

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

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**DEP Highlights**

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**Air Quality General Permits for the Oil and Natural Gas Industry**

*On June 8, 2018, the Department will issue General Permits 5 and 5A (GP5/5A), effective August 8, 2018, for unconventional natural gas operations at compressor stations and well sites. These GPs can be used by the natural gas industry for the installation of new or modified equipment. On the same day, the Department will also release a new ePermitting module for GP5/5A and hold a training webinar for industry and consultants.*

**First Driving PA Forward Grant (Clean Diesel) - Volkswagen Settlement**

*PA DEP's Air Quality (AQ) Program began accepting grant applications on May 19<sup>th</sup>, 2018 to replace, repower, or retrofit fleet diesel-powered trucks, buses and other vehicles and equipment under the Pennsylvania State Clean Diesel Grant program. A portion of the funds available for these grants will be from the \$118 million settlement from Volkswagen. Grants are available to public and private entities, including school districts, local governments, and non-profit organizations. Applications will be accepted until 4:00 PM on July 6<sup>th</sup>, 2018.*

**PA Envirothon**

*DEP was nicely represented at the PA Envirothon high school competition held at Susquehanna University and Camp Mount Luther on May 22 and 23, 2018. Carmichael Area High School representing Greene County finished first, winning the competition. Second place went to Palmyra High School, Lebanon County, and third to Penncrest High School, Delaware County. This year's current issue was "Benefits of Grassland and Pastureland Management." DEP's Director of Environmental Education, Bert Myers, participated as a judge to the oral component and on May 23<sup>rd</sup> delivered a workshop on Peregrine falcons and DEP's PA FalconCam. Secretary McDonnell of DEP and Secretary Dunn of DCNR provided remarks during the event's closing ceremonies.*

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**Federal Regulations**

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**Recently Submitted DEP Comments**

None submitted.

**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**

- *Environmental Assessment Approval for PENNVEST Funding Consideration May/June 2018 (Opened 5/16/18; Closes 6/25/18)*
- *Interim Final TGD: Water Management for Agricultural High Tunnels (383-4200-001) (Opened 4/21/18; Closes 6/19/18)*

### **Recently Closed Comment Periods**

- *Draft TGD: Beneficial Use of Biosolids and Residential Septage at Active Mine Sites (563-2000-602) (Opened 4/21/18; Closed 5/21/18)*
- *Air Quality Draft-Final General Permit GP-5A; Draft Final General Permit GP-5, and Air Quality Permit Exemption List (Opened 3/31/18; Closed 5/15/18)*
- *Comment Period Extended for Draft TGD: Onlot Wastewater Technology Verification Protocol (TVP) (385-2208-003) (Opened 3/10/18; Closed 5/8/18)*
- *Comment Period Extended for Draft TGD: Site Suitability and Alternatives Analysis Guidelines for New Land Development Proposing Onlot Sewage Disposal (385-2207-001) (Opened 3/10/18; Closed 5/8/18)*

### **Recently Finalized**

- None to report.

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## **Communications Monthly Press Releases**

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### **Press Releases Issued**

*April 24 – Wolf Administration Joins in Tree Planting Event to Kick Off “Keystone 10 Million Trees Partnership” to Improve Water Quality*

*April 24 – ADVISORY – Wolf Administration to Tour AeroAggregates, LLC*

*April 25 – ADVISORY – Wolf Administration to Celebrate, Tour Crazy Aaron’s Putty World for Remediation, Revitalization of Norristown Brownfield*

*April 25 – Wolf Administration Tours AeroAggregates Eddystone Facility, Celebrates Remediation of Brownfield Site*

*April 26 – Wolf Administration Tours Crazy Aaron’s Putty World, Celebrates Remediation and Revitalization of Norristown Brownfield Site*

*April 27 – DEP Issues Civil Penalty Against Carbon County Property Owner for Solid Waste Violations*

*May 01 – DEP Issues a Code Orange Air Quality Action Day Forecast for the Philadelphia Area for May 2, 2018*

*May 02 – DEP Issues a Code Orange Air Quality Action Day Forecast for the Philadelphia Area for May 3, 2018*

*May 03 – DEP Levies Additional \$355,000 Penalty Against Sunoco for Mariner East 2 Violations*

*May 04 – Wolf Administration Allocates \$5 Million to Support Alternative Fuel Transportation Initiatives*

*May 07 – ADVISORY – Wolf Administration to Announce Plans for \$118 Million Volkswagen Settlement to Fund Clean Air and Vehicle Emissions Reduction Programs*

*May 08 – Wolf Administration Announces Funding to Support 150 Abandoned Mine Reclamation Projects to Create Jobs and Improve Safety and the Environment Statewide*

*May 09 – Governor Wolf Recognizes DEP Lawyer for Fighting for Clean Air in Pennsylvania*

*May 09 – Pennsylvania Allocates More Than \$20 Million to Support Water Quality Improvement Projects Statewide*

*May 10 – Governor Wolf Announces \$118 Million Volkswagen Settlement to Fund New Air Pollution Reduction Program*

*May 11 – Wolf Administration Awards Funding to Help Homeowners Identify Potential Mine Subsidence Risks*

*May 11 – ADVISORY – DEP Northwest Regional Roundtable to Present Information about How to Register an Environmental Complaint and Environmental Emergency Response After Hours*

*May 11 – DEP Offers Free Workshop for Educators on Energy Literacy*

*May 11 – ADVISORY – DEP Hosts Falcon Banding Livestream Event*

*May 14 – Harrisburg’s New Peregrine Falcons Banded in Educational Event Streamed Live*

*May 17 – DEP to Host Public Hearing on Draft Air Quality Plan Approval for Existing Facility in Delaware County*

*May 18 – Wolf Administration Opens First Driving PA Forward Grant Eligibility*

*May 22 – ADVISORY – DEP to Hold Public Hearing for Rolling Hills Landfill Expansion Application*

*May 24 – DEP Issues a Code Orange Air Quality Action Day Forecast for the Philadelphia Area for May 25, 2018*

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## **Active and Abandoned Mine Operations**

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### **Final Rulemakings**

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

This final-form rulemaking was approved by the EQB on February 20, 2018. It was delivered to the House and Senate Environmental Resources and Energy Committees on March 16, 2018. IRRC unanimously approved the regulation at its April 19, 2018, meeting. *The Office of Attorney General approved for form and legality. It is planned for publication in the summer of 2018.*

### **Proposed Rulemakings**

#### **Non-Coal Mining Fees**

The Noncoal Mining Program Fees proposed rulemaking contemplates 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 public comment was received. IRRC provided comments on April 4, 2018, seeking clarification on increased fees not exceeding program costs, the exploration of alternatives to address small business impact concerns, concern with implementation of automatic fee increases versus meeting the three-year review cycle, and the need for more information on the application of cost indices. Program staff are working on a response as part of the final rulemaking process. *A draft of Appendix A was presented to the Aggregate Advisory Board on May 9, 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 EQB considered and adopted the rulemaking at its May 16, 2018 meeting. The Office of General Counsel and Budget Office will review until June 5, 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 April 19, 2018 to review concepts and provide input prior to the drafting of proposed changes. The Committee voted to present the regulation for discussion at the next full meeting of the Board.

### **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:

#### **Beneficial Use of Sewage Sludge at Active Mine Sites (563-2000-602)**

This draft guidance is an update to guidance that was last revised in 1998. It provides clarification regarding the nature and scope of the Mining Program's review of proposals for beneficial use of biosolids and residential septage for land reclamation at coal surface mine sites, coal refuse reprocessing sites, coal refuse disposal sites and noncoal mine sites. The title has also been changed to refer to "biosolids" and "residential septage" instead of "sewage sludge," which may include materials not appropriate for beneficial use. This document was published as draft in the Pennsylvania Bulletin on April 21, 2018, with a 30-day comment period. *Program staff have begun to review the comments received from the public.*

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

The Board will discuss future regulatory work at its next meeting.

### **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 CTG outlines requirements for existing air pollution sources at both conventional and unconventional natural gas operations. Pennsylvania is required to submit a SIP revision incorporating the CTG's requirements on or before October 27, 2018, two years from the date EPA issued the CTG.* However, on March 9, 2018, EPA published for public comment its proposed withdrawal of the CTG. The Department submitted comments to EPA on April 23, 2018, indicating that PA DEP does not support a comprehensive withdrawal of the Oil and Gas Guidelines without providing a specific replacement proposal to control emissions.

*On June 8, 2018, the Department will issue General Permits 5 and 5A (GP5/5A), effective August 8, 2018, for unconventional natural gas operations at compressor stations and well sites. These GPs can be used by the natural gas industry for the installation of new or modified equipment. On the same day, the Department will also release a new ePermitting module for GP5/5A and hold a training webinar for industry and consultants.*

### **Ozone Designations**

In 2015, EPA lowered the ozone National Ambient Air Quality Standard (NAAQS) from 75 ppb to 70 ppb. *On April 30, 2018, the US EPA designated the Philadelphia/Wilmington/Atlantic City Area as marginally nonattainment. This includes five counties in southeast Pennsylvania: Bucks, Chester, Delaware, Montgomery and Philadelphia. The Department had recommended that Montgomery County be designated as attainment. However, EPA concluded that "the weight of evidence of the five factor analysis warrants keeping Montgomery County as part of the Philadelphia nonattainment area." Pennsylvania has three years from the effective date of designation to demonstrate that the counties have met the standard. If EPA determines that the counties fail to meet the standard by the attainment date, EPA must reclassify the area to the next higher classification (moderate).*

### **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 closed on April 23, 2018. *EPA received 40 comments; however, many of the comments appear to be unrelated to the SIP revision.*

### **Air Quality Rulemakings**

#### **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. It was unanimously approved by the EQB on April 17, 2018, *and will be presented to IRRC for action on June 28, 2018. This is the last of 44 required CTGs to be promulgated in Pennsylvania and will be part of the Certification SIP Revision that will be submitted to EPA later this summer.*

#### **Air Quality Fee Package**

*The Clean Air Fund constitutes approximately 60% of the Air Quality Program's budget and is comprised of two appropriations: the Title V and Mobile/Area Source (or non-Title V) accounts. The Mobile/Area Source account is anticipated to hit a zero balance sometime in FY 2019-20, and the Title V account will reach a zero balance sometime in FY 2023-24.*

*The overall AQ budget and fee concepts were presented to the CAC on Jan. 16, 2018. On June 14, 2018, the Bureau will present a draft proposed fee rulemaking to the Air Quality Technical Advisory Committee (AQTAC). The rulemaking will affect approximately 500 Title V facilities and 2,100 non-Title V facilities permitted by DEP. The proposed rulemaking will also impact the owners/operators of approximately 5,000 asbestos projects per year. Total additional revenue in the rulemaking is approximately \$13.2 million per year.*

#### Low Volatility Gasoline Requirement for the Pittsburgh-Beaver Valley Area

*In 2014, the Pennsylvania General Assembly passed Act 50 of 2014, requiring DEP to develop a SIP revision for the removal of the low Reid Vapor Pressure (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; IRRC approved it on Feb. 22, 2018; and the Department published it as final on April 7, 2018. On May 1, 2018, the Bureau electronically submitted the SIP revision amending Pennsylvania's existing regulation requiring the use of a reduced volatility gasoline with an RVP of 7.8 pounds per square inch in the seven-county Pittsburgh-Beaver Valley area from May 1 through September 15 each year for ozone control. The final rulemaking adds language repealing the RVP requirement after EPA approves a noninterference demonstration (NID) required under Section 110(l) of the Clean Air Act.*

*On May 2, 2018, the Bureau electronically submitted the NID SIP revision confirming that the repeal of the low RVP fuel program will not interfere with the attainment and/or maintenance of the ozone National Ambient Air Quality Standards (NAAQS). Until the EPA issues a notice of final rulemaking in the Federal Register approving the NID SIP revision, the low RVP requirements remain in effect. However, on April 21, 2018, the Department published a notice suspending enforcement of the low RVP regulation. The Allegheny County Health Department (ACHD) has followed suit and has suspended enforcement of its low RVP regulation for Allegheny County. ACHD is working on repealing its rule, and DEP will be submitting the Allegheny regulatory action to EPA as a SIP amendment after it is final. It is the Department's understanding that EPA action on the Pennsylvania submittals are not dependent on the ACHD rule repeal.*

#### 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 this summer.*

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

*The Finding Pennsylvania's Solar Future (PASF) Team hosted a webinar on May 17<sup>th</sup> to review the status of the PA Solar Future Plan and discuss feedback received from the contracted third party academic reviewers. Approximately 100 stakeholders participated in the 1.5-hour webinar to receive an update on this project and the current actions of the team. The Project team provided updates on the June 14<sup>th</sup> meeting agenda, purpose and project expectations to be accomplished going forward. The meeting materials and a recording of the webinar have been posted to the PA Solar Future Website. The PASF team is now in the final phase of drafting a plan, and a final draft version of the plan will be prepared for the June 14<sup>th</sup> meeting, to be held at the University of Pennsylvania. A public comment period will begin in July for the general public to review and register comments on the plan.*

### **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 2018 AFIG Program began accepting applications via the PA DCED's (Department of Community and Economic Development) Electronic Single Application (ESA) system on May 4<sup>th</sup>, 2018. Approximately \$5 million in grant funding is available for school districts, municipal authorities, political subdivisions, nonprofit entities, corporations, limited liability companies, or partnerships incorporated or registered in the Commonwealth to support:*

- *Incremental cost expenses relative to retrofitting vehicles to operate on alternative fuels, as a bi-fuel, dual-fuel, hybrid or dedicated Alternative Fuel Vehicle (AFV).*
- *Incremental cost expenses to purchase bi-fuel, dual-fuel, hybrid or AFVs.*
- *The cost to purchase and install the necessary fleet refueling or home-refueling equipment for bi-fuel, dual-fuel, hybrid or AFVs.*
- *The cost to perform research, training, development, and demonstration of new applications or next-phase technology related to AFVs.*

*The first acceptance period ends on July 13<sup>th</sup>, 2018. All applications received by that date will be reviewed by DEP staff and recommendations for awards will be made. The second application acceptance period ends December 14<sup>th</sup>, 2018.*

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

*EPO and various stakeholders are participating in a project with Penn State University 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, to enable interested municipal, industrial and rural co-op organizations to assess implementation feasibility is being developed and delivery of this guide will take place in June 2018. Barring any unforeseen issues, a microturbine should also be installed and producing power by mid-summer 2018. Construction work is in progress. Once the system is installed, it will be used to demonstrate and test the costs and benefits of using this type of system under various configurations.*

### **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. *DEP's contractor, PennTAP, conducted the 3<sup>rd</sup> of three building re-tuning (BRT) workshops in southeast PA on May 15<sup>th</sup>, 2018 at the Neshaminy High School in Langhorne, PA. This program specifically targets facility managers and staff in K-12, governmental, and community college facilities to train them on better management techniques and technology for their existing buildings to optimize energy efficiency.*

Thirteen facility managers attended this workshop. Representatives from PECO, the EPA, and DEP also attended. Funding is provided by the U.S. Department of Energy's (DOE) State Energy Program (SEP).

### **EV Everywhere**

*The next quarterly meeting for the Drive Electric PA (DEPA) Coalition will be held on June 4<sup>th</sup>, 2018 at the PA Turnpike Headquarters in Middletown, PA. The DEPA Coalition will be reviewing a final draft of the PA EV Roadmap. This report is intended to provide an outlook on electric vehicles (EVs) in PA for the years ahead, and the policies and strategies to increase the adoption of EVs. Members will be giving updates on various initiatives of the Coalition, and will begin discussions on how to implement some of the PA EV Roadmap's recommendations.*

### **Green Schools**

DEP's EPO staff serve on the Green Schools Advisory Council and the 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, which seeks to network non-profits, governmental agencies, and others. DEP's Keystone Energy Education Program (KEEP), a free professional development workshop for teachers focusing on energy topics, is being offered Pennsylvania in May. *Attendees at the May 17<sup>th</sup> workshop at King's Gap Environmental Education Center received, in addition to PA Act 48 credits, a kit with tools to assist in conducting classroom energy experiments and energy audits, and guidance on completing the Energy Pathway under the Eco-Schools USA program. Two Pennsylvania schools were submitted to the US Department of Education's Green Ribbon Schools recognition program and have been selected as 2018 Green Ribbon Schools. DEP staff coordinated the review of these applications with the PAGHSP for the PA Department of Education, who must make the final selection of submissions to the US Department of Education. Wexford Elementary and Mt. Lebanon High Schools were the PA awardees. A recognition event is being planned with the various agencies' Secretaries for late June.*

### **Industrial Energy Efficiency Technical Assistance**

The 2015 Climate Action Plan (CAP) and the 2018 CAP update contain work plans that call for significantly increasing the number of energy assessments for the manufacturing sector. The current PA DEP SEP (State Energy Plan) proposal directly coincides with the CAP recommendations. For state fiscal year 2017-18, DEP contracted with the Pennsylvania Technical Assistance Program at the Pennsylvania State University (PennTAP) and the Emerging Technology Applications Center (ETAC) to provide energy efficiency technical assistance targeting the Industrial sector of energy consumers. *To date, PennTAP has completed 76% (38 out of 50 planned site visits) of their energy efficiency assessment project goal. They have provided assessments throughout the Commonwealth for manufacturing companies representing PA's metal fabrication, lumber, and wood and paper industries. Fifty-eight PSU (Penn State University) students participated in PennTAP's site visits as part of Penn State's Energy and Geo-Environmental Engineering program. PennTAP is currently in the process of planning for another Energy Management System (EMS) workshop in June, the location(s) are yet to be determined. The Emerging Technology Applications Center (ETAC) completed a total of 12 energy efficiency assessments to date, which represents 75% of their project goal of 16 energy efficiency assessments. ETAC's energy efficiency site assessments were provided in the southcentral and southeast regions of PA. The participating companies represented PA's printed circuit assemblies and molded pulp products industries.*

### **2018 State Energy Program (SEP)**

DOE's Office of Energy Efficiency and Renewable Energy's (EERE's) State Energy Program (SEP) issued SEP Formula Grant Guidance to states and territories in February. States are expected to submit applications to increase market transformation of energy efficiency and renewable energy technologies through policies, strategies, and public-private partnerships that facilitate their adoption and implementation. DEP submitted the Pennsylvania State Energy Program application requesting \$1.53 million in funding to the US Department of Energy on April 11<sup>th</sup> and is preparing to initiate programs for the period of performance from July 1<sup>st</sup>, 2018 to June 30<sup>th</sup>, 2019. Proposed programs include: energy outreach, education, and technical assistance for



wastewater treatment plant operators, local governments, schools, and manufacturers; development of a regional municipal energy implementation program; and comprehensive state energy planning and energy assurance planning.

### **First Driving PA Forward Grant (Clean Diesel) - Volkswagen Settlement**

*PA DEP's Air Quality (AQ) Program began accepting grant applications on May 19<sup>th</sup>, 2018 to replace, repower, or retrofit fleet diesel-powered trucks, buses and other vehicles and equipment under the Pennsylvania State Clean Diesel Grant program. A portion of the funds available for these grants will be from the \$118 million settlement from Volkswagen. Grants are available to public and private entities, including school districts, local governments, and non-profit organizations. Applications will be accepted until 4:00 PM on July 6<sup>th</sup>, 2018.*

### **Climate Program**

*The CCAC (Climate Change Advisory Committee) last met on Tuesday, April 24<sup>th</sup> in the RCSOB Room 105 to discuss updates for the 2018 Climate Action Plan and the PA Energy Assessment Report, which is due for publication and release soon. DEP's EPO staff provided a PA UCC (Uniform Construction Code) update, announcing the PA UCC RAC's (Review and Advisory Committee's) passing of the 2015 suite of ICC (International Code Council) building codes. Allen Landis, DEP Policy Office, provided an update and overview of the PA Greenhouse Gas Emission Inventory. The next CCAC Meeting is scheduled for Tuesday, June 26<sup>th</sup> in the RCSOB, Room 105.*

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## **Environmental Cleanup and Brownfields**

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

*The STAC held its first meeting of calendar year 2018 on May 17 in the 6<sup>th</sup> Floor Conference Room, RCSOB. DEP presented changes made to the proposed amendments to Chapter 245 (Administration of the Storage Tank and Spill Prevention Program) following the 30-day public comment period. After the presentation, STAC voted unanimously to recommend presenting Chapter 245 to the Environmental Quality Board (EQB) as a final-form rulemaking. EQB consideration is tentatively scheduled for the third quarter of 2018. The next STAC meeting will be held on September 4, 2018, at 10 a.m. in Room 105, RCSOB.*

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

*The Department received a total of 84 comments from the public and the Independent Regulatory Review Commission on proposed amendments to Chapter 245. Department staff reviewed the comments and made changes to the proposed rulemaking as warranted. As noted above, the Department presented a summary of the comments received and draft final amendments to STAC on May 17, after which STAC endorsed moving the revised package to the EQB as final rulemaking. EQB consideration is anticipated in the third quarter of 2018.*

### **Proposed Rulemaking, 25 Pa. Code, Chapter 250 (relating to Administration of Land Recycling Program)**

*The Department is developing a proposed rulemaking to update Statewide health standard medium-specific concentrations (MSCs) listed in Appendix A of Chapter 250. Additional changes to the regulations may be needed to clarify regulatory language, update outdated information, and to make other corrections. Conceptual changes to the MSC tables and regulatory language will be presented to the Cleanup Standards Scientific Advisory Board (CSSAB) at its August 1, 2018 meeting.*

### **Land Recycling Program 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, 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. A total of 98 comments were received from nine commentators during the comment period. *CSSAB input will be sought on comments/responses on the proposed revisions at the August 1, 2018 CSSAB meeting.* The Department plans to provide a draft final version of the TGM to the CSSAB in December 2018.

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## **Environmental Education**

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### **PA Falcon Reintroduction Program**

*The 2018 Falcon Banding Event was held on Monday, May 14, 2018. This collaborative effort between DEP and the Pennsylvania Game Commission succeeded in banding all four young falcons. They were deemed to be in good health and were treated for mites before being returned to the ledge. This year's hatch consists of two males and two females. Students from Pine Grove High School and St. Stephens Episcopal School were in attendance. The entire event went out live via Facebook.*

*On Memorial Day, May 28, 2018, the first falcon, a young male banded "Yellow" took its first flight around 11:30am. It flew well but eventually tired; having difficulty gaining enough altitude to reach the 15<sup>th</sup> Floor Ledge. The fledgling was monitored by volunteers into Tuesday morning, May 29 when it flew trying to reach the Rachel Carson State Office Building. This flight ended with the fledgling landing on Market St. At this time, a rescue was performed by volunteers and the DEP Environmental Education staff. The falcon was successfully captured and returned to the roof of the building. It appears the other male, "White", could fledge as early as today. The female fledglings, "Red" and "Blue," tend to fledge later due to their larger size. This week could prove to be a busy one!*

### **"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. A third Stormwater workshop is scheduled for August 2, 2018 at the Beaver County Conservation District (BCCD). This workshop will be another collaborative effort between the BCCD, Penn State Extension and DCNR. Moving eastward, a tentative Stormwater workshop is being scheduled for early August 2018 to be cooperatively offered through DEP, DCNR and the Stroud Water Research Center, Philadelphia.

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

*A KEEP workshop was held on May 17, 2018 at DCNR's Kings Gap Environmental Education Center, Carlisle. Eight participants successfully completed the workshop, earning 6.5 hours of Act 48 credit.*

## **NOAA funded PA Environmental Literacy and Meaningful Watershed Educational Experience (MWEE) Programming Capacity Building Project**

One of the key components of this program is the creation of a PA Environmental Education (EE) Providers Inventory. To ensure an organization is part of this inventory, please e-mail Amber Merrell, Administrative Coordinator of the Pennsylvania Association of Environmental Educators (PAEE) at [amber@paae.net](mailto:amber@paae.net). Simply e-mail “Add my EE organization to the Inventory” in the subject line and Amber will follow up with you to collect this information. This inventory will be used to promote EE across PA, strengthen the statewide and regional network of EE providers, connect schools with EE providers, distribute a statewide survey, and other potential uses to build the capacity of EE in PA.

## **Update from the PA Watershed Education Task Force**

The PA Watershed Education Task Force held its second meeting on March 14 at Shaver’s Creek Environmental Center. Twenty-five stakeholder representatives from across the Commonwealth attended the meeting and continued to make progress on the NOAA grant funded initiatives. The task force is currently conducting research about past NOAA funded MWEEs in P, creating the statewide EE Providers Inventory, creating a statewide needs assessment survey, promoting high quality watershed education at conferences, and providing beginner and advanced professional development workshops for educators.

Also, save the date, information on NOAA funded teacher stipends will be announced for educators to attend the watershed education Dive Deeper Summit scheduled for September 20, 2018 at the Central Hotel and Conference Center, Harrisburg, PA. *The Dive Deeper Summit is sponsored by Penn State Extension. More information can be found at: <https://extension.psu.edu/dive-deeper-summit>*

## **PA Envirothon**

*DEP was nicely represented at the PA Envirothon high school competition held at Susquehanna University and Camp Mount Luther on May 22 and 23, 2018. Carmichael Area High School representing Greene County finished first, winning the competition. Second place went to Palmyra High School, Lebanon County, and third to Penncrest High School, Delaware County. This year’s current issue was “Benefits of Grassland and Pastureland Management.” DEP’s Director of Environmental Education, Bert Myers, participated as a judge to the oral component and on May 23<sup>rd</sup> delivered a workshop on Peregrine falcons and DEP’s PA FalconCam. Secretary McDonnell of DEP and Secretary Dunn of DCNR provided remarks during the event’s closing ceremonies.*

## **Programs Delivered in May**

*On May 10, 2018 every 4<sup>th</sup> Grader from Twin Valley School district participated in the annual French Creek Environmental Field Trip. DEP’s environmental education ran a station on solar power in which students constructed and tested model solar cars. As part of the Green Apple Days program, the 5<sup>th</sup> grade students from Reid Elementary, Middletown School District participated in a program delivered by the Environmental Education Staff on May 16<sup>th</sup>. Students circulated between three stations: Peregrine falcons and raptor recovery, biological indicators of a stream’s health through macroinvertebrate identification, and wetland wildlife.*

**Oil and Gas Technical Advisory Board Meeting**

*On May 10, the Oil and Gas Technical Advisory Board (TAB) conducted a meeting via WebEx. The meeting agenda included an opportunity for DEP to discuss the proposed oil and gas permit application fee rulemaking before it was presented to the Environmental Quality Board on May 16, 2018.*

**Proposed Oil and Gas Fee Rulemaking Adopted by Environmental Quality Board**

*On May 16, 2018, the Office of Oil and Gas Management presented the proposed Unconventional Well Permit Application Fee rulemaking to the Environmental Quality Board (EQB). The proposed rulemaking increases the current well permit application fees from \$5,000 for a nonvertical unconventional well and \$4,200 for a vertical unconventional well, to \$12,500 for all unconventional well permit applications. The permit fees for conventional wells remain unchanged. The EQB took action to adopt the proposed rulemaking with two opposing votes. The proposed rulemaking will be published in the Pennsylvania Bulletin with a 30-day public comment period.*

**Shale Network Workshop 2018**

*DEP oil and gas staff met with researchers, volunteer groups, and industry affiliates on May 17 and 18 for the annual Shale Network Workshop. Oil and gas staff, in collaboration with the Shale Network team and the Consortium of Universities for the Advancement of Hydrologic Science, Inc. (CUAHSI), led a classroom computer exercise where participants used a web-based database tool (compiled and managed by CUAHSI) to explore stream impairments and how the PA Oil and Gas Mapping tool can be used to provide additional details. DEP oil and gas staff also presented on the development and use of the Subsurface Mobile Inspection Platform/Application.*

**Penn State Abandoned Well Workshop**

*DEP oil and gas staff met with researchers, regulators, volunteer groups, plugging contractors, and industry representatives on May 16 at the Penn State Marcellus Center for Outreach and Research (MCOR) Orphan and Abandoned Well Workshop. DEP oil and gas staff presented findings from a 2016 field study of legacy wells in Pennsylvania. Researchers at the Indiana University of Pennsylvania and a well plugging contractor presented information on development of a smart phone application for the public and researchers interested in locating/studying legacy wells. DEP oil and gas staff participated with researchers and plugging contractors on a panel discussion. The panel talked extensively about innovative ways for managing legacy wells in the state, well plugging materials, economic impacts associated with legacy wells, ways to improve the procurement process for state-run plugging jobs, and future research needs.*

**Environmental Good Samaritan Project Proposal**

*On April 26, the Pennsylvania Grade Crude Oil Coalition (PGCC) submitted an Environmental Good Samaritan Project Proposal for well plugging. The proposal is for the plugging of one well located in the Allegheny National Forest (ANF), Corydon Township, McKean County. PGCC members plan to provide the equipment, labor, and materials to plug the well and, upon DEP approval of the application, will receive liability protection through the Good Samaritan Law. The project will involve coordination between PGCC members, Forest Service personnel, and DEP staff; and will proactively plug a legacy well which would otherwise not be addressed at this time due to funding constraints.*

**Oil and Gas Workload Report**

Please see Attachment 2.

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## **Radiation Protection**

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### **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 *is tentatively scheduled* to present the final rulemaking to the EQB *in the second quarter of 2018*.

#### **Final-Omit Rulemaking – NRC Consistency**

DEP has developed 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 basis for this final-omit rulemaking was discussed with and endorsed by RPAC at its October 19, 2017 meeting. The rulemaking *is tentatively scheduled to be presented* to the EQB *in the second quarter of 2018*.

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## **Waste Management**

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

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.

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## **Water Programs**

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### **Opening of Growing Greener Plus Grant Round**

*On May 12, 2018, DEP published a Pa Bulletin notice announcing the opening of the Growing Greener Plus grant application round. DEP will accept applications for this round of grant funding until July 13, 2018. Growing Greener Plus refers to the following four grant programs: Growing Greener; 319 Nonpoint Source*

*(NPS); Surface Mining Conservation and Reclamation Act Bond Forfeiture; and Abandoned Mine Drainage (AMD) Set Aside grants. DEP is authorized to allocate these grants to a variety of eligible applicants, including: counties, authorities and municipalities; county conservation districts; incorporated watershed associations recognized by the DEP who promote local watershed conservation efforts; councils of governments; and other authorized organizations involved in the restoration and protection of the environment in this Commonwealth.*

#### **Sewage Advisory Committee (SAC) Meeting**

*SAC met on May 3, 2018, and the Clean Water Program reviewed the technical guidance documents developed to implement Act 26 of 2017 (Amendment to Act 537). Most of the meeting included a review of the sewage planning guidance. Changes are being considered to the documents. Other agenda items included potential changes to Sewage Enforcement Officer continuing education requirements and the Bureau of Clean Water's learning management system.*

#### **Water Resources Advisory Committee Meeting (WRAC)**

*WRAC met on May 9, 2018, and DEP delivered presentations on efforts to improve wetlands mapping, the recently simplified water obstruction and encroachment general permitting process, progress with inspections of agricultural operations, and an update from the Chesapeake Bay Office. The next WRAC meeting is scheduled for July 11, 2018.*

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## **Environmental Justice**

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### **Policy Implementation**

*The Environmental Justice (EJ) Policy was implemented for a permit application submitted by Precision Recyclers Inc. to operate an electronics waste recycling facility in the South Allison Hill of Harrisburg. The Environmental Justice policy will be implemented for a permit application submitted by Ben Hal Mining Inc. to operate a surface mine in Clarion Township, Clarion County.*

*A trichloroethylene (TCE) plume was discovered in Sayre, PA with no responsible party, so DEP will be installing vapor mitigation systems for impacted households using HSCA funds. The Office of Environmental Justice (OEJ) will be involved in public outreach so that community members can better understand the project and scope of work. DEP and the OEJ will incorporate practices from the EJ policy when performing public outreach efforts.*

### **Environmental Justice Advisory Board**

*The Environmental Justice Advisory Board (EJAB) last convened for a conference call on Tuesday, April 3, 2018, in which the draft Environmental Justice Public Participation Policy was reviewed and feedback was provided. The next EJAB meeting will be held on Tuesday, May 29 in Room 105 of the Rachel Carson State Office Building. The meeting will include a review of the draft Environmental Justice Public Participation Policy that incorporates feedback received from the EJAB. Guest speakers at the meeting will include Franklin Kury, who authored the Pennsylvania Constitution's Environmental Rights Amendment, Samantha Harmon from the DEP's Bureau of Air Quality to discuss the Volkswagen settlement, David Althoff from DEP's Pollution Prevention and Energy Assistance Office, and Jessica Ennis from Earthjustice to discuss community solar.*

## 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>June</b>	
4-6	Interstate Commission on the Potomac River Basin 3 <sup>rd</sup> Quarter Meeting, Bladensburg Waterfront Park, Bladensburg, MD , 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
11	Chesapeake Bay WIP Local Area Goals, Priority Areas and Practices Workgroup; 9:00 a.m.; Susquehanna River Basin Commission Office; 4423 North Front St., 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
14	Air Quality Technical Advisory Committee, 9:15 a.m., Room 105, 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
19	Chesapeake Bay WIP Agriculture Workgroup, 10:00 a.m., Pa Department of Agriculture, 2301 North Cameron St., 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
<b>July</b>	
11	Water Resources Advisory Committee, time TBD, Room 105, RCSOB, Harrisburg, PA
17	Environmental Quality Board (EQB) Meeting, 9:00 a.m., Room 105, RCSOB, Harrisburg, PA
25	Small Business Compliance Advisory Committee (SBCAC) Meeting, 10:00 a.m., 12 <sup>th</sup> Floor Conference Room, RCSOB, Harrisburg, PA

<b>August</b>	
1	Cleanup Standards Advisory Board (CSSAB) Meeting, 9:00 a.m., Room 105, RCSOB, Harrisburg, PA
2	Susquehanna River Basin Commission Public Hearing, Susquehanna River Basin Commission Office; 4423 North Front St., Harrisburg, PA
8	Oil and Gas Technical Advisory Board, 10:00 a.m., Room 105, RCSOB, Harrisburg, PA
15	State Board for Certification of Sewage Enforcement Officers (SEOs), 10:00 a.m., 11B Conference Room, RCSOB, Harrisburg, PA
15	State Board for Certification of Water and Wastewater Systems Operators, 10:00 a.m., 10 <sup>th</sup> Floor Conference Room, RCSOB, Harrisburg, PA
16	Agricultural Advisory Board, Ag Progress Days, Pennsylvania Furnace, PA
16	Small Water Systems Technical Assistance Center (TAC) Board, 9:00 a.m., Room 105, RCSOB, Harrisburg, PA
21	Environmental Quality Board (EQB), 9:00 a.m., Room 105, RCSOB, Harrisburg, PA
27-28	Interstate Commission on the Potomac River Basin 4 <sup>th</sup> Quarter Meeting, time and location TBD
28	Climate Change Advisory Committee (CCAC), 10:00 a.m., Room 105, RCSOB, Harrisburg, PA



## Attachment 2

### Oil and Gas Workload Report (As of May 18, 2018)

YTD WELL PERMIT APPLICATIONS - 1/1/2018 to 5/18/2018						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	87	30	85	85	85	0
UNCONVENTIONAL	588	98	875	868	862	7
<b>Sub Total</b>	<b>675</b>	<b>128</b>	<b>960</b>	<b>953</b>	<b>947</b>	<b>7</b>
AUTHORIZATIONS	218	55	354	265	N/A	89
<b>Total</b>	<b>893</b>	<b>183</b>	<b>1,314</b>	<b>1,218</b>	<b>1,209</b>	<b>96</b>

WEEKLY WELL PERMIT APPLICATIONS - 5/12/2018 to 5/18/2018						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	6	6	9	9	9	0
UNCONVENTIONAL	21	21	17	17	17	0
<b>Sub Total</b>	<b>27</b>	<b>27</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>0</b>
AUTHORIZATIONS	7	6	10	8	N/A	2
<b>Total</b>	<b>34</b>	<b>33</b>	<b>36</b>	<b>34</b>	<b>33</b>	<b>2</b>

HISTORICAL WELL PERMIT APPLICATIONS AS OF 5/18/2018						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	197,655	197,622	196,375	190,212	1,247	101,773
UNCONVENTIONAL	25,524	25,424	24,894	19,941	530	11,749
<b>Sub Total</b>	<b>223,179</b>	<b>223,046</b>	<b>221,269</b>	<b>210,153</b>	<b>1,777</b>	<b>113,522</b>
AUTHORIZATIONS	43,300	43,222	42,516	41,626	706	18,794
<b>Total</b>	<b>266,479</b>	<b>266,268</b>	<b>263,785</b>	<b>251,779</b>	<b>2,483</b>	<b>132,316</b>

YTD INSPECTIONS - 1/1/2018 to 5/18/2018				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	4,675	3,969	939	82
UNCONVENTIONAL	7,923	4,934	319	46
CLIENT/SITE	1,648	1	665	125
<b>Total</b>	<b>14,246</b>	<b>8,904</b>	<b>1,923</b>	<b>253</b>

WEEKLY INSPECTIONS - 5/12/2018 to 5/18/2018				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	252	237	64	4
UNCONVENTIONAL	234	231	3	3
CLIENT/SITE	51	1	27	5
<b>Total</b>	<b>537</b>	<b>469</b>	<b>94</b>	<b>12</b>

WELLS DRILLED					
	Two Years Prior 1/1/2016 to 5/18/2016	One Year Prior 1/1/2017 to 5/18/2017	Year To Date 1/1/2018 to 5/18/2018	Week of 5/12/2018 to 5/18/2018	As of 5/18/2018
CONVENTIONAL	22	25	27	1	192,618
UNCONVENTIONAL	152	312	316	18	11,236
<b>Total</b>	<b>174</b>	<b>337</b>	<b>343</b>	<b>19</b>	<b>203,854</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.