

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

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**DEP Highlights**

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**PFAS Update**

On September 21, the Governor announced several actions to address growing concerns about PFAS contamination. Through an Executive Order, the Governor established a multi-agency PFAS Action Team. The team, led by DEP, will be responsible for developing a comprehensive response to identify and eliminate the sources of PFAS contamination, address strategies to deliver safe drinking water, manage environmental contamination, explore funding for remediation efforts, and increase public education. The Commonwealth will prioritize the hiring of state toxicologists. The Governor also sent a letter to EPA Acting Administrator Wheeler to again urge EPA to move forward to establish MCLs for PFOA and PFOS. DEP believes that EPA must take a leadership role and work with other states and federal agencies to address PFAS in a holistic manner. Letters were also sent to PA's congressional delegation to request their support for proposed legislation that provides funding to states to test, address, monitor and remediate PFAS contamination. More information can be found on DEP's PFAS webpage: [https://www.dep.pa.gov/Citizens/My-Water/drinking\\_water/Perfluorinated%20Chemicals%20E2%80%93PFOA%20and%20PFOS%20E2%80%93in%20Pennsylvania/Pages/default.aspx](https://www.dep.pa.gov/Citizens/My-Water/drinking_water/Perfluorinated%20Chemicals%20E2%80%93PFOA%20and%20PFOS%20E2%80%93in%20Pennsylvania/Pages/default.aspx)

**Driving PA Forward Programs**

On September 20, 2018, DEP opened the \$3 million Driving PA Forward grant program for DC Fast Charging and Hydrogen Fueling Equipment. Application deadlines are 4:00 p.m. on January 25, July 15, and December 16, 2019. DEP also opened a \$3 million rebate program for Level 2 EV Charging Stations. That application period is continuous until funds are exhausted, and rebate vouchers will be issued on a first come, first served basis. Businesses, nonprofits, government agencies, and other organizations are eligible to apply for both programs. More information is available at [www.dep.pa.gov/DrivingPAForward](http://www.dep.pa.gov/DrivingPAForward).

**e-Permitting for Waterways Obstruction and Encroachment General Permits (Ch.105 GPs)**

In January 2018, Governor Tom Wolf and the Department of Environmental Protection (DEP) announced the administration's plan to reduce permit backlogs, modernize permitting processes, and better use technology to improve both oversight and efficiency. As part of this effort, Chapter 105 delegated Conservation Districts, DEP staff, and the regulated community have been provided the opportunity to test the Ch. 105 GP e-Permitting system. DEP also provided training via a webinar for the regulated community on September 17, 2018 in the use of the e-Permitting system. When it debuts, the e-Permit application will be fully-functional and available for use to submit Ch. 105 GP applications, but in a "beta" test phase. DEP is creating an opportunity for users to provide feedback. DEP will create a resource email account for users to email their reactions and suggestions; and DEP will hold at least one users' feedback web-based conference call. The paper application will remain an option until DEP is confident the online application is usable and reasonably accessible to the regulated community.

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## **Federal Regulations**

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### **Recently Submitted DEP Comments**

**Endangered Species Act Proposed Rulemaking:** On September 24, 2018, DEP and DCNR filed joint comments opposing the U.S. Fish and Wildlife Service's and the National Marine Fisheries Service's proposed Federal rules entitled Revision of the Regulations for Listing Species and Designating Critical Habitat ("Listing Rule"), and Revision of the Regulations for Prohibitions to Threatened Wildlife and Plants ("Section 4(d) Rule"), which both propose regulatory changes under the Endangered Species Act ("ESA"). The Listing Rule would inject economic considerations and quantitative thresholds into the ESA's scientific analyses and limit the circumstances under which a species could be listed as threatened. The Section 4(d) Rule would issue species-specific rules for threatened species only as it deems necessary for their protection.

**California Air Resources Board's (CARB) Proposed Rulemaking:** On September 24, 2018, DEP submitted comments supporting CARB's Amendments to the Low Emission Vehicle III Greenhouse Gas Emission Regulation for light-duty vehicles for model years 2017 through 2025. California's amendments are designed to prevent CARB's greenhouse gas standards from weakening along with the proposed federal standards. DEP adopted the California emissions control standards for motor vehicles to maximize potential emission reductions in 1998. DEP must submit comments on proposed or final-form rulemakings amending the California Code of Regulations requirements that are incorporated by reference into the Pennsylvania Clean Vehicle Program regulations. DEP must also submit a copy of the comments and a regulatory analysis form to EQB and the Chairpersons of the House and Senate ERE Committees.

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

**SAFE Vehicles Rule:** On Aug. 24, the National Highway Traffic Safety Administration (NHTSA) and the Environmental Protection Agency (EPA) published the proposed Safer Affordable Fuel Efficient (SAFE) Vehicles rule, which would amend certain existing Corporate Average Fuel Economy (CAFE) and GHG emissions standards for passenger cars and light trucks and establish new standards covering model years 2021-2026. Comments will be accepted until Oct. 26, 2018. Bureau of Air Quality staff are preparing comments on this proposed rule.

### **Clean Power Plan Replacement:**

On Aug. 31, EPA published the proposed Affordable Clean Energy (ACE) rule in the Federal Register. The ACE rule would establish emission guidelines for states to develop plans to address GHG emissions from existing coal-fired power plants. The proposal also contains implementing regulations for emission guidelines issued under section 111(d) of the Clean Air Act as well as revisions to the New Source Review Program. EPA will accept comment on this proposal until Oct. 30, 2018. Bureau of Air Quality staff are preparing comments on the proposed rule.

**Air Quality NSPS Revisions:** The Bureau of Air Quality is planning to comment on upcoming revisions to EPA's New Source Performance Standards in Subpart OOOOa. The proposed rule has not been published at this time.

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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 full Regulatory Update.

- NRC Consistency Final-Omitted Rulemaking: Adopted by EQB on June 19, 2018 and unanimously approved by IRRC on August 16, 2018. Published as final and effective in the *Pennsylvania Bulletin* on September 15, 2018.
- Radiological Health: Adopted by EQB as final on June 19, 2018 and unanimously approved by IRRC on August 16, 2018. Publication of the final rulemaking in the *Pennsylvania Bulletin* is anticipated for this Fall. The effective date of the rulemaking is 90 days after publication.
- Noncoal Mining Program Fees: Adopted by EQB as final on August 21, 2018. It is expected to be considered by IRRC on October 18, 2018.
- Electronic Submission of Air Quality General Plan Approval and General Operating Permit Applications Final-Omitted Rulemaking: Adopted by EQB as final on August 21, 2018. It is expected to be considered by IRRC on October 18, 2018.
- Administration of the Storage Tank and Spill Prevention Program Final Rulemaking: Adopted by EQB as final on August 21, 2018. It is expected to be considered by IRRC on October 18, 2018.
- OSM Program Consistency: Adopted by EQB as proposed on May 16, 2018. It is anticipated to be scheduled for publication in the *Pennsylvania Bulletin* as proposed in the Fall. A 30-day public comment period will commence upon publication.
- Oil and Gas Unconventional Well Permit Application Fees: Adopted by EQB as final on May 16, 2018. Published as proposed in the *Pennsylvania Bulletin* on July 14, 2018, opening a 30-day public comment period. Public comment period closed on August 13, 2018. IRRC comments were received on September 12, 2018.

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## **Public Comment Periods**

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

- *Nutrient Credit Trading Program: Chesapeake Nutrient Management LLC on Behalf of Ebenshade Farms (Opened 9/29/18; Closes 10/29/18)*
- *Draft Coal Reclamation Fee Fiscal Year Report 2018 (Opened 9/15/18; Closes 10/15/18)*
- *Draft Stream Evaluation Report: UNT Whetstone Run, Delaware County (Opened 7/14/18; Closes 10/15/18)*

### **Recently Closed Comment Periods**

- Department of Environmental Protection Environmental Assessment Approval for Pennsylvania Infrastructure Investment Authority (PENNVEST) Funding Consideration (Opened 9/1/18; Closed 10/1/18)
- Federal Consistency Notice under the Coastal Zone Management Act: Lake Erie Shoreline (Opened 9/1/18; Closed 9/17/18)

### **Recently Finalized**

- NRC Consistency Final-Omitted Rulemaking (9/15/18)

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## **Communications Monthly Press Releases**

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### **Press Releases Issued**

*August 27 - DEP Issues a Code Orange Air Quality Action Day Forecast for Southeastern Counties on August 28, 2018*

*August 28 - State Rebates Available to Help Pennsylvanians Drive Cleaner Cars*

*August 31 - DEP's Oil and Gas Annual Report Details Increased Permit Efficiencies with Increased Inspections, Environmental Protections*

*August 31 - Mosquito Spraying Set for Schuylkill County on Tuesday, September 4, 2018*

*August 31 - Mosquito Spraying Set for Columbia, Lycoming Counties on September 4 and 5, 2018*

*September 4 - DEP Citizens Advisory Council Names New Executive Director*

*September 4 - DEP Issues a Code Orange Air Quality Action Day Forecast for Southeastern Counties on September 5, 2018*

*September 5 - DEP Issues a Code Orange Air Quality Action Day Forecast for Southeastern Counties on September 6, 2018*

*September 7 - DEP to Conduct Aerial Mosquito Control on Monday, September 10, 2018, in Luzerne County*

*September 12 - DEP Reminds Pool Owners to Drain Pools Responsibly*

*September 13 - Governor Wolf Announces New Flood Recovery Aid Available to Local Governments*

*September 17 - DEP Announces \$469,501 Settlement to Resolve Civil Penalties for United Refining Company Operating Violations*

*September 18 - DEP to Hold Public Hearing on Proposed Allegheny County Injection Well*

*September 19 - Mosquito Spraying Set for Lycoming County on Thursday, September 20, 2018*

*September 19 - Wolf Administration Announces Grants and Rebates for Electric Vehicle Charging Stations*

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## **Active and Abandoned Mine Operations**

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### **Final Rulemakings**

#### **Final 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 was published as a final rulemaking on June 23, 2018, and was effective upon publication.

## **Proposed Rulemakings**

### **Noncoal Mining Fees**

The Noncoal Mining Program Fees 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 impacts, the implementation of automatic fee increases with respect to the three-year review cycle, and the need for more information on the application of cost indices. The draft was discussed with the Aggregate Advisory Board on May 9, 2018. It was considered by EQB as a final-form rulemaking on August 21, 2018, and was adopted. *It is expected to be considered by IRRC on October 18, 2018.*

### **OSM Program Consistency**

This proposed rulemaking would amend the coal mining regulations to achieve consistency with federal requirements. On April 6, 2017, the Mining and Reclamation Advisory Board (MRAB) recommended that the rulemaking should proceed to EQB as proposed. The EQB considered and adopted the proposed rulemaking at its May 16, 2018 meeting. The Office of Attorney General tolled the rulemaking on July 2, 2018. The Department submitted a response to the Office of Attorney General on August 2, 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. This was presented to the MRAB at their July 19, 2018, meeting.

### **Guidance Document Revisions**

The Bureau of Mining Programs is systematically reviewing the library of Technical Guidance Documents to identify the documents which require changes. This process is ongoing. For detail, see the Department's Non-Regulatory Agenda.

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

*The Board is currently considering possible improvements to the miner certification program. This will be discussed further at their next meeting on December 4, 2018.*

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## **Air Quality**

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### **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 for Indiana/Armstrong County on October 11, 2017. We received completeness letters for these SIPs from EPA on Oct. 5 and Oct. 13, 2017, respectively. On March 22, 2018, the EPA published 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. EPA published its intent to approve the Indiana/Armstrong SIP on July 13, 2018, with the public comment period closing on Aug. 13, 2018. EPA received seven comments. *No further EPA action has been published on these SIP revision requests.*

## **Driving PA Forward Programs**

On September 20, 2018, DEP opened the \$3 million Driving PA Forward grant program for DC Fast Charging and Hydrogen Fueling Equipment. Application deadlines are 4:00 p.m. on January 25, July 15, and December 16, 2019. DEP also opened a \$3 million rebate program for Level 2 EV Charging Stations. That application period is continuous until funds are exhausted, and rebate vouchers will be issued on a first come, first served basis. Businesses, nonprofits, government agencies, and other organizations are eligible to apply for both programs. More information is available at [www.dep.pa.gov/DrivingPAForward](http://www.dep.pa.gov/DrivingPAForward).

## **CARB Proposed Amendment to Clean Vehicle Program**

*The California Air Resources Board (CARB) has proposed amending the California Low-Emission Vehicle III Greenhouse Gas (GHG) Emission Regulation to ensure that cars and light-duty trucks for model years 2022-2025 continue to meet California GHG emission standards even if federal standards are frozen. On September 24, DEP submitted comments on the amendments as required by 25 Pa. Code § 126.451(1), (2)(i) and (2)(ii). Section 126.451 also requires DEP to advise the Environmental Quality Board (EQB) on any proposed final-form rulemakings under CARB consideration and submit a Regulatory Analysis Form (RAF) to EQB and the Chairpersons of the House and Senate Environmental Resources and Energy Committees. Bureau of Air Quality staff are currently developing the RAF for distribution to EQB members and Committee chairs.*

## **Proposed EPA/NHTSA SAFE Vehicles Rule**

*On Aug. 24, the National Highway Traffic Safety Administration (NHTSA) and the Environmental Protection Agency (EPA) published the proposed Safer Affordable Fuel Efficient (SAFE) Vehicles rule, which would amend certain existing Corporate Average Fuel Economy (CAFE) and GHG emissions standards for passenger cars and light trucks and establish new standards covering model years 2021-2026. NHTSA and EPA held three public hearings: Fresno, CA; Dearborn, MI; and Pittsburgh, PA on Sept. 24, 25, and 26, respectively. Comments will be accepted until Oct. 26, 2018. BAQ staff are preparing comments on this proposed rule.*

## **Proposed Replacement Rule for Clean Power Plan Rule**

*On Aug. 31, EPA published the proposed Affordable Clean Energy (ACE) rule in the Federal Register. The ACE rule would establish emission guidelines for states to develop plans to address GHG emissions from existing coal-fired power plants. The proposal also contains implementing regulations for emission guidelines issued under section 111(d) of the Clean Air Act as well as revisions to the New Source Review Program. EPA will accept comment on this proposal until Oct. 30, 2018. EPA also plans to hold a public hearing, the details of which will be published in a later Federal Register notice. BAQ staff are preparing comments on this proposed rule.*

## **Air Quality Rulemakings**

### **Air Quality Fee Rulemaking**

The Clean Air Fund constitutes approximately 60% of the Air Quality Program's budget and is comprised of two appropriations: the Major Emission Facilities (Title V) and Mobile and Area Facilities (Non-Title V) accounts. The Non-Title V 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 draft proposed fee rulemaking was presented to the Air Quality Technical Advisory Committee (AQTAC), the CAC and the Small Business Compliance Assistance Committee (SBCAC) on June 14, July 17 and July 25, 2018, respectively. The committees voted to concur with the Department's recommendation to present the proposed rulemaking to the Environmental Quality Board (Board). The CAC had a few suggested changes but also concurred with moving the proposal to the Board. The rulemaking will affect approximately 500 Title V facilities and 2,100 non-Title V facilities permitted by DEP. It will also impact the owners/operators of approximately 5,000 asbestos projects per year. Total additional revenue from the rulemaking is expected to be

approximately \$14 million per year. *DEP intends to present this to EQB as a proposed rulemaking in the near future.*

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

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 (Allegheny, Armstrong, Beaver, Butler, Fayette, Washington and Westmoreland) 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).

On June 15, 2018, EPA published in the Federal Register a notice of Direct Final Rule (DFR) approving Pennsylvania’s revision to the SIP repealing the Commonwealth’s summertime low volatility gasoline requirements in the seven-county Pittsburgh–Beaver Valley area as well as a notice of Proposed Rule. The proposed rulemaking comment period closed July 16, 2018. The EPA received two adverse comments to the Proposed Rule and will respond to the adverse comments received.

*On Sept. 17, 2018, the Allegheny County Health Department (ACHD) opened a public comment period on the repeal of its gasoline volatility regulations. ACHD will hold a public hearing on October 17, 2018, with the public comment period closing on October 22, 2018.*

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

The proposed rulemaking would reduce the maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil, generally sold for and used in residential and commercial oil heat burners and furnaces, 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 Annex A was presented to the SBCAC, AQTAC and CAC on Jan. 24, Feb. 8, and Feb. 20, 2018, respectively. *DEP intends to present this to EQB as a proposed rulemaking in 2019.*

*On Sept. 17, EPA acknowledged that the SIP revision from ACHD pertaining to sulfur limits in commercial fuel oil was administratively and technically complete.*

#### Final-Omitted Rulemaking: Electronic Submission of Air Quality General Plan Approval and General Operating Permit Applications

On Aug. 21, 2018, the Department presented the general permitting final-omitted rulemaking to the EQB. The general permitting final-omitted rulemaking expressly adds the ability to submit applications electronically for the use of air quality general plan approvals or general operating permits. The EQB unanimously approved the rulemaking. *It is expected to be considered by IRRC on October 18, 2018.*

#### Additional Requirements for Fine Particulate Matter in the Nonattainment New Source Review Program

This proposed rulemaking would amend 25 Pa. Code Chapter 127, Subchapter E (relating to new source review) to incorporate Federal requirements issued by the EPA on Aug. 24, 2016, for the regulation of precursor emissions to the formation of particulate matter less than and equal to 2.5 micrometers in diameter (PM<sub>2.5</sub>). The EPA’s final rule requires states with nonattainment areas for PM<sub>2.5</sub> to amend their new source review (NSR) regulations to include emissions of volatile organic compounds (VOC) and ammonia as PM<sub>2.5</sub> precursors.

On April 6, 2018, EPA published a finding of failure stating that Pennsylvania failed to submit SIP revisions for the moderate areas designated under the 2012 PM<sub>2.5</sub> NAAQS. This finding starts 18- and 24-month periods

during which Pennsylvania must either submit complete SIP revisions or become subject to mandatory sanctions. This finding also establishes a 24-month deadline by which EPA must either approve a SIP or finalize a federal implementation plan that addresses the necessary revisions. The expiration date for the 18-month EPA sanction clock is Nov. 7, 2019, and the 24-month sanction clock expires on May 7, 2020.

The Department presented the draft proposed annex to the SBCAC, the AQTAC, the CAC Policy and Regulatory Oversight Committee, and *the CAC* on July 25, Aug. 2, Aug. 21, and *Sept. 18, 2018*, respectively. *DEP intends to present this to EQB as a proposed rulemaking in the fourth quarter of 2018.*

#### Control of Existing Sources of Emissions from the Oil and Natural Gas Industry

On Aug. 13, 2018, the Department published its Regulatory Agenda update. In it, the Department listed its intention to propose emission limitations consistent with reasonably available control technology (RACT) recommendations of the Control Techniques Guidelines for the Oil and Natural Gas Industry finalized by the EPA on Oct. 27, 2016. The proposed rulemaking would establish RACT requirements for VOCs from existing oil and natural gas production facilities, compressor stations, processing plants, and transmission stations. *The Department is currently in the process of developing a draft proposed rulemaking.*

#### Stage II Vapor Recovery Revision

*With the advent of onboard vehicle vapor recovery systems, Stage II vapor recovery at the gasoline pump has become redundant and, in some cases, counterproductive. The Department is currently in the process of developing a draft proposed rulemaking.*

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## **Energy Programs Office**

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

The PA Solar Future Draft Plan was released on July 7<sup>th</sup> and a public comment period was provided until August 20<sup>th</sup>. Approximately 140 comments were received. The PA Solar Future Team will now consider the comments and prepare a comment and response document by October. The Final PA Solar Future Plan, with responses to comments incorporated, will be unveiled in November. The PA Solar Future team is now working on a supporting document, a Strategy Support and Market Transformation Plan, that will help inform and drive discussions for upcoming stakeholder meetings in November and March. The Strategy Support Plan will be a living draft of actions and activities for stakeholders to utilize and update, to document progress in implementing the plan. A webinar to review the strategy support document and one to review the comment and response document are planned for September and October respectively.

### **2018 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 first acceptance period of the 2018 AFIG Program ended on July 13<sup>th</sup>, 2018. 37 applications were submitted via the PA DCED's (Department of Community and Economic Development) Electronic Single Application (ESA) system. Applications have been reviewed by AFIG staff and recommendations for awards are currently being developed. The second application acceptance period ends December 14<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.

The Alternative Fuel Vehicle Rebate Program *implemented new guidelines on August 31, 2018*. The program, administered by the Department, through the Alternative Fuels Incentive Grant Program (AFIG), provides rebates to Commonwealth residents to assist individuals with the incremental costs of purchasing an alternative



fuel vehicle. The revised program will offer a \$2,000 rebate for BEV and PHEVs with a battery capacity greater than or equal to 85kWh, a \$2,000 rebate for Hydrogen Fuel Cell Vehicles, a \$1750 rebate is available for BEV and PHEVs with a battery capacity less than 85 kWh and equal to or greater than 30kWh, a \$1000 rebate is available for BEV and PHEVs with a battery capacity greater than or equal to 10kWh and less than 30kWh, and a \$750 rebate for BEV and PHEV's with a battery capacity less than 10kWh. All rebates will be available for both purchased and leased vehicles. The program will also increase the eligible vehicle final purchase price cap from \$50,000 to \$60,000 for Hydrogen Fuel Cell Vehicles and BEVs and PHEVs with a battery capacity equal to or greater than 60 kWh. The revised rebate program offered will be reassessed on June 30, 2019.

### **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 help interested municipal, industrial and rural co-op organizations assess implementation feasibility, has been developed. The CHP microgrid construction work has been completed. *System commissioning is scheduled for the 1<sup>st</sup> week of October.* This project will be used to demonstrate Renewable Distributed Energy technology and provide a test bed for cost / benefit analysis for this type of system under various configurations.

### **Building Construction Technology Extension Center**

DEP executed a new contract with the Pennsylvania Technical Assistance Program (PennTAP) at the Pennsylvania State University to provide Building Re-Tuning (BRT) training to K-12 school districts and local government facility managers in the Southwest Region, beginning July 1<sup>st</sup>, 2018. PennTAP will conduct three BRT workshops by June 2019. BRT Training specifically targets facility managers and staff working in K-12, governmental, and community college facilities to train them on better management techniques and technology for their existing buildings to optimize energy conservation and efficiency. Funding is provided by the U.S. Department of Energy's (DOE) State Energy Program (SEP).

### **EV Everywhere**

The next Drive Electric PA Coalition meeting is scheduled for October 17, 2018 from 10AM-2PM at the PECO Office Building in Philadelphia.

### **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 2018-19, 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. *Two site assessments were completed by ETAC to date and five were completed by PennTAP to date.*

### **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. On June 12<sup>th</sup>, DEP received notice from USDOE that Pennsylvania's 2018 SEP Plan was approved. On June 26<sup>th</sup>, DEP received notice that it was eligible to receive additional funding and to reapply. The revised SEP application was submitted to DOE on August 14<sup>th</sup>. DEP will receive \$1,858,460 for the first year of the 3-year grant, beginning

July 1, 2018 and ending June 30, 2019. SEP 2018 energy activities include technical assistance to small and medium-size businesses, training for local governments and schools, comprehensive energy planning, energy assurance efforts, and a regional pooled municipal energy efficiency purchasing program. Contracting is underway for many of these programs.

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

*The October 23<sup>rd</sup> CCAC meeting was cancelled. The next CCAC meeting is scheduled for Tuesday, December 4 in the RCSOB, Room 105.*

### **Commercial Property Assessed Clean Energy Program (C-PACE)**

On June 13, 2018, Governor Tom Wolf signed Senate Bill 234, establishing C-PACE, a financing mechanism enabling low-cost, long-term funding for energy efficiency, renewable energy, and water conservation upgrades to commercial, agricultural, and industrial properties. This legislation will enhance property values and employment opportunities while lowering the costs of doing business. Currently, 33 states plus the District of Columbia have authorized PACE financing for clean energy and energy efficiency projects. In PA, local government and not-for-profit energy stakeholders are in the beginning stages of discussing the development of a program that could help launch efforts for municipalities in the Commonwealth. Additionally, EPO staff are taking part in the U.S. Department of Energy (DOE) C-PACE Workgroup, which has multiple partners involved in existing C-PACE programs throughout the country. The Philadelphia Energy Authority and other stakeholders have a series of meetings planned for September and October to discuss the development of a program.

### **Building Energy Code Trainings**

DEP has contracted with the Pennsylvania Municipal League and Performance Systems Development to provide building code officials, contractors, design professionals and builders with training on the 2015 International Energy Conservation Code for residential and commercial construction projects in the upcoming months. *There will be a series of workshops, webinars, and specialized (circuit rider) trainings. The in-person commercial and residential 2015 IECC trainings will be November 1<sup>st</sup>, 7<sup>th</sup>, 8<sup>th</sup>, and 13<sup>th</sup>, 2018 at the Clarion Hotel, Woodlands Inn, Holiday Inn (Kulpsville), and the Hilton Garden Inn (Moon Township), respectively.*

### **Building Operator Certification (BOC) Level 1 Training Postponed**

DEP's contractor, National Sustainable Structures Center at Penn College of Technology, will provide instructional training for facilities' management and operations personnel to help improve their buildings and campuses by improving efficiency, comfort, and sustainability. Starting on September 25, 2018, BOC training will be offered in Harrisburg. The next BOC training class begins on September 26<sup>th</sup>, 2018 in Pittsburgh. These programs are specifically targeted to reach facility managers/staff in K-12, governmental, and community college facilities to train them how to better manage their existing buildings for optimal energy efficiency. Funding is provided by the U.S. Department of Energy's (DOE) State Energy Program (SEP). *DEP's contractor, National Sustainable Structures Center at Penn College of Technology, informed DEP that both BOC Training classes have been postponed due to low enrollment. Classes were to begin on September 25, 2018, in Harrisburg and on September 26<sup>th</sup>, 2018 in Pittsburgh. These programs are specifically targeted to reach facility managers/staff in K-12, governmental, and community college facilities to train them how to better manage their existing buildings for optimal energy efficiency. A conference call is scheduled for October 3<sup>rd</sup>, 2018 to discuss future BOC course marketing strategy for PA. Funding is provided by the U.S. Department of Energy's (DOE) State Energy Program (SEP).*

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

In February 2018, proposed amendments to Chapter 245 were published that focus on strengthening the underground storage tank (UST) requirements by increasing the emphasis on properly operating and maintaining equipment, and addresses issues that Department personnel have observed in conducting inspections, oversight and enforcement of Chapter 245. There were 84 comments received from the public and the Independent Regulatory Review Commission on the proposed amendments. Department staff reviewed the comments and made changes to the proposed rulemaking as warranted. The Storage Tank Advisory Committee (STAC) reviewed and endorsed the draft final revisions on May 17, 2018, and on August 21, the Environmental Quality Board unanimously adopted the final-form rulemaking. *It is expected to be considered by IRRC on October 18, 2018.*

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

The STAC meeting scheduled for September 4, 2018, has been cancelled. The next STAC meeting is scheduled for December 5 at 10 a.m. in Room 105 in RCSOB, 400 Market Street, Harrisburg.

### **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 *were* 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. Comments and responses on the proposed revisions were presented at the August 1, 2018 CSSAB meeting. The Department plans to provide a draft-final version of the TGM to the CSSAB in the fourth quarter of 2018.

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## **Environmental Education**

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### **DEP Environmental Education Grants Program**

*The Environmental Education staff are preparing to unveil a new Environmental Education Grant round beginning in 2019. Funded through the Pennsylvania Environmental Education Act of 1993, this program was designed to promote Environmental Education principles that encourage the public to promote a healthy environment; foster an understanding of the natural world functioning; and promote an understanding of the necessity for environmental protection and sound resource management.*

*2019 will mark the first year of the Meaningful Watershed Educational Experience (MWEE) Stormwater BMP Implementation Funding program for the Chesapeake Bay Implementation Grant. This objective utilizes new funds to support implementation of stormwater BMPs at public school districts within an MS4 community's urbanized area. This grant program will provide funding to public schools within the MS4 urbanized area for design and creation of Stormwater Management Action Projects and implementation of urban stormwater BMPs to achieve reductions in sediment and/or nutrient loading to the Chesapeake Bay and create MWEE projects for students and teachers.*

### **PA Falcon Reintroduction Program**

*Now that the young falcons have dispersed, only the adult pair will continue to remain at the ledge. With plenty of other birds in the area, they should have little difficulty catching prey.*

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

*Sponsored by Penn State Extension, the Dive Deeper Conference was held September 20, 2018 in Harrisburg. Attendance was an all-time high with over 150 participants representing every region of the Commonwealth. This conference was designed to provide formal and non-formal educators access to materials to further watershed education. Developing MWEEs was the primary format put forth by the Task Force. 17 NOAA-funded teacher stipends were announced and these educators attended the watershed education opportunity utilizing funds from this grant project. This conference featured a host of presenting organizations including the Chesapeake Bay Foundation, Penn State University, Allegheny Land Trust, Stroud Water Research Center, and Elizabethtown College, to name a few.*

*To follow up this conference and as part of the professional development aspect of this initiative, a series of water-based workshops are scheduled to begin this October and continue into March of 2019. Additional information is available through the Environmental Education and Information Center located on the first floor of the Rachel Carson State Office Building. Also, the NOAA Chesapeake Bay Office will arrange a media event to announce the organizations that will be receiving NOAA grants to address issues facing the Chesapeake Bay Watershed within the Commonwealth. The date and site are yet to be confirmed.*

### **"Weathering the Storm" Stormwater Workshop**

*Planning is underway for a series of stormwater workshops to be delivered in 2019. For this upcoming year, these workshops will be concentrated in the Chesapeake Bay Watershed.*

**Oil and Gas Unconventional Well Fee Proposed Rulemaking**

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 adopted the proposed rulemaking with two opposing votes. The proposed rulemaking was published in the Pennsylvania Bulletin on July 14, 2018 with a 30-day public comment period. The comment period closed on August 13, 2018. *DEP received comments from IRRC on September 12.* DEP is currently reviewing all comments and will prepare a Comment and Response Document.

**Draft Erosion and Sediment Control General Permit for Earth Disturbances Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities (ESCGP-3)**

*On July 14, 2018, the Department published the “Draft Erosion and Sediment Control General Permit for Earth Disturbances Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities (ESCGP-3)” in the Pennsylvania Bulletin with a 30-day public comment period. The ESCGP-3 pertains to oil and gas activities that involve 5 acres or more of earth disturbance over the life of the project. The comment period closed on August 13, 2018. DEP will finalize this General Permit in October.*

**TAB-CDAC Plugging Workgroup Meeting**

*On August 29, Office of Oil and Gas Management technical, inspection, and management staff met with Oil and Gas Technical Advisory Board (TAB) and Pennsylvania Crude Development Advisory Council (CDAC) members and other industry representatives to discuss oil and gas well plugging regulations. The purpose of the workgroup is to clarify plugging regulations, provide consistent requirements across regulations/statutes (Chapter 78 vs. Act 214), and to attempt to identify acceptable cost-saving practices which will still provide adequate protection of human health and the environment. Discussion continued from the previous meeting in May of 2018 regarding the expense of well plugging and potential cementing alternatives. Another meeting will be scheduled in the first quarter of 2019.*

**Public Hearing on Proposed Underground Injection Control (UIC) Well**

*DEP will hold a public hearing on an application from Penneco Environmental Solutions (Penneco) to authorize oil and gas waste disposal at the Sedat #3A oil and gas well in Plum Borough, Allegheny County. The hearing is scheduled for Monday, October 1, 2018, at 6:00 p.m. at Plum Borough School District’s Oblock Junior High School Auditorium, 440 Presque Isle Drive, Pittsburgh, PA 15239. Both DEP and the U.S. Environmental Protection Agency (EPA) must approve permits for this proposed UIC well. EPA issued an underground injection control permit for this well on March 7, 2018, allowing the company to inject waste water into the well pending DEP issuance of a permit to change its use from production to disposal. On March 13, 2018, Penneco submitted an application to DEP to change the use of the Sedat #3A Well to allow disposal. A copy of the application is available for review on DEP’s underground injection well webpage. DEP will respond to all comments and questions raised in the testimony in a written comment and response document.*

**Oil and Gas Workload Report**

Please see Attachment 2.

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## **Radiation Protection**

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### **Radiation Protection Rulemakings**

#### **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 amendments also contain comprehensive amendments for radon testing, mitigation, and laboratory analysis that largely reflect current practice. The EQB adopted the final-form rulemaking on June 19, 2018, and IRRC approved it on August 16, 2018. *Publication of the final-form rulemaking is anticipated this Fall.* The effective date of the rulemaking is 90 days after publication.

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

DEP developed a final-omitted 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 final-omitted rulemaking was adopted by the EQB on June 19, approved by IRRC on August 16, and was published in the *Pa. Bulletin* on September 15, 2018.

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## **Waste Management**

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### **Substantive Revisions to DEP’s Management of Fill Policy**

*Pennsylvania’s waste regulations, which were adopted in 1988, state that uncontaminated soil, rock, stone, gravel, unused brick or block, and concrete can be used to level or bring an area to grade without obtaining a permit for the beneficial use of waste. DEP frequently refers to these materials as “clean fill.”*

*To support the regulations, DEP created the Management of Fill Policy to clarify when and how fill can be used in Pennsylvania without the need for a waste permit. The current effective version of the Policy is dated August 7, 2010. Major components of this Policy rely on the Act 2 statewide health standards, which were revised in 2011 and again in 2016, necessitating a revision to the Policy. Staff in the Bureau of Waste Management have been working for more than a year to hear the concerns of stakeholders, with the goal of publishing a substantive revision for public comment later this year.*

*A presentation of the proposed changes, along with a draft revised policy, was given at DEP’s Solid Waste Advisory Committee (SWAC) on September 20, 2018. The draft revisions proposed by DEP include: incorporating the Chapter 250 standards by reference so that the concentration limits in the policy are continually aligned with Chapter 250; improving the mechanism for determining whether the presence of a contaminant is due to background conditions; clarifying the requirements for developing a sampling plan for in-place material; and clarifying definitions and terms not defined by the policy.*

*SWAC supported DEP in moving the proposed policy amendments to publication for public comment. DEP expects to publish proposed policy amendments in the fourth quarter of this year and aims to finalize the policy in the second quarter of 2019.*

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

The regular SWAC meeting was held on Thursday, September 20, 2018. The main agenda item was discussion of the draft Management of Fill Policy, as described above. The next regular SWAC meeting is scheduled for Wednesday, December 12, 2018.

### **Recycling Fund Advisory Committee (RFAC)**

The annual RFAC meeting to review and act on the FY 18-19 Recycling Fund budget was held on Thursday, September 20, 2018. The Committee unanimously approved the Recycling Fund Spending Plan for FY 19-20. The next RFAC meeting will be held in conjunction with the regular SWAC meeting on Wednesday, December 12, 2018.

### **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. The Workgroup will meet during the December 12, 2018, regularly scheduled SWAC and RFAC meetings. In addition, a special meeting of the Workgroup is scheduled for Monday, November 5, 2018.

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## **Water Programs**

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### **PFAS Update**

On September 21, the Governor announced several actions to address growing concerns about PFAS contamination. Through an Executive Order, the Governor established a multi-agency PFAS Action Team. The team, led by DEP, will be responsible for developing a comprehensive response to identify and eliminate the sources of PFAS contamination, address strategies to deliver safe drinking water, manage environmental contamination, explore funding for remediation efforts, and increase public education. The Commonwealth will prioritize the hiring of state toxicologists. The Governor also sent a letter to EPA Acting Administrator Wheeler to again urge EPA to move forward to establish MCLs for PFOA and PFOS. DEP believes that EPA must take a leadership role and work with other states and federal agencies to address PFAS in a holistic manner. Letters were also sent to PA's congressional delegation to request their support for proposed legislation that provides funding to states to test, address, monitor and remediate PFAS contamination.

DEP's Safe Drinking Water Program will continue to take action under existing authority when EPA's Health Advisory Limit (HAL) is exceeded at a public water system. DEP also will continue to participate in national workgroups (ASDWA, ECOS, etc.) to stay abreast of the continuously-evolving science on PFAS. Finally, DEP is developing a sampling plan that will gather occurrence data from across the state and provide a more complete picture of impacts from PFAS contamination. More information can be found on DEP's PFAS webpage: [https://www.dep.pa.gov/Citizens/My-Water/drinking\\_water/Perfluorinated%20Chemicals%20%E2%80%93PFOA%20and%20PFOS%20%E2%80%93in%20Pennsylvania/Pages/default.aspx](https://www.dep.pa.gov/Citizens/My-Water/drinking_water/Perfluorinated%20Chemicals%20%E2%80%93PFOA%20and%20PFOS%20%E2%80%93in%20Pennsylvania/Pages/default.aspx)

### **Water Resources Advisory Committee Meeting**

The Water Resources Advisory Committee (WRAC) met on September 19, 2018. DEP staff presented the following topics: Delaware River Decree Parties, Flexible Flow Management Plan 2017, and the Regulatory Flow Advisory Committee; renewal of the National Pollutant Discharge Elimination Systems General Permit for Petroleum Product Contaminated Groundwater Remediation Systems (PAG-05); and the Pennsylvania Lake Erie Phosphorus Reduction Domestic Action Plan.

### **Cranberry Creek Stream Evaluation**

*On September 22, 2018, DEP published notice that an evaluation will be conducted on Cranberry Creek, Monroe County, Tributary to Paradise Creek. The Cranberry Creek evaluation is being conducted in response to a rulemaking petition submitted to the Environmental Quality Board (Board) by the Brodhead Watershed Association. On April 16, 2013, the Board accepted the rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy). The Cranberry Creek basin is currently designated High Quality—Cold Water Fishes, Migratory Fishes (HQ-CWF, MF), as identified in 25 Pa. Code § 93.9c (relating to Drainage List C). The petitioner is requesting the basin be redesignated to Exceptional Value, Migratory Fishes (EV, MF).*

### **Vector Management Program**

DEP's Vector Management staff have been very busy this year dealing with the black fly suppression program and West Nile Virus (WNV) control. Weather conditions this year have been ideal for mosquitoes and this year the presence of WNV-positive mosquitoes is greater than any year on record. As of *September 21, 2018*, DEP staff have identified 6,100 WNV-positive mosquito pools. The Pa Department of Health had reported 40 human cases of WNV as of the same date. DEP's Vector Management staff have been assisting DOH as they implement the recommendations made by the Task Force on Lyme Disease and Related Tick-Borne Diseases. *The Black Fly Suppression Program has just been informed from the manufacturer that Bti prices will be going up 2% in 2019. Bti is a naturally occurring bacteria used to treat blackfly larvae. Without additional funding the program will once again be forced to reduce treatment activities in the coming year. This has been an ongoing issue for the program since its funding was cut in half from approximately \$7 million to \$3.4 million with the 2009 budget.*

### **Safe Drinking Water Disinfection Requirements Rule Webinar**

*Staff from the Training and Operations Sections presented a webinar on the Disinfection Requirements Rule (DRR) sample siting plan to water suppliers, certified drinking water operators, and DEP staff. Pennsylvania's DRR was published on April 28, 2018. The webinar focused on the provision of the rule that requires water suppliers to submit a DRR sample siting plan to DEP by October 27, 2018. An email advertising the webinar was sent to more than 3,500 public water systems and certified drinking water operators. Nearly 400 individual log-ins were recorded for the webinar. The webinar was recorded and is available on DEP's DRR web page at:*

<https://www.dep.pa.gov/Business/Water/BureauSafeDrinkingWater/DrinkingWaterMgmt/Regulations/Pages/Proposed-Disinfection-Requirements-Rule--.aspx#.VuGGGfMo69J>.

### **Great Lakes-St. Lawrence River Basin Water Resources Compact and Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement**

*Pennsylvania is one of eight states in the United States and two Canadian provinces sharing jurisdictional responsibilities for water use and conservation in the Great Lakes. In 2008, the Great Lakes and St. Lawrence River Basin Water Resources Compact and Agreement (Compact and Agreement) created the Great Lakes-St. Lawrence River Basin Water Resources Council (Compact Council) and the Great Lakes-St. Lawrence River Water Resources Regional Body (Regional Body). These entities provide a venue and framework to assure the Compact and Agreement is successfully implemented.*

*The Council under the Compact is proposing to adopt Rules of Practice and Procedure and to amend its Interim Guidance, and the Regional Body under the Agreement is proposing to amend its Interim Procedures guidance; and the Council and Regional Body under the Compact and Agreement, respectively, are jointly proposing to amend their Sequence of Events guidance. All materials associated with this proposal are available for review at the following websites <http://www.gslcompactcouncil.org/ProposedUpdates.aspx> and <http://www.gslregionalbody.org/ProposedUpdates.aspx>.*



### **e-Permitting for Waterways Obstruction and Encroachment General Permits (Ch.105 GPs)**

*In January 2018, Governor Tom Wolf and the Department of Environmental Protection (DEP) announced the administration's plan to reduce permit backlogs, modernize permitting processes, and better use technology to improve both oversight and efficiency. Over the last few months, DEP Information Technology (IT) staff have worked intensively with DEP program staff to create an electronic Ch. 105 GP registration process. Individual permits, small project authorizations, and environmental assessments will continue to use the Joint Permit application using the current paper process.*

*As part of this effort, Chapter 105 delegated Conservation Districts, DEP staff, and the regulated community have been provided the opportunity to test the Ch. 105 GP e-Permitting system. DEP also provided training via a webinar for the regulated community on September 17, 2018 in the use of the e-Permitting system. The training, along with the question and answers was recorded and is posted to the Bureau of Waterways Engineering & Wetlands webpage at*

*<https://www.dep.pa.gov/Business/Water/Waterways/Pages/default.aspx>.*

*When it debuts, the e-Permit application will be fully-functional and available for use to submit Ch. 105 GP applications, but in a "beta" test phase. DEP is creating an opportunity for users to provide feedback. DEP will create a resource email account for users to email their reactions and suggestions; and DEP will hold at least one users' feedback web-based conference call. The paper application will remain an option until DEP is confident the online application is usable and reasonably accessible to the regulated community. DEP intends to perfect a tool that creates transparency, consistency, efficiency, and speeds up the process.*

### **DCED Flood Control Projects**

*DCED Act 13 flood mitigation grants have awarded more than \$13.6 million since the program was announced in 2013. These are competitive grants up to \$500,000 and require a 15% local cost share. The application period is usually announced in the Spring, followed by awards in the Fall. The BWEW Division of Project Development and Division of Project Inspection continue to refer municipal project sponsors to Act 13 as a possible funding source. There are three ways these grants can be used for the flood protection project. First, when new flood protection projects are proposed, the municipality is required to acquire property easements, relocate utilities, fences and outbuildings, and repaving streets and replacing sidewalks after construction. Next, is operation and maintenance (O&M) expenses after construction. New projects require less O&M (grass cutting, debris removal, repainting of fence and flap gates, etc.) Older projects naturally require more significant work as they approach the end of a typical 50-year anticipated service life. Finally, an existing project can also benefit from new eligibility category that was introduced in in 2017 that allow grant funds to be used to complete Engineering studies for levee certification.*

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## **Environmental Justice**

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### **Stakeholder Engagement**

*Allison Acevedo and OEJ staff have met with various stakeholders including Pittsburgh Black Environmentalists Network, Pennsylvania Council of Churches and others to discuss environmental justice initiatives and priorities of the environmental and community organizations. OEJ met with the Environmental Protection Agency's (EPA) Office of Environmental Justice to discuss resources to support environmental justice initiatives and with staff from North Carolina Department of Environmental Quality to compare mapping tools and EJ work. In September, OEJ delivered a presentation about the history and priorities of the Office of Environmental at the PA Chamber's quarterly DEP meeting.*

### **Environmental Justice Advisory Board**

*The last Environmental Justice Advisory Board (EJAB) meeting was held on Tuesday, August 28 in Williamsport, PA. An EJAB conference call is scheduled for Tuesday, October 9, 2018 at 1:00 p.m. Director Acevedo is continuing to meet with all EJAB members over the next several months to get their input on EJAB work and EJAB's engagement with DEP. In September, Director Acevedo met with EJAB member Clea Hollis in Johnstown, PA.*

### **OEJ Newsletter**

*OEJ created and distributed a brief introductory newsletter that was distributed beginning September 2018. The full newsletter will contain DEP and OEJ updates, information about DEP and other government resources to support EJ areas, relevant research and other important announcements and will be distributed in October 2018.*

### **Environmental Justice Work Group**

*OEJ is re-organizing the Environmental Justice Work Group to provide input on the EJ Policy and EJ Coordination and support around other programming.*

### **Environmental Education**

*OEJ is implementing a strategy to identify key community partners, assess their education and training needs and develop a plan for training community organizations around environmental issues they identify are relevant for their communities. OEJ proposes to begin environmental education workshops in collaboration with the Environmental Education Program in spring 2019.*

## 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>October</b>	
10	Technical Advisory Committee on Diesel-Powered Equipment, 10:00 a.m., Westmoreland Room, DEP New Stanton Office, New Stanton, PA
11	Air Quality Technical Advisory Committee (AQTAC), 9:15 am, Room 105, RCSOB, Harrisburg, PA
17	State Board for Certification of Water and Wastewater Systems Operators Meeting, 10:00 a.m., 10 <sup>th</sup> floor conference room, Harrisburg, PA
18	Small Water Systems Technical Assistance Center (TAC) Board Meeting, 9:00 a.m., SCRO, Harrisburg, PA
24	Chesapeake Bay WIP Steering Committee, 9:00 a.m., Room 105 RCSOB, Harrisburg, PA
24	Small Business Compliance Advisory Committee (SBCAC) Meeting, 10:00 a.m., Room 105, RCSOB, Harrisburg, PA
25	Mining and Reclamation Advisory Board, 10:00 a.m., Room 105, RCSOB, Harrisburg, PA
25	Agricultural Advisory Board, 9:00 a.m., SCRO, Harrisburg, PA
31	State Board for Certification of Sewage Enforcement Officers (SEOs), 10:00 a.m., 11B Conference Room, RCSOB, Harrisburg, PA
<b>November</b>	
1	Susquehanna River Basin Commission (Public Hearing), Harrisburg, PA
7	Oil and Gas Technical Advisory Board, 10:00 a.m., Room 105, RCSOB, Harrisburg, PA
7	Aggregate Advisory Board, 10:00 a.m., 10 <sup>th</sup> Floor Conference Room, RCSOB, Harrisburg, PA
14	Water Resources Advisory Committee (WRAC) Meeting, 9:30 a.m., Room 105, RCSOB, Harrisburg, PA
15	Radiation Protection Advisory Committee, 9:00 a.m., Room 105, RCSOB, Harrisburg, PA
29	Water Resources Advisory Committee (WRAC) Meeting, 9:30 a.m., Room 105, RCSOB, Harrisburg, PA
<b>December</b>	
4	Board of Coal Mine Safety, 10:00 a.m., Conference Room 1A and 1B, DEP Cambria Office, Ebensburg, PA
4	Climate Change Advisory Committee (CCAC), 10:00 a.m., Room 105, RCSOB, Harrisburg, PA
5	Storage Tank Advisory Committee (STAC), 10:00 a.m., Room 105, RCSOB, Harrisburg, PA
6	Cleanup Standards Advisory Board (CSSAB), 9:00 a.m., Room 105, RCSOB, Harrisburg, PA

12	Solid Waste Advisory Committee (SWAC), 10:00 a.m., Room 105, RCSOB, Harrisburg, PA
12	State Board for Certification of Water and Wastewater Systems Operators, 10:00 a.m., 10 <sup>th</sup> Floor Conference Room, RCSOB, Harrisburg, PA
13	Air Quality Technical Advisory Committee (AQTAC), 9:15 a.m., Room 105, RCSOB, Harrisburg, PA
18	Environmental Quality Board (EQB), 9:00 a.m., Room 105, RCSOB, Harrisburg, PA
20	Agricultural Advisory Board (AAB), 9:00 a.m., Southcentral Regional Office (room TBD), Harrisburg, PA

## Attachment 2

### Oil and Gas Workload Report (As of August 17, 2018)

YTD WELL PERMIT APPLICATIONS - 1/1/2018 to 9/14/2018						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	209	20	219	216	214	3
UNCONVENTIONAL	1,130	155	1,345	1,335	1,270	10
<b>Sub Total</b>	<b>1,339</b>	<b>175</b>	<b>1,564</b>	<b>1,551</b>	<b>1,484</b>	<b>13</b>
AUTHORIZATIONS	490	121	568	447	N/A	121
<b>Total</b>	<b>1,829</b>	<b>296</b>	<b>2,132</b>	<b>1,998</b>	<b>1,928</b>	<b>134</b>

WEEKLY WELL PERMIT APPLICATIONS - 9/8/2018 to 9/14/2018						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	1	1	10	10	10	0
UNCONVENTIONAL	36	36	27	27	27	0
<b>Sub Total</b>	<b>37</b>	<b>37</b>	<b>37</b>	<b>37</b>	<b>37</b>	<b>0</b>
AUTHORIZATIONS	8	8	8	5	N/A	3
<b>Total</b>	<b>45</b>	<b>45</b>	<b>45</b>	<b>42</b>	<b>43</b>	<b>3</b>

HISTORICAL WELL PERMIT APPLICATIONS AS OF 9/14/2018						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	197,781	197,760	196,510	190,339	1,250	101,729
UNCONVENTIONAL	26,062	25,890	25,357	20,223	533	11,886
<b>Sub Total</b>	<b>223,843</b>	<b>223,650</b>	<b>221,867</b>	<b>210,562</b>	<b>1,783</b>	<b>113,615</b>
AUTHORIZATIONS	43,572	43,436	42,698	41,765	738	18,770
<b>Total</b>	<b>267,415</b>	<b>267,086</b>	<b>264,565</b>	<b>252,327</b>	<b>2,521</b>	<b>132,385</b>

YTD INSPECTIONS - 1/1/2018 to 9/14/2018				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	8,498	6,676	2,026	165
UNCONVENTIONAL	13,518	6,729	748	96
CLIENT/SITE	3,166	1	1,110	218
<b>Total</b>	<b>25,182</b>	<b>13,406</b>	<b>3,884</b>	<b>479</b>

WEEKLY INSPECTIONS - 9/8/2018 to 9/14/2018				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	175	164	17	3
UNCONVENTIONAL	354	347	1	2
CLIENT/SITE	76	1	18	4
<b>Total</b>	<b>605</b>	<b>512</b>	<b>36</b>	<b>9</b>

WELLS DRILLED					
	Two Years Prior 1/1/2016 to 9/14/2016	One Year Prior 1/1/2017 to 9/14/2017	Year To Date 1/1/2018 to 9/14/2018	Week of 9/8/2018 to 9/14/2018	As of 9/14/2018
CONVENTIONAL	68	66	86	8	192,704
UNCONVENTIONAL	292	545	547	13	11,465
<b>Total</b>	<b>360</b>	<b>611</b>	<b>633</b>	<b>21</b>	<b>204,169</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.