township submitted by the City of Harrisburg. The OEJ is continuing to draft a revised EJ Public Participation policy and develop a Standard Operating Procedure (SOP) document.

Environmental Justice Advisory Board

The most recent Environmental Justice Advisory Board (EJAB) meeting was held on Tuesday, February 13 in the Rachel Carson State Office Building. A new Board member, Jerome Shabazz, was introduced. Board members elected a new Chairperson, Adam Cutler, Vice-Chairperson, Allison Robinson, and a Parliamentarian, Eli Brill. Potential for involvement in the hiring process of a Director of OEJ was reviewed, and members expressed interest in helping to develop interview questions and criteria to assist in the selection of top candidates. During the Strategic Planning Session, a list of priorities for 2018 was discussed, and will be further developed in the weeks ahead. The EJAB conference call scheduled for Tuesday, April 10, 2018 at 9:00 a.m. is rescheduled for Tuesday, April 3, 2018, at 2:00 p.m. in which the draft Environmental Justice Public Participation policy will be reviewed.

Attachment 1

2018 Events Calendar

Please consult the DEP Calendar of Events for a comprehensive listing of upcoming events. The Calendar can be accessed in the Public Participation Tab on the DEP website. Click on “Public Participation;” “Calendar of Events.”

March	
2	<i>Phase 3 WIP Stormwater Workgroup, 10:00 a.m., WebEx Meeting</i>
6	<i>Webinar for the Revised Instructions and Form for Chapter 105 Water Obstruction and Encroachment General Permit Registrations, 1:30 p.m.</i>
6	Board of Coal Mine Safety Meeting, 10:00 a.m., Conference Room 1A and 1B, DEP Cambria Office, Ebensburg, PA
6	Storage Tank Advisory Committee Meeting, 10:00 a.m., Room 105, RCSOB, Harrisburg, PA
8	Solid Waste Advisory Committee Meeting, 10:00 a.m., Room 2015, RCSOB, Harrisburg, PA
14	Water Resources Advisory Committee Meeting, 9:30 a.m., Room 105, RCSOB, Harrisburg, PA
14	<i>Oil and Gas Technical Advisory Board Coal-Gas Committee, 10:00 a.m., DEP New Stanton Office Building, New Stanton, PA</i>
16	<i>Phase 3 WIP Steering Committee, 9:00 a.m., Room 105, RCSOB, Harrisburg, PA</i>
21	<i>Pennsylvania Independent Oil and Gas Association (PIOGA) Workshop (Relating to legacy wells and well plugging), 1:30 p.m., Rivers Casino, Pittsburgh, PA</i>
22	Radiation Protection Advisory Committee Meeting, 9:00 a.m., Room 105, RCSOB, Harrisburg, PA
29	Small Water Systems Technical Assistance Center Board Meeting, 9:00 a.m., Room 2015, RCSOB, Harrisburg, PA
April	
4	<i>Cleanup Standards Scientific Advisory Board Meeting, 9:00 a.m., Room 105, RCSOB, Harrisburg, PA</i>
5	<i>Air Quality Technical Advisory Committee Meeting, 9:15 a.m., Room 105, RCSOB, Harrisburg, PA</i>
10	Mine Families First Response and Communications Advisory Board Meeting, 10:00 a.m., Westmoreland Room, DEP New Stanton Office, New Stanton, PA
11	Technical Advisory Committee on Diesel-Powered Equipment Meeting, 10:00 a.m., Westmoreland Room, DEP New Stanton Office, New Stanton, PA
11	<i>State Board for Certification of Water and Wastewater Systems Operators Meeting, 10:00 a.m., 10th Floor, RCSOB, Harrisburg, PA</i>
23	<i>Phase 3 WIP Steering Committee Meeting, 9:00 a.m., Room 105, RCSOB, Harrisburg, PA</i>
24	<i>Climate Change Advisory Committee Meeting, 10:00 a.m., Room 105, RCSOB, Harrisburg, PA</i>
24	<i>Sewage Advisory Committee Meeting, 10:30 a.m., DEP Southcentral Regional Office, Harrisburg, PA</i>
25	<i>Small Business Compliance Advisory Committee Meeting, 10:00 a.m., 12th Floor, RCSOB,</i>

	<i>Harrisburg, PA</i>
26	<i>Agricultural Advisory Board, 9:00 a.m., DEP Southcentral Regional Office, Harrisburg, PA</i>
May	
9	<i>Aggregate Advisory Board Meeting, 10:00 a.m., 10th Floor Conference Room, RCSOB, Harrisburg, PA</i>
9	<i>Water Resources Advisory Committee Meeting, 9:30 a.m., Room 105, RCSOB, Harrisburg, PA</i>
10	<i>Oil and Gas Technical Advisory Board Meeting, 10:00 a.m., Room 105, RCSOB, Harrisburg, PA</i>
24	<i>Small Water Systems Technical Assistance Center (TAC) Board Meeting, Room 105, RCSOB, Harrisburg, PA</i>
30	<i>State Board for Certification of Sewage Enforcement Officers Meeting, 10:00 a.m., Room 11B, RCSOB, Harrisburg, PA</i>

Attachment 2

Oil and Gas Workload Report (As of February 16, 2018)

YTD WELL PERMIT APPLICATIONS - 1/1/2018 to 2/16/2018						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	24	20	33	33	33	0
UNCONVENTIONAL	204	171	386	386	386	0
Sub Total	228	191	419	419	419	0
AUTHORIZATIONS	56	31	137	105	N/A	32
Total	284	222	556	524	524	32

WEEKLY WELL PERMIT APPLICATIONS - 2/10/2018 to 2/16/2018						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	0	0	3	3	3	0
UNCONVENTIONAL	32	32	59	59	59	0
Sub Total	32	32	62	62	62	0
AUTHORIZATIONS	6	6	5	5	N/A	0
Total	38	38	67	67	67	0

HISTORICAL WELL PERMIT APPLICATIONS AS OF 2/16/2018						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	197,599	197,577	196,329	190,172	1,248	101,945
UNCONVENTIONAL	25,134	24,929	24,407	19,618	522	11,481
Sub Total	222,733	222,506	220,736	209,790	1,770	113,426
AUTHORIZATIONS	43,135	42,971	42,330	N/A	641	18,778
Total	265,868	265,477	263,066	251,278	2,411	132,204

YTD INSPECTIONS - 1/1/2018 to 2/16/2018				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	1,580	1,445	204	18
UNCONVENTIONAL	2,775	2,221	167	14
CLIENT/SITE	503	1	146	35
Total	4,858	3,667	517	67

WEEKLY INSPECTIONS - 2/10/2018 to 2/16/2018				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	216	210	57	6
UNCONVENTIONAL	258	240	10	1
CLIENT/SITE	56	1	11	7

Total	530	451	78	14	
WELLS DRILLED					
	Two Years Prior 1/1/2016 to 2/16/2016	One Year Prior 1/1/2017 to 2/16/2017	Year To Date 1/1/2018 to 2/16/2018	Week of 2/10/2018 to 2/16/2018	As of 2/16/2018
CONVENTIONAL	12	3	13	2	192,684
UNCONVENTIONAL	38	75	83	1	11,006
Total	50	78	96	3	203,690

This report was prepared by Neil Bakshi, Executive Policy Specialist, DEP Policy Office. For questions or requests, please email nebakshi@pa.gov or call (717) 772-3612.