

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

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**DEP Highlights**

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**GP-5 and GP-5A: New Public Comment Period**

*Notice of availability of the proposed General Permit (GP)-5A and revisions to both GP-5 and the Air Quality Permit Exemptions List was published in the Pennsylvania Bulletin on Feb. 4, 2017, with a 45-day public comment period. A second notice was published on Feb. 25, 2017, extending the comment period to June 5, 2017. The Department received more than 10,000 comments on the proposals, which prompted significant changes to these documents. Notice of a second 45-day comment period was published on March 31, 2018 in the Pennsylvania Bulletin and in six newspapers of general circulation throughout the state, and also sent to nearby states and the U.S. Environmental Protection Agency. The March 31 notice seeks public comment on the draft final document by May 15, 2018.*

**Oil and Gas 3-Year Fee Report & Draft Fee Rulemaking**

*Pursuant to 25 Pa. Code §§ 78.19(e) (conventional oil and gas wells) and 78a.19(b) (unconventional gas wells), at least every three years DEP will provide the Environmental Quality Board (EQB) with an evaluation of the well permit fees received. DEP last submitted a well permit fee report to the EQB at its January 21, 2014 meeting. In accordance with regulatory requirements, DEP has conducted a comprehensive review of its resource needs to administer the oil and gas oversight program along with projected revenues. The 3-Year Fee Report was presented to the Oil and Gas Technical Advisory Board (TAB) on February 14, 2018. DEP intends to present the 3-Year Fee Report to the Environmental Quality Board at its upcoming meeting in the second quarter of 2018. This will be followed by a rulemaking to increase the well permit application fee, which will be presented at a subsequent EQB meeting in the second quarter of 2018.*

**Final PAG-12 NPDES General Permit for CAFOs**

*DEP published the final PAG-12 NPDES General Permit for Operation of Concentrated Animal Feeding Operations (CAFOs) in the Pennsylvania Bulletin on March 31, 2018. The PAG-12 General Permit will become effective on April 1, 2018, and will expire on March 31, 2023. All permittees with existing coverage under the PAG-12 General Permit will be automatically covered under the reissued General Permit on April 1, 2018, and will be subject to the terms and conditions of the reissued General Permit. Notice of the availability of a draft PAG-12 General Permit was published in the Pennsylvania Bulletin at 48 Pa.B. 575 (January 20, 2018). A 30-day comment period was provided, and the comment period ended on February 20, 2018. DEP received comments from 13 individuals and organizations during the comment period. A comment and response document has been developed by the Department.*

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## **Federal Regulations**

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### **Recently Submitted DEP Comments**

#### ***State Energy Program (SEP) Support Letters:***

*On Tuesday, March 20, DEP sent letters to Senator Casey and Senator Toomey to express our concern about the impacts of proposed cuts to the United States Department of Energy (DOE) in the Administration's 2019 budget on the families and businesses of Pennsylvania. The proposed budget would eliminate the State Energy Program (SEP), which funds much of DEP's Energy Office. Our letter also requested that PA's U.S. Senators sign on to a Senatorial support letter being sent to the Senate Energy and Water Development Subcommittee, Committee on Appropriations to request funding for SEP and the Weatherization Assistance Program (WAP).*

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

None planned.

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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.

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

- *Proposed State Implementation Plan Revision: Regional Haze Five-Year Progress Report (Opened 3/17/18; Closes 4/20/18)*
- *Proposed 2018 Ozone Season Nitrogen Oxide Emission Limits for Nonelectric Generating Units (Opened 3/17/18; Closed 4/2/18)*
- *Proposed State Implementation Plan Revision: Removal of Pittsburgh-Beaver Valley Area Summertime Low RVP Gasoline Volatility Requirements and Supporting Noninterference Demonstration (Opened 3/10/18; Closes 4/9/18)*
- *Draft Technical Guidance: Onlot Wastewater Technology Verification Protocol (TVP) (Opened 3/10/18; Closes 4/9/18)*
- *Draft Technical Guidance: Site Suitability and Alternatives Analysis Guidelines for New Land Development Proposing Onlot Sewage Disposal (Opened 3/10/18; Closes 4/9/18)*
- *Environmental Assessment Approval for PENNVEST Funding Consideration March/April 2018 (Opened 3/10/18; Closes 4/9/18)*

### **Recently Closed Comment Periods**

- *Federal Consistency Notice under the Coastal Zone Management Act: Erie-Western Pennsylvania Port Authority proposal to construct a new stormwater outfall into Presque Isle Bay (Opened 3/10/18; Closed 3/26/18)*
- *Proposed Rulemaking: Administration of the Storage Tank and Spill Prevention Program (Opened 2/24/18; Closed 3/26/18)*
- *Draft TGM: Land Recycling Program Technical Guidance Manual (261-0300-101) (Opened 12/16/17; Closed 3/16/18)*
- *Proposed Rulemaking: Noncoal Mining Program Fees (Opened 2/3/18; Closed 3/5/18)*

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## Communications Monthly Press Releases

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### **Press Releases Issued**

**March 02** – ADVISORY – Wolf Administration to Celebrate Arrival of Grant-Funded, Pollution-Reducing CNG Buses at River Valley Transit

**March 02** – DEP Issues Permits for the Construction of the Proposed Berks County Natural Gas Power Generation Facility

**March 05** – ADVISORY – State Solar Energy Planning Group to Review Draft Plan to Increase Solar-Generated Electricity at March Meeting

**March 05** – DEP Sanctions Eurofins QC Lab for Water Testing Violations

**March 06** – DEP Notifies Homeowners in Targeted High Radon Areas, Offers Free Test

**March 06** – ADVISORY – Wolf Administration Tours Upgraded Water Filtration Plant

**March 06** – Wolf Administration Celebrates Arrival of Grant-Funded, Pollution-Reducing CNG Buses at River Valley Transit

**March 08** – Carbon County Mine Fire on Track to Being Fully Extinguished in Coming Months

**March 09** – Wolf Administration Tours Upgraded Water Filtration Plant

**March 09** – DEP Schedules Public Hearings on Proposed Shell Falcon Ethane Pipeline

**March 12** – PennDOT and DEP Seek Volunteers for Statewide Spring Cleanup, Beautification Effort

**March 13** – Wolf Administration Announces Changes to Improve Wetland and Waterway Encroachment Permit Review Times

**March 15** – ADVISORY – DEP to Hold Informal Public Conference on P&N Coal Company Surface Mine Permit Application

**March 16** – DEP, PennDOT, and Partners to Unveil Draft Plan to Increase Electric Vehicle Use in Pennsylvania

**March 16** – ADVISORY – DEP to Hold Public Meeting and Hearing on Rose Valley TCE Investigation

**March 19** – DEP Completes Lead Surveillance Program to Keep Banned Solder Products Off Shelves

**March 20** – ADVISORY – DEP to Host a Public Meeting and Hearing on the Remacor Site Proposed Interim Cleanup

**March 20** – ADVISORY – PA Lake Erie Environmental Forum Providing Current Information About Water Quality, Policy, and Scientific Studies

**March 22** – DEP Approves Permit for Underground Injection Well in Clearfield County

**March 23** – Repairs to River Drive in Cambria County to Begin in April

**March 26 – ADVISORY – Wolf Administration Participates in Groundbreaking for Capital Area Greenbelt Improvement Projects**

**March 26 – ADVISORY – Wolf Administration to Celebrate Environmental Achievements at Pik Rite, Inc., Recipient of DEP Small Business Advantage Grant**

**March 27 – ADVISORY – DEP to Hold Public Meeting on Tunnel Ridge Mine Permit in Washington County**

**March 27 – Wolf Administration Participates in Groundbreaking for Capital Area Greenbelt State-Supported Improvement Projects**

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## **Active and Abandoned Mine Operations**

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### **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. *The final-form rulemaking was delivered to the House and Senate Environmental Resources and Energy Committees on March 16, 2018. IRRC consideration is tentatively planned for April 19, 2018.*

### **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. *One comment was received. IRRC comments are due by April 4, 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 *on April 19* 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.

### Board of Coal Mine Safety (BCMS)

*The Board will discuss future regulatory work at its June 5 meeting.*

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## **Air Quality**

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### 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, 2017 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 March 9, 2018, EPA published for public comment its proposed withdrawal of the CTG. The Department intends to submit comments to EPA before the April 23, 2018 deadline.*

*Notice of availability of the proposed General Permit (GP)-5A and revisions to both GP-5 and the Air Quality Permit Exemptions List was published in the Pennsylvania Bulletin on Feb. 4, 2017, with a 45-day public comment period. A second notice was published on Feb. 25, 2017, extending the comment period to June 5, 2017. The Department received more than 10,000 comments on the proposals, which prompted significant changes to these documents. Notice of a second 45-day comment period was published in the Pennsylvania Bulletin and in six newspapers of general circulation throughout the state, and also sent to nearby states and the U.S. Environmental Protection Agency on March 31, 2018. The March 31 notice seeks public comment on the draft final document by May 15, 2018.*

### 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. *This was followed by an Exceptional Event (EE) Analysis with respect to forest fires contributing to high ozone concentrations across the Commonwealth, which EPA approved on March 6, 2018. On March 19, 2018, the Bureau of Air Quality additionally submitted a Missing Ozone Data Analysis for its York Downwind air monitoring station for the 2014 ozone season. If this is also approved by EPA, only four counties in southeastern Pennsylvania (Berks, Chester, Delaware and Philadelphia) would remain as nonattainment for the 2015 ozone standard.*

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

*The Department submitted the required SIP revisions for Beaver, Warren and Allegheny Counties on Oct. 2, 2017, and received completeness letters from EPA on Oct. 5, 2017. The Department also submitted the Indiana/Armstrong County SIP revision on Oct. 11, 2017, and received a completeness letter on Oct. 13, 2017. On March 22, 2018, the EPA published in the Federal Register its intent to approve the Warren County SIP revision. The public comment period closes on April 23, 2018.*

### **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, AQTAC and the CAC on Jan 24, Feb. 8 and Feb. 20, 2018, respectively. *It will be presented to the EQB in the second quarter of 2018.*

#### **Control of VOC Emissions from Automobile and Light-duty Truck Assembly Coatings (ALDT)**

*On March 23, 2018, EPA approved Pennsylvania's SIP revision incorporating the Control Techniques Guidelines (CTG) for VOCs from the ALDT category into the Department's regulations. The Department has now met 43 of 44 required CTGs and anticipates submitting the final CTG SIP revision, Industrial Clean Solvents, later this spring.*

#### **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. *The Department expects to publish it as final in the April 7, 2018 PA Bulletin. The Department also published a notice of availability of a proposed non-interference demonstration SIP revision in the March 10, 2018 Pennsylvania Bulletin. The Department held three public hearings; the public comment period on this SIP revision closes on April 9, 2018.*

#### **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 will present a draft proposed rulemaking *for review by AQTAC at its June 14, 2018 meeting.*

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

The proposed rulemaking 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 (SO<sub>2</sub>) contribute to the formation of regional haze, which degrades visibility in many American cities and scenic areas, and fine particulate matter (PM<sub>2.5</sub>). The draft proposed rulemaking was presented to the SBCAC, AQTAC and CAC on Jan. 24, Feb. 8, and Feb. 20, 2018, respectively. *The Department anticipates presenting the proposed rulemaking to the EQB in the summer of 2018.*

#### **RACT II**

*On March 14, 2018, EPA published in the Federal Register its proposed conditional approval of Pennsylvania's RACT II rulemaking as a SIP revision. EPA is proposing to fully approve the new definitions in 25 Pa. Code § 121.1 and the RACT provisions of 25 Pa. Code §§ 129.96, 129.97, and 129.100. The proposed*

*full approval of 25 Pa. Code § 129.97 indicates that EPA agrees with our presumptive RACT, including NO<sub>x</sub> emission limitations for coal-fired combustion units not equipped with Selective Catalytic Reduction. EPA is proposing to conditionally approve 25 Pa. Code §§ 129.98 and 129.99.*

*Pennsylvania has one year from the final conditional approval to submit averaging plans and case-by-case RACT to EPA as individual SIP revisions, in which case the conditional approval will become a full approval. Comments on EPA's proposed approval are due on or before April 13, 2018.*

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## **Energy Initiatives**

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### **Finding Pennsylvania's Solar Future**

On January 18<sup>th</sup>, 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 20<sup>th</sup>. *A quarterly stakeholder meeting was held in Pittsburgh on March 8<sup>th</sup> at which further feedback was obtained.* The Team is now incorporating the feedback and comments received into the document. *The document will be sent out for 3<sup>rd</sup> party expert review in April as well as posted on the collaborative worksite BOX for stakeholders to review.*

### **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. *Recommendations for funding from these applications have been presented to executive staff for approval and award announcements are pending. Draft guidance for the 2018 program has been approved by executive staff. The program is in the process of moving to the DCED Electronic Single Application (ESA) system for application acceptance and is anticipated to open in late April 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. On February 27, 2018, *CG Fuel LLC was awarded a \$178,785 grant for the construction of a compressed natural gas (CNG) fueling station in Shippensburg, Clarion County, servicing vehicles on Interstate 80. The project, once completed, will displace an estimated 116,650 gallons of diesel fuel per year. The Federal Highway Administration has announced I-79, I-90, and I-376 as new FAST Act Corridors in Pennsylvania. The FAST Act grant will reopen later this year encompassing the newly designated corridors.*

### **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 have been received. A subcontractor has been selected for the concrete pad, fencing, and natural gas services. Penn State at The Navy Yard's held a statewide microgrid conference 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. *PennTAP will be holding the third and final Building Retuning Training (BRT) workshops on May 15<sup>th</sup>, 2018 at Neshaminy High School in Bucks County. Targeted enrollment for the workshop is 30 school and local government facilities personnel. The workshop will focus on BRT principles including energy benchmarking and creating an energy-conscious facility. One local school has been selected for the building walkthrough portion of the workshop, and another is being recruited. 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). *The commercial energy code webinar, "A Process that Works for Commercial Energy Code Enforcement", was conducted on March 7, 2018. There were 17 attendees representing local governments and third-party inspectors. The specialized, in-person Circuit Rider program was held on January 30<sup>th</sup> in West Goshen township for 7 township participants. The in-person residential and commercial energy code trainings will be on April 5, 2018 and April 17, 2018 at Monroeville and Kulpville, respectively.*

*The Pennsylvania Energy Code Collaborative (PECC), facilitated by the Northeast Energy Efficiency Partnership, held their first meeting of the year on February 13, 2018 at PA DEP. The PECC consists of energy efficiency experts, code officials, American Institute of Architects, International Code Council, ASHRAE, Building Codes Assistance Project members, consultants and others. The purpose of the meeting was to determine future goals for the group that will help advance awareness about the importance of energy codes. Recent legislation, Act 36 of 2017, has charged the Uniform Construction Code Review and Advisory Council (RAC) with re-reviewing the International Code Council (ICC) 2015 codes (the national model code). The RAC held several meetings since the beginning of 2018, including a public input meeting, to discuss the codes. Once the sub-committees and RAC complete their review, a report of recommendations will be sent to PA's Labor and Industry (L&I) Secretary by May 1, 2018. The public input comments can be viewed on L&I's RAC website <http://www.dli.pa.gov/ucc/Pages/UCC-Review-and-Advisory-Council.aspx>.*

### **EV Everywhere**

*On March 26, 2018, the DEPA Coalition held its quarterly meeting. The primary purpose of the meeting was for DEPs consultants (Meister Consultants/Cadmus Group) to present the modeling scenarios and EV policy strategies that will be incorporated in the PA EV Roadmap. Meister/Cadmus facilitated discussions with the DEPA Coalition, and will move to begin incorporating feedback into a first draft report. If Drive Electric PA Coalition members were not able to provide adequate feedback during the meeting, Coalition members are given an additional opportunity via an online survey (due March 30) that will be compiled and analyzed by Meister/Cadmus for inclusion into this first draft. Also during the meeting, the DEPA Coalition discussed plans to host an educational series across the state for this summer, the new Federal Highway Administration EV corridor designations in western PA, presentation of survey results which was designed to analyze the interest in DEPA Coalition becoming a legal entity (such as a nonprofit), and other Coalition updates on HB1446, PUC recent decision on 3<sup>rd</sup> Party EV charging. The next DEPA Coalition meeting is scheduled for June 4, 2018. During that meeting, the final draft EV report will be discussed.*

## **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. *Due to weather, the March workshops had to be cancelled and new dates cannot accommodate the teachers.* The remaining dates are: 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.

## **Industrial Energy Efficiency Technical 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. For state fiscal year 2017-18, DEP contracted with the Pennsylvania Technical Assistance Program at the Pennsylvania State University (PennTAP) and Emerging Technology Applications Center (ETAC) to provide energy efficiency technical assistance. *PennTAP's technical staff provided two energy efficiency assessments in the month of February 2017 to companies that manufacture materials and metal fabrication in the southcentral and northwest regions. PennTAP hosted an EnMS (Energy Management System) Workshop on March 14, 2018 at Penn State's Great Valley Campus with 16 attendees. PECO discussed their C&I Act 129 programs and DOE discussed their 50001 Ready program and associated EnMS tools for manufacturers, schools and large commercial facilities. ETAC provided an onsite energy efficiency assessment in the month of February 2017 for a flour mill company in the northeast region. A speaking engagement including Secretary McDonnell and tour at Benton Foundry, who received a full facility energy efficiency audit by ETAC staff, will be held on April 11, 2018.*

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## **Environmental Cleanup and Brownfields**

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### **Cleanup Standards Scientific Advisory Board**

*The next meeting of the CSSAB is scheduled for April 4, 2018, at 9:00 a.m. in Room 105 of the Rachel Carson State Office Building. The agenda will focus primarily on updating the Board on the status of various Land Recycling Program activities and documents as well as requesting input on new technical questions. There will also be a presentation on the status of updates to the Bureau of Waste Management's Management of Fill Policy.*

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

*On March 17, 2018, the Chapter 250 final-omitted rulemaking was published in the Pennsylvania Bulletin. The rulemaking corrected transcription errors for Aldrin, beryllium, and cadmium in the Chapter 250 medium-specific concentrations (MSC) tables and became effective upon publication. The incorrect Aldrin MSC of 0.43 micrograms per liter ( $\mu\text{g/L}$ ) for groundwater under "Used Aquifers, TDS  $\leq$  2500, R" in Appendix A, Table 1 has been corrected to 0.043  $\mu\text{g/L}$ .*

*The incorrect toxicity values of  $8.4 (\text{mg/kg/day})^{-1}$  and  $15 (\text{mg/kg/day})^{-1}$  for beryllium and cadmium, respectively, have been removed from Appendix A Table 5B because they are actually inhalation toxicity values, not oral toxicity values. The removal of these incorrect toxicity values resulted in changes to the direct contact numeric values for inorganic regulated substances in soil (Table 4A). Changes to Table 4A include correcting the beryllium residential numeric value from 2 milligrams per kilogram ( $\text{mg/kg}$ ) to 440  $\text{mg/kg}$  and the non-*

residential surface soil numeric value from 11 mg/kg to 6,400 mg/kg. The cadmium residential numeric value changed from 1.2 mg/kg to 110 mg/kg, and the non-residential surface soil numeric value changed from 6 mg/kg to 1,600 mg/kg. The final-omitted rulemaking is available [online](#) and in [PDF](#) (beginning on page 1503).

### **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 *will be discussed* with the CSSAB at its April 4, 2018, meeting.

### **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 were published in the Pennsylvania Bulletin on Feb. 24, 2018, with a 30-day public comment period *that ended on March 26. In conjunction with the public comment period, the Independent Regulatory Review Commission has until April 25, 2018, to provide comments on the proposed amendments.* The amendments focus on strengthening the underground storage tank requirements by increasing the emphasis on properly operating and maintaining equipment.

### **Technical Guidance Manual (TGM) Public Comment Period**

*Notice of proposed revisions to the Land Recycling Program TGM was published in the Pennsylvania Bulletin on Dec. 16, 2017, with a 90-day public comment period that ended on March 16. 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.*

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## **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**

*This year's breeding pair are currently incubating. Currently, there are four eggs and the anticipating hatch should coincide with Earth Day, with a tentative hatching on April 22. 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. The annual Falcon Teacher Workshop is scheduled for March 29 with 30 participants signed up. The 2018 Falcon Banding Event will occur on May 14 in cooperation with the Game Commission, DCNR 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 be held at the Waldron Campus Center at Gannon University and will include a tour of Erie highlighting Stormwater BMP’s currently in use at the Erie Art Museum and downtown. The Southwest workshop will also feature collaboration between DEP, DCNR and the Winnie Palmer Nature Reserve at Saint Vincent College, Latrobe.*

## **Keystone Energy Education Program (KEEP)**

*Currently in the process of rescheduling the KEEP Workshop at Ridley Creek State Park, which was cancelled due to snow. Additional KEEP workshops have been scheduled for western and central Pennsylvania. Locations include May 8<sup>th</sup> at DEP’s Northwest Regional Office, Meadville; May 9<sup>th</sup> at the Westmoreland County Conservation District, Greensburg; and May 17<sup>th</sup> at DCNR’s Kings Gap Environmental Education Center, Carlisle.*

## **NOAA Chesapeake Bay B-Wet Grant**

*After attending the PAEE conference, a full working group meeting was held at Shaver’s Creek on March 15<sup>th</sup>, 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**

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### **Oil and Gas 3-Year Fee Report & Draft Fee Rulemaking**

*Pursuant to 25 Pa. Code §§ 78.19(e) (conventional oil and gas wells) and 78a.19(b) (unconventional gas wells), at least every three years DEP will provide the Environmental Quality Board (EQB) with an evaluation of the well permit fees received. DEP last submitted a well permit fee report to the EQB at its January 21, 2014 meeting. In accordance with regulatory requirements, DEP has conducted a comprehensive review of its resource needs to administer the oil and gas oversight program along with projected revenues. The 3-Year Fee Report was presented to the Oil and Gas Technical Advisory Board (TAB) on February 14, 2018. DEP intends to present the 3-Year Fee Report to the Environmental Quality Board at its upcoming meeting in the second quarter of 2018. This will be followed by a rulemaking to increase the well permit application fee, which will be presented at a subsequent EQB meeting in the second quarter of 2018.*

### **Coal-Gas Industry-Agency Committee Meeting, March 14<sup>th</sup>, DEP New Stanton District Office, New Stanton, Westmoreland County**

*DEP Oil and Gas Program, Mining Program, Mine Safety and Health Administration, and National Institute for Occupational Safety and Health technical staff met with coal and gas industry representatives on March 14<sup>th</sup> in New Stanton as part of the Coal-Gas Committee to discuss matters relating to coordination between the two industries. The committee was updated on the status of the interim final technical guidance document that was developed to address coordination between longwall and unconventional gas well operators during mine-by activities. It is anticipated that the document will be published in the Pennsylvania Bulletin sometime in the second quarter of 2018. Discussions were held regarding agency coordination and processes for permitting*

gas wells drilled into chain pillars located in abandoned areas of active mines. Additionally, technical discussions continued regarding concerns of how to safely drill through the gob of sealed districts of active coal mines. The goal is to ultimately draft a guidance document for drilling in gob associated with sealed off districts of active mines. Lastly, the group was provided with a presentation by a committee member and representative of West Virginia's Mine Safety on the Sago mine explosion, which occurred in 2006. Mechanisms associated with lightning strikes and coal mine explosions at Sago and other mines were presented and discussed. The next committee meeting is scheduled for April 18<sup>th</sup> in DEP's California District Office.

**Quarterly EPA-DEP Underground Injection Control (UIC) Program Teleconference, February 26<sup>th</sup>, RCSOB, Dauphin County**

Office of Oil and Gas Management technical, permitting, and management staff participated with EPA UIC program staff in the first of a series of recurring teleconferences designed to keep both environmental regulatory agencies apprised of ongoing developments in the UIC Program. The next call is scheduled for May 21.

**Windfall Oil & Gas, Inc. – Class II Disposal Well Permit, Brady Township, Clearfield County**

On March 21, 2018, the Department issued a permit to Windfall Oil & Gas Inc. (Windfall) to drill and operate a Class II waste disposal well in Brady Township, Clearfield County. Windfall submitted their application to drill and operate the well on September 14, 2015. In accordance with 25 Pa. Code § 78.18, the application consists of a well permit application, Erosion and Sedimentation Control Plan, Control and Disposal Plan, the Class II Injection Disposal well application submitted to the U.S. Environmental Protection Agency's Underground Injection Control Program, and the issued EPA UIC permit. On March 7, 2016, the Department held a public hearing in Dubois, PA to solicit comments related to Windfall's application, and received comments from 50 commenters that were considered in the application review and incorporated into a comment-response document. The Department determined that the application/project meets all applicable statutes, regulations and guidance manuals related to the permitting of a disposal well in Pennsylvania. DEP published a Press Release on March 22 to announce the issuance of this permit.

**Oil and Gas Workload Report**

Please see Attachment 2.

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**Radiation Protection**

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

The RPAC meeting scheduled for March 22, 2018, has been postponed due to weather conditions. The new date will be April 19, 2018.

**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 meeting

on Oct. 19, 2017. The Department tentatively plans to present the final rulemaking to the EQB in the second quarter of 2018.

### Final-Omit Rulemaking – Radiological Health

*DEP is developing a final-omit rulemaking to amend 25 Pa. Code Chapters 215, 217, 230 and 232 to correct references to specific sections of Title 10 Chapter I of the Code of Federal Regulations that were inadvertently incorporated by reference in Pennsylvania’s regulations. These corrections were identified by the NRC in a recent program review and are necessary for the Commonwealth to remain compatible and properly administer the federal requirements of NRC’s Agreement State program.*

*The failure to exclude these sections was an oversight in the 2008 rulemaking (38 Pa.B 2243, May 17, 2008) promulgated to support the 2008 agreement with the NRC. Examples of federal provisions that need to be excluded are definitions of terms such as “construction” and “commencement of construction” dealing with national defense; certain industrial devices involving the sale and distribution of radioactive material across state lines; regulating high concentration of radioactive source material or special nuclear material, such as uranium and plutonium; and transportation and distribution of exempt consumer materials. The Department does not have the authority under the Agreement State program to implement these sections and has never enforced them. The basis for this final-omit rulemaking was discussed with and endorsed by RPAC at its October 19, 2017 meeting. The rulemaking is anticipated to be presented to the EQB in the second quarter of 2018.*

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## **Waste Management**

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

*The March 8, 2018, SWAC meeting was cancelled due to impending weather and was unable to be rescheduled. The next SWAC meeting is scheduled for Thursday, June 7, 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 January 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 *Thursday, June 7*, 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.

### **BSDW Attendance and Presentations at ASDWA Member and Board Meeting**

*DEP Bureau of Safe Drinking Water Director Lisa Daniels is the current president of the Association of State Drinking Water Administrators (ASDWA) and attended the Member and Board Meeting on March 12 in Alexandria, VA. Topics included very timely discussions on Legionella, PFAS, Health Advisories, Emerging Contaminants, and Lead. The meeting format was revised from previous years to include more discussion and less presentation, which resulted in considerable dialogue and interaction between EPA and the states. The meeting also included a closed session between the ASDWA Board and EPA senior managers. EPA agreed to continue to work with ASDWA on the proposed revisions to the Lead and Copper Rule, the development of toxicity values/reference dose concentrations for additional PFAS compounds (e.g. Gen X), and on the development of new enforcement metrics. ASDWA and EPA have established several workgroups that will continue efforts in the coming year to address gaps in states' needs for dealing with these unregulated or under-regulated contaminants.*

### **2018 Mid-Atlantic Source Water Protection Leadership Forum**

*EPA Region 3 hosted the Mid-Atlantic Source Water Protection Forum at its office in Philadelphia on March 6, 2018, which was attended by approximately 60 people representing utilities, governmental agencies, environmental groups and professional associations. DEP Source Water Protection staff participated in this event. The forum provided an opportunity to meet and engage with other source water protection (SWP) leaders in the Mid-Atlantic region to share best practices and explore different approaches to address common challenges that are impacting public drinking water supplies. Under the theme of "Building Connections and Exploring Solutions for Clean and Safe Water," forum topics included: emerging challenges for water utilities, source water collaborative efforts and case studies, messaging/branding strategies, online source water mapping tools, funding and leveraging resources, emergency response, and Clean Water Act (CWA)/Safe Drinking Water Act (SDWA) integration. The Philadelphia Water Department and Berks County Water & Sewer Authority participated in panel discussions on utility challenges in protecting source waters. The Octoraro Source Water Collaborative and the Schuylkill Action Network were prominently featured on the program as well. There was also much discussion on how to improve CWA/SDWA integration to protect water supplies, and the consensus of attendees was that EPA is not communicating this message as effectively to state clean water programs as it is to state drinking water programs.*

### **Final PAG-12 NPDES General Permit for CAFOs**

*DEP published the final PAG-12 NPDES General Permit for Operation of Concentrated Animal Feeding Operations (CAFOs) in the Pennsylvania Bulletin on March 31, 2018. The PAG-12 General Permit will become effective on April 1, 2018, and will expire on March 31, 2023. All permittees with existing coverage under the PAG-12 General Permit will be automatically covered under the reissued General Permit on April 1, 2018, and will be subject to the terms and conditions of the reissued General Permit.*

*Notice of the availability of a draft PAG-12 General Permit was published in the Pennsylvania Bulletin at 48 Pa.B. 575 (January 20, 2018). A 30-day comment period was provided, and the comment period ended on February 20, 2018. DEP received comments from 13 individuals and organizations during the comment period. A comment and response document has been developed by the Department.*

*The following significant changes were made to the final PAG-12 General Permit documents in comparison to the draft General Permit published on January 20, 2018:*

- The due date for CAFO annual reports and annual Notice of Intent (NOI) fees has been changed from December 1 to January 1. This change will allow permittees additional time to complete annual reports and submit fees. The reporting period for the annual report has not changed (October 1 – September 30). As a result of the change to the due date, DEP was able to modify the annual report to request the actual*

capacity of manure storage facilities at the start of the winter period and eliminate duplicative reporting in the general permit.

- *The NOI fee for new CAFOs has been eliminated by DEP. Following the first year of coverage under PAG-12, CAFOs will pay an annual fee of \$500 by January 1, starting no earlier than January 1, 2020. Existing CAFOs with coverage under PAG-12 will begin paying the annual fee by January 1, 2020. Thereafter, the annual fee will be due no later than January 1 each year of general permit coverage.*
- *The NOI Instructions were modified to specify that DEP's Southcentral Regional Office will be the recipient of all PAG-12 NOIs, regardless of where the CAFO is located in Pennsylvania. Annual reports and other notifications will still be sent to the DEP office that has jurisdiction over the county where the CAFO is located.*
- *DEP has modified the requirement for CAFOs operating under PAG-12 to complete daily inspections of water lines including drinking water or cooling water lines. In the final PAG-12 General Permit, only those CAFOs with at least 700 mature dairy cows (whether milked or dry) and/or 1,000 cattle other than mature dairy cows or veal calves will be required to complete daily inspections of water lines.*
- *A requirement for the annual review of nutrient management plans has been removed from the final PAG-12 General Permit, and the CAFO Annual Report has been revised to require confirmation from the permittee that an annual review has been completed to comply with the nutrient management regulations.*
- *The language in the draft PAG-12 General Permit concerning the requirement to maintain operation and maintenance (O&M) plans for all manure storage facilities has been revised. O&M plans must be maintained on-site for all manure storage facilities that were constructed under a Water Quality Management permit or had been developed as a result of prior permit coverage.*

#### **Draft Technical Guidance Documents to Address Sewage Facilities Act Amendment**

*Act 26 of 2017 amends the Sewage Facilities Act (Act 537) to allow alternate onlot systems to satisfy sewage planning requirements in the establishment of new lots. It also requires the DEP to develop an alternate system review process based on the latest scientific, technical, and field-testing information to apply to all existing alternate systems. The Act became effective on September 18, 2017.*

*On March 10, 2018, DEP published two draft technical guidance documents for public comment that were developed to address the amendment to the Act. The public comment period for both documents will end on April 9, 2018.*

*The first document, Onlot Wastewater Technology Verification Protocol (TVP), addresses the alternate onlot system approval process. The most up-to-date scientific, technical, and field-testing information was incorporated into the revised technical guidance document. The TVP details the alternate onlot system review process. The TVP was developed in consultation with the Sewage Advisory Committee (SAC) through a series of three (3) workgroup meetings.*

*The second document is new and was developed to address the Sewage Facilities Planning requirements of the amendment. DEP considers a wide range of available onlot sewage system technologies, including emerging technologies, in the Act 537 new land development planning process. The existing regulations do not allow for the consideration of alternate systems to meet sewage planning requirements. The draft guidance provides a systematic approach to site suitability determinations and sewage facilities alternatives analyses when incorporating alternate onlot sewage disposal technologies into the Act 537 new land development planning*

process described in 25 Pa Code Ch. 71. The guidance covers the onlot sewage planning process in general, which includes alternate onlot system planning.

**Susquehanna River Study – Largemouth Bass Virus Report**

In July 2015 the Department of Environmental Protection (DEP) entered into a Memorandum of Understanding (MOU) with the Pennsylvania Fish and Boat Commission (PFBC) to study the role of Largemouth Bass Virus (LMBV) in causing a decline in smallmouth bass in the Susquehanna River Basin. Initiation of the LMBV investigation is consistent with the results of Causal Analysis/Diagnosis Decision Information System (CADDIS) report, which identified ‘Pathogens and Parasites’ to be a likely cause. Further investigation was pursued in cooperation with PFBC and subsequently Michigan State University (MSU), who was subcontracted to complete the investigation. The final report, Laboratory investigation into the role of largemouth bass virus (Ranavirus, Iridoviridae) in smallmouth bass mortality events in Pennsylvania rivers, has been published by MSU and PFBC in the online journal, *BioMed Central Veterinary Research*, on March 2, 2018, and can be found at: <https://bmcvetres.biomedcentral.com/articles/10.1186/s12917-018-1371-x>.

The results of this investigation clearly demonstrate that LMBV infection is lethal to young-of-year smallmouth bass. In addition, strains of LMBV isolated from the Susquehanna River basin are more virulent than strains isolated from elsewhere.

The investigation also revealed that it is possible that the dermal lesions observed in smallmouth bass in affected rivers are initiated primarily by LMBV and that affected areas became colonized by opportunistic bacteria and fungi; both of which are abundant in the aquatic environment during the summer. The colonization by opportunistic infections has been known for quite some time and is well documented. However, the source of the lesions is not.

**Chesapeake Bay Ag Inspection Enforcement Update**

The first six-month (July 1 – December 31, 2017) inspection results are as follows:

- Total Number of Inspections of Unique Agricultural Operations: **793**
- Total Acreage Reported as Inspected: **76,612 acres**
- **66%** of farms that are required to have Manure Management Plans (MMPs) were found to have had MMPs that met the planning requirements
- **64%** of farms that are required to have Ag E&S Plans were found to have Ag E&S Plans that met the planning requirements

**March 16 Chesapeake Bay Phase 3 Watershed Implementation Plan (WIP) Steering Committee Meeting**

The Steering Committee met on Friday, March 16 to: 1) approve the creation of a Communications Workgroup and provide recommendations on a draft Communications Plan and Timeline and 2) review the progress made to date by the workgroups on different nutrient reduction scenarios to address the draft planning targets released by the Bay Program Partnership. The Communications Workgroup DEP Co-chairs will be Katie Hetherington-Cunfer and Marcus Kohl. The main work product of this workgroup, as described in the Communications Plan, is the local engagement strategy necessary to ensure successful implementation of the Phase 3 WIP. One or two co-chairs that represent a key partner or stakeholder in this local engagement effort still need to be identified. The key organizations to be represented on the workgroup have been identified, but actual members still need to be confirmed.

The draft planning targets as released by the Chesapeake Bay Program Partnership can be summarized as follows:

| <b>Year</b> | <b>Nitrogen<br/>(M lbs/year)</b> | <b>Phosphorus<br/>(M lbs/year)</b> |
|-------------|----------------------------------|------------------------------------|
|-------------|----------------------------------|------------------------------------|

|                                       | <i>Delivered to the Bay</i> | <i>Edge of Stream</i> | <i>Delivered to the Bay</i> | <i>Edge of Stream</i> |
|---------------------------------------|-----------------------------|-----------------------|-----------------------------|-----------------------|
| 1985 (Actual)                         | 124.50                      | 187.69                | 6.382                       | 15.629                |
| 2016 (Actual)                         | 109.55                      | 164.98                | 3.937                       | 9.898                 |
| 2017 (Midpoint)                       |                             |                       |                             |                       |
| 2025 (Final TMDL Allocation)          | 73.18                       | 111.06                | 3.070                       | 7.786                 |
| Remaining Load to be Achieved (2016)  | 36.37                       | 53.9                  | 0.867                       | 2.2                   |
| Conowingo Dam                         | 4.56                        |                       | 0.177                       |                       |
| Climate Change                        | 4.135                       |                       | 0.141                       |                       |
| Sector Growth                         | 1.38                        |                       | -0.034                      |                       |
| <b>POTENTIAL Total Remaining Load</b> | 46.445                      |                       | 1.150                       |                       |

*Please note that the climate change numbers are hypothetical at this point. Before final numbers are assigned, there will be a significant amount of research over the next two years to achieve a better understanding of what needs to be done, where it needs to be done, and which practices need to be implemented. The sector growth numbers are an estimate, and the methodology used to estimate these numbers needs further analysis. Conowingo Dam is a separate WIP assigned to the entire Chesapeake Bay Partnership. If the loading from Conowingo was allocated using the same allocation methodology as the rest of the nutrient loadings, Pennsylvania’s target would be around the numbers indicated. As the separate Conowingo Dam WIP is negotiated over the coming months, the actual reductions to be achieved in Pennsylvania through the Partnership’s implementation of the WIP quite possibly will be different.*

*The Agriculture, Stormwater, Wastewater, and Forestry Workgroup Co-chairs all presented preliminary results on potential nutrient reductions that can be achieved from the various existing permitting, compliance, and enforcement programs in place. A narrative description of different technical, financial and outreach scenarios was also presented with ideas for future scenarios. The reductions from the permitting, compliance, and enforcement programs achieve around 6 million pounds of nitrogen and very little to no phosphorus due to the need to account for the additional capacity available from the wastewater treatment system permitted cap loads. It must be noted that these assigned wastewater cap loads allow the wastewater sector to achieve their assigned Total Maximum Daily Load (TMDL) allocation before the 2025 deadline.*

**Susquehanna River Basin Commission Quarterly Commission Meeting**

*SRBC held their spring quarterly commission meeting on March 7-8. The Billmeyer Quarry Consumptive Use Mitigation Site Characterization and Testing project was discussed, a project that will provide consumptive use make-up water in the lower river where major power plants consume large quantities of water. The commission passed resolutions related to access to records (as a final rulemaking) and records retention (to open a public comment period on a draft policy). A draft fee schedule was approved for release for public comment. Commissioners also discussed possible rules for the fate of grandfathered sources, review requirements for smaller capacity groundwater wells, requirements for changes of ownership, and a policy for consumptive water use mitigation.*

**Delaware River Basin Commission Quarterly Commission Meeting**

*DRBC held their spring quarterly commission meeting on March 13-14. Sustainable funding was discussed. DRBC is considering a fee schedule for dockets in which docket applicants would be charged at a surcharged rate based on the contribution of the signatory member based on percentage of fair share contributed. Pennsylvania has contributed 50% fair share or less in the last number of years; this would result in a surcharge of 1.5 to 2 times on docket applicants located in Pennsylvania. The draft rulemaking related to*

natural gas development activities was discussed. DRBC has asked each signatory to designate both technical and legal staff to assist in formulating a comment/response document. The discussion of PennEast resulted in the draft docket being circulated to the jurisdictions for review. New Jersey has asked for a six-week review period, much longer than Pennsylvania needs for review. The Decree Party Subcommittee on Ecological Flows (SEF) will be reinstated. The Fish and Boat Commission will likely be Pennsylvania's representative on the SEF, and DEP and FBC are communicating on a regular basis. The study of designated uses in the Delaware Estuary is continuing. DRBC has requested \$157,000 each year from each of the signatories to complete the studies on schedule.

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## **Environmental Justice**

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### **TreeVitalize Webinars**

OEJ collaborated with the Department of Conservation and Natural Resources' (DCNR) TreeVitalize program to give funding preference to projects implemented in Environmental Justice Areas. TreeVitalize administers grants to promote and develop sustainable urban forestry programs throughout the Commonwealth of Pennsylvania. In April, OEJ will participate in three "train the trainers" webinars to answer any questions among DCNR staff regarding environmental justice.

### **Public Participation Policy and SOP**

The OEJ is continuing to draft a revised EJ Public Participation policy and develop a Standard Operating Procedure (SOP) document. In addition, the OEJ is continuing to work 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.

### **Environmental Justice Advisory Board**

The last EJAB meeting was held on Tuesday, February 13 in the Rachel Carson State Office Building. The next EJAB meeting will be in the form of a conference call scheduled 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.”

| <b>April</b> |  |
|--------------|--|
| 4            | Cleanup Standards Scientific Advisory Board Meeting, 9:00 a.m., Room 105, RCSOB, Harrisburg, PA  |
| 5            | Air Quality Technical Advisory Committee Meeting, 9:15 a.m., Room 105, RCSOB, Harrisburg, PA   |
| 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           | State Board for Certification of Water and Wastewater Systems Operators Meeting, 10:00 a.m., 10 <sup>th</sup> Floor, RCSOB, Harrisburg, PA     |
| 12           | Laboratory Accreditation Advisory Committee (LAAC) Meeting, 9:00 a.m., DEP Bureau of Laboratories Building, Harrisburg, PA                     |
| 17           | Environmental Quality Board (EQB) Meeting, 9:00 a.m., Room 105, RCSOB, Harrisburg, PA  |
| 18           | Oil and Gas Technical Advisory Board (TAB) Coal-Gas Committee, time TBD, DEP California Field Office   |
| 19           | Radiation Protection Advisory Committee (RPAC) Meeting, 9:00 a.m., 10 <sup>th</sup> Floor, RCSOB, Harrisburg, PA (rescheduled from March)      |
| 23           | Phase 3 WIP Steering Committee Meeting, 9:00 a.m., Room 105, RCSOB, Harrisburg, PA   |
| 24           | Climate Change Advisory Committee Meeting, 10:00 a.m., Room 105, RCSOB, Harrisburg, PA   |
| 24           | Sewage Advisory Committee Meeting, 10:30 a.m., DEP Southcentral Regional Office, Harrisburg, PA  |
| 25           | Small Business Compliance Advisory Committee Meeting, 10:00 a.m., 12 <sup>th</sup> Floor, RCSOB, Harrisburg, PA                                |
| 26           | Agricultural Advisory Board, 9:00 a.m., DEP Southcentral Regional Office, Harrisburg, PA   |
| <b>May</b>   |  |
| 9            | Aggregate Advisory Board Meeting, 10:00 a.m., 10 <sup>th</sup> Floor Conference Room, RCSOB, Harrisburg, PA                                    |
| 9            | Water Resources Advisory Committee Meeting, 9:30 a.m., Room 105, RCSOB, Harrisburg, PA   |
| 10           | Oil and Gas Technical Advisory Board Meeting, 10:00 a.m., Room 105, RCSOB, Harrisburg, PA  |
| 10           | Susquehanna River Basin Commission Public Hearing, time TBD, Harrisburg, PA  |
| 16           | Delaware River Basin Commission Public Hearing, time TBD, West Trenton Volunteer Fire Company, 40 West Upper Ferry Road, West Trenton, NJ      |

|             |  |
|-------------|--|
| 16          | Environmental Quality Board (EQB) Meeting, 9:00 a.m., Room 105, RCSOB, Harrisburg, PA  |
| 17          | Chesapeake Bay WIP Steering Committee, 1:00 p.m., Room 105, RCSOB, Harrisburg, PA  |
| 24          | Small Water Systems Technical Assistance Center (TAC) Board Meeting, Room 105, RCSOB, Harrisburg, PA   |
| 30          | State Board for Certification of Sewage Enforcement Officers Meeting, 10:00 a.m., Room 11B, RCSOB, Harrisburg, PA                                  |
| <b>June</b> |  |
| 4-6         | Interstate Commission on the Potomac River Basin 3 <sup>rd</sup> Quarter Meeting, time and location TBD  |
| 5           | Ohio River Valley Water Sanitation Commission, Technical Committee and Commission Meeting, time TBD, Louisville, KY                                |
| 5           | Board of Coal Mine Safety, 10:00 a.m., Conference Room 1A and 1B, DEP Cambria Office, Ebensburg, PA  |
| 5           | Storage Tank Advisory Committee (STAC) Meeting, 10:00 a.m., Room 105, RCSOB, Harrisburg, PA  |
| 6           | Coastal Zone Advisory Committee, 9:30 a.m., 10 <sup>th</sup> Floor Conference Room, RCSOB, Harrisburg, PA  |
| 7           | Solid Waste Advisory Committee (SWAC) and Recycling Fund Advisory Committee (RFAC) Meetings, 10:00 a.m., Room 105, RCSOB, Harrisburg, PA           |
| 13          | Delaware River Basin Commission Business Meeting, West Trenton Volunteer Fire Company, time TBD, 40 West Upper Ferry Road, West Trenton, NJ        |
| 13          | State Board for Certification of Water and Wastewater Systems Operators, 10:00 a.m., 10 <sup>th</sup> Floor Conference Room, RCSOB, Harrisburg, PA |
| 15          | Susquehanna River Basin Commission Public Hearing, time and location TBD, Harrisburg, PA   |
| 19          | Environmental Quality Board (EQB) Meeting, 9:00 a.m., Room 105, RCSOB, Harrisburg, PA  |
| 26          | Climate Change Advisory Committee (CCAC) Meeting, 10:00 a.m., Room 105, RCSOB, Harrisburg, PA  |
| 28          | Agricultural Advisory Board, 9:00 a.m., DEP Southcentral Regional Office, Harrisburg, PA   |

## Attachment 2

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

| YTD WELL PERMIT APPLICATIONS - 1/1/2018 to 3/16/2018 |          |              |           |                |                 |                    |
|--|----------|--------------|-----------|----------------|-----------------|--------------------|
|  | RECEIVED | UNDER REVIEW | PROCESSED | PERMITS ISSUED | WELLS PERMITTED | OTHER DISPOSITIONS |
| CONVENTIONAL   | 43       | 17           | 48        | 48             | 48              | 0                  |
| UNCONVENTIONAL                                       | 335      | 103          | 575       | 569            | 568             | 6                  |
| Sub Total  | 378      | 120          | 623       | 617            | 616             | 6                  |
| AUTHORIZATIONS                                       | 101      | 56           | 170       | 130            | N/A             | 40                 |
| Total  | 479      | 176          | 793       | 747            | 745             | 46                 |

| WEEKLY WELL PERMIT APPLICATIONS - 3/10/2018 to 3/16/2018 |          |              |           |                |                 |                    |
|--|----------|--------------|-----------|----------------|-----------------|--------------------|
|  | RECEIVED | UNDER REVIEW | PROCESSED | PERMITS ISSUED | WELLS PERMITTED | OTHER DISPOSITIONS |
| CONVENTIONAL   | 14       | 14           | 0         | 0              | 0               | 0                  |
| UNCONVENTIONAL   | 20       | 20           | 61        | 59             | 59              | 2                  |
| Sub Total  | 34       | 34           | 61        | 59             | 59              | 2                  |
| AUTHORIZATIONS   | 15       | 12           | 5         | 5              | N/A             | 0                  |
| Total  | 49       | 46           | 66        | 64             | 64              | 2                  |

| HISTORICAL WELL PERMIT APPLICATIONS AS OF 3/16/2018 |          |           |                |                 |                    |                |
|---|----------|-----------|----------------|-----------------|--------------------|----------------|
|   | RECEIVED | PROCESSED | PERMITS ISSUED | WELLS PERMITTED | OTHER DISPOSITIONS | ACTIVE PERMITS |
| CONVENTIONAL  | 197,635  | 197,609   | 196,361        | 190,200         | 1,248              | 101,908        |
| UNCONVENTIONAL                                      | 25,248   | 25,102    | 24,573         | 19,715          | 529                | 11,578         |
| Sub Total   | 222,883  | 222,711   | 220,934        | 209,915         | 1,777              | 113,486        |
| AUTHORIZATIONS                                      | 43,181   | 43,005    | 42,355         | N/A             | 650                | 18,782         |
| Total   | 266,064  | 265,716   | 263,289        | 251,420         | 2,427              | 132,268        |

| YTD INSPECTIONS - 1/1/2018 to 3/16/2018 |             |                      |            |              |
|---|-------------|----------------------|------------|--------------|
|   | INSPECTIONS | FACILITIES INSPECTED | VIOLATIONS | ENFORCEMENTS |
| CONVENTIONAL                            | 2,489       | 2,199                | 375        | 41           |
| UNCONVENTIONAL                          | 4,540       | 3,266                | 236        | 23           |
| CLIENT/SITE                             | 942         | 1                    | 392        | 60           |
| Total                                   | 7,971       | 5,466                | 1,003      | 124          |

| WEEKLY INSPECTIONS - 3/10/2018 to 3/16/2018 |             |                      |            |              |
|---|-------------|----------------------|------------|--------------|
|   | INSPECTIONS | FACILITIES INSPECTED | VIOLATIONS | ENFORCEMENTS |
| CONVENTIONAL                                | 234         | 224                  | 30         | 6            |
| UNCONVENTIONAL                              | 339         | 320                  | 27         | 3            |

|                    |            |            |           |           |
|--------------------|------------|------------|-----------|-----------|
| <b>CLIENT/SITE</b> | <b>80</b>  | <b>1</b>   | <b>37</b> | <b>7</b>  |
| <b>Total</b>       | <b>653</b> | <b>545</b> | <b>94</b> | <b>16</b> |

  

| <b>WELLS DRILLED</b>  |  |   |   |   |                        |
|-----------------------|--|---|---|---|------------------------|
|                       | <b>Two Years Prior<br/>1/1/2016 to<br/>3/16/2016</b> | <b>One Year Prior<br/>1/1/2017 to<br/>3/16/2017</b> | <b>Year To Date<br/>1/1/2018 to<br/>3/16/2018</b> | <b>Week of<br/>3/10/2018 to<br/>3/16/2018</b> | <b>As of 3/16/2018</b> |
| <b>CONVENTIONAL</b>   | <b>13</b>  | <b>14</b>   | <b>28</b>   | <b>6</b>                                      | <b>192,673</b>         |
| <b>UNCONVENTIONAL</b> | <b>86</b>  | <b>154</b>  | <b>146</b>  | <b>33</b>                                     | <b>11,068</b>          |
| <b>Total</b>          | <b>99</b>  | <b>168</b>  | <b>174</b>  | <b>39</b>                                     | <b>203,741</b>         |

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