

January 2019 Report to the Citizens Advisory Council
(New and updated information in italics)

DEP Highlights

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 website: www.dep.pa.gov/pfcs. *DEP is coordinating with state agencies and commissions to gather geographical data on the use and storage of firefighting foam containing PFAS. This data will be included in a GIS mapping system which will help inform the Department's water sampling plan.*

PFAS Action Team

On November 30, the PFAS Action Team held a public meeting in Room 105 of the Rachel Carson State Office Building. The meeting included presentations from DEP's Secretary McDonnell and DOH's Executive Deputy Secretary on the PFAS effort in Pennsylvania, U.S EPA and ATSDR on the national perspective, as well as presentations from Minnesota, New Hampshire, North Carolina, Michigan, and New Jersey on their individual state efforts to address PFAS. There was an opportunity for public comment and 11 individuals/organizations requested in advance to provide presentations, including Calgon Carbon Corporation, the Center for Forensic Science Research and Education, Delaware Riverkeeper Network, Horsham Township, the PFOS/PFOA National Coalition, Buxmont Coalition for Safer Water, Horsham Land Redevelopment Authority, Advanced GeoServices Corp, and Cuker Law Firm LLC. Additionally, DEP's comment period for public input on PFAS remains open through January 31, 2019.

Transportation Climate Initiative

On Tuesday, the Transportation Climate Initiative (TCI) released their latest statement signed on to by 9 states and D.C. to design a regional low-carbon transportation policy. TCI was formed in 2010 as group of Northeast and Mid-Atlantic states' Environmental and Transportation organizations to address greenhouse gas emissions from the largest sector, transportation. The group of states will design a cap and invest program for the region over the next year, at which time each jurisdiction will then decide whether to implement the program. More information is available at www.transportationandclimate.org.

PA Solar Future Plan/Stakeholder Meeting

The final version of the PA Solar Future Plan was released on Thursday, November 15. The release coincided with the 7th project stakeholder meeting held at Messiah College. At the meeting, Secretary McDonnell provided an overview of the Plan and stakeholders discussed implementation of the Plan and the draft Strategy

Support Guide. Since the announcement of the PA Solar Future project in January of 2017, the Project team, led by PennFuture and Vermont Energy Investment Corporation completed an extensive outreach process with over 500 expert stakeholders. The final Plan incorporates feedback from 138 commentators and includes DEP's modeling target of achieving 10% in-state solar generation by 2030. To meet this goal, Pennsylvania must deploy about 11 gigawatts (GW) of solar energy, a significant increase from the 300 megawatts currently installed. The Project Team analyzed 15 strategies to achieve 11 GW, incorporating both decentralized approaches (e.g., solar panels on homes) and larger, utility-grid-scale development.

Federal Regulations

Recently Submitted DEP Comments

EPA Proposed Rule to Reconsider Amendments to the New Source Performance Standards (NSPS) for the Oil and Natural Gas Sector (OOOOa)

DEP submitted a comment letter to EPA on the proposed reconsideration amendments to the [new source performance standards \(NSPS\)](#) for the Oil and Natural Gas Sector at 40 Code of Federal Regulations (CFR) part 60, subpart OOOOa. In the reconsideration, EPA recognized GP-5 and GP-5A leak detection and repair (LDAR) inspection requirements as an alternative means of emission limitation (AMEL). DEP's key recommendations for the reconsideration are to not reduce the LDAR inspection frequency for well sites and compressor stations; to not allow a step-down provision for LDAR at well sites as it is not appropriate to reduce semi-annual inspection frequencies; to require that LDAR frequency be based upon the economic feasibility and not the production of a well; to recognize Exemption 38(c) as AMEL; and to not require owners and operators to notify the Administrator of their use of an AMEL as it will be self-evident in their annual report.

Regulatory Update (detailed summaries included in respective program sections)

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

- **Radiological Health**: Adopted by EQB as final on June 19, 2018 and unanimously approved by IRRC on August 16, 2018. *The final-form rulemaking was published on October 27, 2018. The effective date of the rulemaking is 90 days after publication, January 24, 2019.*
- **Noncoal Mining Program Fees**: Adopted by EQB as final on August 21, 2018. *Submitted for IRRC consideration on October 18, 2018. Withdrawn from consideration to make clarifying amendments to the rule. Resubmitted to EQB for consideration. EQB adopted, as amended, on December 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. *Approved by IRRC on October 18, 2018. Published on November 10, 2018, making the rule effective.*
- **Administration of the Storage Tank and Spill Prevention Program Final Rulemaking**: Adopted by EQB as final on August 21, 2018. *Approved by IRRC on October 18, 2018. Published as final on December 22, 2018. Please see final published rulemaking for effective/implementation dates.*
- **OSM Program Consistency**: Adopted by EQB as proposed on May 16, 2018. *Published as proposed on October 27, 2018, opening a 30-day public comment period. The public comment period closed on November 26, 2018. Three comments were received. IRRC comments were received on December 24, 2018.*

- Air Quality Fee Schedule Amendments: *Adopted by the EQB as proposed on December 18, 2018.*
- Water Quality Management (WQM) and National Pollution Discharge Elimination System (NPDES) Permit Application Fees and Annual Fees: *Adopted by the EQB as proposed on December 18, 2018.*
- Additional Requirements for Fine Particulate Matter in the Nonattainment New Source Review Program: *Adopted by the EQB as proposed on December 18, 2018.*
- Water Quality Standards – Class A Stream Redesignations: *Adopted by the EQB as proposed on December 18, 2018.*

Public Comment Periods

Proposals Open for Public Comment

- PFAS Public Input (Opened 10/18/2018, Closes 1/30/2019)
- Draft Soil and Sedimentation Control Manual for Agricultural Operations (Opened 1/5/2019, Closes 3/6/2019)

Recently Closed Comment Periods

- Environmental Assessment Approval for PENNVEST Funding Consideration (opened 12/8/2018, Closed 1/7/2019)
- Management of Fill Policy (Opened 11/10/2018, Closed 1/8/2019)
- Proposed General Permit Modification and Renewal: Residual Waste GP for Beneficial Use of Regulated Fill (Opened 10/6/2018, Closed 12/5/2018).

Communications Monthly Press Releases

Press Releases Issued

December 4 – DEP Announces Completion of New Water System for Lackawanna County Residents Affected by Water Contamination

December 18 – Wolf Administration Announces State Investment to Restore and Protect Streams in Centre County

December 19 – Wolf Administration Announces State Investment for Two Stream Improvement Projects in York County

December 20 – Wolf Administration Announces State Investment for Espy Run Stream Restoration in Luzerne County

December 20 – DEP Approves Shell Falcon Ethane Pipeline Permits

December 21 – Wolf Administration Announces State Investment to Install Green Stormwater Infrastructure in Montgomery County

December 21 – Wolf Administration Announces State Investment for Mehoopany Creek Stream Restoration in Wyoming County

December 27 – Wolf Administration Announces State Investments to Restore Streambanks, Improve Recreational Trails in Philadelphia

December 28 – Wolf Administration Announces State Investment to Protect Streambanks in McKean County

December 28 – Wolf Administration Announces State Investment to Implement the Bushkill Creek Restoration Project in Northampton County

January 2 – DEP Encourages Pennsylvanians to Test Homes for Radon

January 3 – Wolf Administration Announces State Investment to Improve Water Quality in Dauphin County

January 3 – Wolf Administration Announces State Investment to Improve Raccoon Creek in Beaver County

January 4 – Wolf Administration Announces \$447,500 State Investment in Two Multi-Site Stream Improvement Projects in Bradford County

January 7 – Wolf Administration Announces State Investment to Reduce Water Pollution in Erie County

Active and Abandoned Mine Operations

Final Rulemakings

Noncoal Mining Program 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. The rule was planned for consideration by IRRC on October 18, 2018 but was withdrawn to add clarifying language to the rulemaking. The amended rulemaking *was adopted by the EQB on December 18, 2018 and will be resubmitted to IRRC for IRRC's first meeting of 2019.*

Proposed Rulemakings

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 rule was published in the Pennsylvania Bulletin on October 27, 2018, opening a 30-day public comment period. The public comment period *closed* on November 26, 2018. *IRRC comments were received on December 24, 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 is planned for discussion at the next meeting of the Board.*

Air Quality

2010 Sulfur Dioxide (SO₂) National Ambient Air Quality Standards (NAAQS) Attainment Demonstration SIP Revisions

DEP submitted the required State Implementation Plan (SIP) revisions for Beaver, Warren and Allegheny Counties on October 2, 2017, and for Indiana/Armstrong Counties on October 11, 2017. Completeness letters for these SIPs were received from EPA on October 5 and 13, 2017, respectively. *On October 12, 2018, EPA published its approval of the Warren County SIP effective November 13, 2018.* EPA published its intent to approve the Indiana/Armstrong SIP on July 13, 2018, with the public comment period closing on August 13, 2018. EPA received seven comments. On October 5, 2018, EPA published its intent to approve the Beaver County SIP; the public comment period closed on November 5.

2012 Fine Particulate Matter (PM_{2.5}) NAAQS SIP Revisions

DEP developed maintenance plan and attainment redesignation request SIP revisions for the Delaware County and Lebanon County PM_{2.5} nonattainment areas. Notice of the Delaware County and Lebanon County SIP revisions was published in the Pennsylvania Bulletin on November 10 and 24, 2018, respectively. During the 30-day public comment periods, DEP received 5 comments on the Lebanon SIP and 2 comments on the Delaware SIP. DEP is currently preparing responses to the comments and final SIP revisions to submit to EPA.

Driving PA Forward Grants and Rebates

- *The \$12 million Onroad Rebate Program for Class 4-7 local freight trucks, drayage trucks, school buses and shuttle buses opened on November 15, 2018. The application period is continuous until December 31, 2019, or until funds are exhausted. Rebate vouchers will be issued on a first-come, first-served basis.*
- *The \$6.4 million Class 8 Truck and Transit Bus Grant Program opened on November 15, 2018. The Program will remain open continuously through the end of 2019 or until allotted funds are exhausted. Application deadlines are 4:00 p.m. on January 11, May 10, and September 23, 2019.*
- *The \$3 million DC Fast Charging and Hydrogen Fueling Grant Program remains open. The Department is seeking applications for projects that will install DC fast charging or hydrogen fueling equipment in community hubs, transportation corridors and destinations, as defined in the program guidelines. The Program will remain open continuously through the end of 2019 or until allotted funds are exhausted. Application deadlines are 4:00 p.m. on January 25, July 15, and December 16, 2019.*
- *The \$3 million Level 2 EV Charging Rebate Program also remains open. The Department is seeking applications for projects that will install Level 2 EV charging equipment in publicly accessible locations (government or nongovernment owned), workplaces and multiunit dwellings. 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 all programs. More information is available at www.dep.pa.gov/DrivingPAForward.

CARB Proposed Amendment (“Deemed to Comply” Option) to Clean Vehicles Program

The California Air Resources Board (CARB) 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, 2018, DEP submitted comments on the amendments as required by 25 Pa. Code § 126.451. On November 13, 2018, DEP submitted a Regulatory Analysis Form (RAF) to the Environmental Quality Board (EQB) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees, which is also required by § 126.451. *On December 12, 2018, the California Office of Administrative Law (OAL) approved CARB’s rulemaking and the amendments became effective in Pennsylvania.*

Air Quality Rulemakings

Air Quality Fees

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 in FY 2019-20 and the Title V account will reach a zero balance 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 concurred with the Department’s recommendation to present the proposed rulemaking to the EQB. The CAC had a few suggested changes but also concurred with moving the proposal to the EQB. *The proposed rulemaking was adopted by EQB on December 18, 2018. The proposed rulemaking will have a 60-day public comment period and three public hearings at DEP regional offices in Norristown, Harrisburg and Pittsburgh, PA.* 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 from the rulemaking is expected to be approximately \$14 million per year.

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 *NID SIP* revision and the request to remove the Commonwealth’s summertime low volatility gasoline requirements in the seven-county Pittsburgh–Beaver Valley area as well as a notice of Proposed Rule. EPA received adverse comments to the Proposed Rule. *EPA responded to these comments and published the final rule approving the NID SIP revision on December 17, 2018, effective January 22, 2019. As part of this approval, EPA will remove the provisions in Chapter 126, Subchapter C from the SIP. DEP will withdraw the May 1, 2018, SIP revision amending the existing regulations under Chapter 126, Subchapter C.*

On September 17, 2018, the Allegheny County Health Department (ACHD) opened a public comment period on the repeal of its gasoline volatility regulations. ACHD held a public hearing on October 17, and the public comment period closed on October 22, 2018. *On November 7, 2018, the Allegheny County Board of Health*

voted to approve the repeal of the gasoline volatility regulations. ACHD is preparing a SIP revision to submit to EPA through DEP.

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 SO₂ contribute to the formation of regional haze, which degrades visibility in many American cities and scenic areas, and PM_{2.5}. The draft proposed rulemaking Annex A was presented to the SBCAC, AQTAC, and CAC on January 24, February 8, and February 20, 2018, respectively. *DEP anticipates presenting the proposed rulemaking to EQB in the first quarter of 2019.*

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

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 EPA on August 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_{2.5}). The EPA's final rule requires states with nonattainment areas for PM_{2.5} to amend their new source review (NSR) regulations to include emissions of volatile organic compounds (VOC) and ammonia as PM_{2.5} precursors (*see 2012 PM_{2.5} NAAQS SIP Revisions above*).

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_{2.5} 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 November 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, August 2, August 21, and September 18, 2018, respectively. *The proposed rulemaking was adopted by EQB on December 18, 2018. The proposed rulemaking will have a 60-day public comment period and three public hearings at DEP regional offices in Norristown, Harrisburg and Pittsburgh, PA.*

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

On October 27, 2016, EPA published Control Techniques Guidelines (CTG) for the Oil and Natural Gas Sector. *On December 13, 2018, DEP presented Preliminary Draft Proposed Reasonably Available Control Technology (RACT) Regulations for the Oil and Natural Gas Sector to AQTAC. The proposed rulemaking would establish RACT requirements for volatile organic compound (VOC) emissions from existing oil and natural gas production facilities, compressor stations, processing plants, and transmission stations. The proposed control measures would also reduce methane emissions as a co-benefit.*

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. *DEP presented Preliminary Draft Proposed Amendments to the Stage II Vapor Recovery Regulations to AQTAC on December 13, 2018. The proposal requires decommissioning of vacuum-assisted vapor recovery at the pump in the 5-county Philadelphia and 7-*

county Pittsburgh-Beaver Valley areas. However, it would add requirements for annual leak testing, low-permeation hoses, and dripless nozzles.

Energy Programs Office

Finding Pennsylvania's Solar Future

The final Pennsylvania Solar Future Plan (Plan) was released at a stakeholder meeting on November 14th at Messiah College. The draft Strategy Support Guide, which details how stakeholders can implement the Plan's 15 strategies, and what information may still be needed for implementation, were briefly discussed. The Project Team held a webinar on December 12, to discuss how PJM Energy Price Formation may impact solar resources and a PJM proposal to account for state policy objectives in the Capacity Market. A conference call with stakeholders was held on January 17th to continue discussions on actions items contained in the Strategy Support Guide. Energy Programs Office (EPO) staff attended a final presentation of a Semester-long Energy Systems Project entitled: GSS Feasibility in Southwestern PA. The Presentation was held at Carnegie Mellon University (CMU). DEP's EPO was the client for this project. The Project Team of six graduate students was led by Anna Siefken, Executive Director at The Wilton E. Scott Institute for Energy Innovation at CMU. This team of Graduate students spent a semester using GIS data sets and developing a financial modeling tool to determine sound locations and the profitability of GSS systems within the region. It was concluded that Southwestern PA is poised to contribute its share to the 10% by 2030 goal described in the Plan.

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 second application acceptance period of the 2018 AFIG Program ended December 14th, 2018. 39 applications were submitted via the PA DCED's (Department of Community and Economic Development) Electronic Single Application (ESA) system. 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.

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

EPO and various stakeholders participated 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 Building 7R facility at the microgrid within the Philadelphia Navy Yard. CHP-Enabled Renewable Energy Guide was developed to facilitate the exploration of potential distributed energy microgrid installations throughout Pennsylvania and will help to increase the penetration of renewable energy resources. The economics of CHP-Enabled Renewable Energy Microgrids is most favorable for sites with relatively well-defined thermal loads. This will help interested municipal, industrial and rural co-op organizations to assess implementation feasibility.

EV Everywhere

The next Drive Electric PA (DEPA) Coalition meeting will be held on Tuesday, March 12, 2019 at Duquesne Light Company headquarters in Pittsburgh. A meeting agenda will be created closer to the event and information posted on the DEP website located here:

<https://www.dep.pa.gov/Business/Energy/OfficeofPollutionPrevention/State-Energy-Plan/Pages/Drive-Electric-PA-Coalition.aspx> .

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. *Five site assessments were completed by ETAC and 16 were completed by PennTAP at chemical, rubber and plastics, metals fabrication, food product, printing, zinc refining, flour mill and power measurement instrument manufacturers 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, DEP received notice from USDOE that Pennsylvania's 2018 SEP Plan was approved. On June 26, DEP received notice that it was eligible to receive additional funding and to reapply. *DEP received a total of \$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. On December 31, 2018, the amendment to the application requesting the additional \$328,100 for use in the Energy Security market title, which includes activities related to strategic energy planning and energy assurance, was approved.*

Climate Change Advisory Committee (CCAC)

EPO's consultant, ICF, presented DEP's Draft Pennsylvania Climate Action Plan (CAP) 2018 Update to the CCAC during the December 4, 2018 meeting. Committee members were asked to provide feedback on the CAP. EPO staff are currently revising the CAP to incorporate committee feedback and intend to have a final draft prepared for internal review in early January. Committee members will have an opportunity to submit letters to be included as an appendix to the final CAP. The 2018 Pennsylvania Greenhouse Gas Inventory was also presented at the December 4 meeting. This document is being finalized by EPO staff. The next CCAC meeting is scheduled for February 26, 2019.

Commercial Property Assessed Clean Energy Program (C-PACE)

On June 12, 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. 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. *In PA, local government and not-for-profit energy stakeholders have been in discussions around the development of a program to help launch efforts for municipalities in the Commonwealth. The Philadelphia Energy Authority, Sustainable Energy Fund and other stakeholders hosted a series of meetings across PA collect input into the development of an intentionally state-wide consistent program. The goal is to create a program with as few differences between municipalities as possible so that funders, property owners, etc. can easily participate in projects.*

Building Energy Code Trainings

DEP has contracted with the Pennsylvania Municipal League and Performance Systems Development (PSD) to provide building code officials, contractors, design professionals and builders with training on the 2015 International Energy Conservation Code (IECC) for residential and commercial construction projects in the upcoming months. A series of workshops, webinars and specialized (circuit rider) trainings *have been planned. The in-person commercial and residential 2015 IECC trainings/workshops concluded in November with a total of 109 attendees at the residential IECC trainings and 95 attendees at the commercial 2015 IECC trainings. Forty-two percent of the attendees were municipal code officials, fifty-six percent were third-party inspectors*

and two percent were other energy code professionals. Follow-on webinars and circuit rider trainings are planned for the upcoming months.

Building Retuning Training (BRT) Facility Operations Workshop: *The Pennsylvania Technical Assistance Program (PennTAP) has scheduled the second of three BRT workshops for Wednesday, February 27, 2019 at Community College of Allegheny County (CCAC) Boyce Campus in Monroeville, PA. Duquesne Light Co will be providing two speakers: an expert on their rebates, and another who partners with Duquesne Light and helps schools understand their retrofit potential. Two building walk throughs are currently being planned for the building walkthrough portion of the workshop. The workshop focuses on BRT principles including energy benchmarking and creating an energy-conscious facility. In addition, PennTAP is going to research steps to take to obtain accreditation for the BRT workshop for BOC and USGGS-LEED.*

Building Operator Certification (BOC): *DEP's contractor, National Sustainable Structures Center, is planning four BOC classes for 2019. BOC is presented as a series of sessions. Class series will begin on February 5, 2019 in Pittsburgh and February 6, 2019 in Harrisburg, Pa. Two additional classes are planned for Philadelphia with a start date of April 17 and in Williamsport beginning April 16, 2019.*

Environmental Cleanup and Brownfields

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 (IRRC) on the proposed amendments. Department staff reviewed the comments and made changes to the proposed rulemaking as warranted. The Storage Tank Advisory Committee reviewed and endorsed the draft final revisions on May 17, 2018; the Environmental Quality Board unanimously adopted the final-form rulemaking on August 21; and IRRC unanimously approved it on October 18, determining that the Chapter 245 amendments are in the public's interest. *The final-form Chapter 245 amendments were published in the Pennsylvania Bulletin on December 22, 2018.*

Storage Tank Advisory Committee (STAC)

The next STAC meeting is scheduled for March 5, 2019, at 10:00 a.m. in Room 105 in the RCSOB, 400 Market Street, Harrisburg. Meeting dates for 2019 are March 5, June 4, September 10, and December 4.

2019 Cleanup Standards Scientific Advisory Board (CSSAB)

The next CSSAB meeting is scheduled for February 13, 2019, at 9:00 a.m. in Room 105 in RCSOB, 400 Market Street, Harrisburg. Meeting dates for 2019 are February 13, June 12, and October 29.

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

The Land Recycling Program 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 CSSAB at its August 1, 2018, meeting. *The Department anticipates presenting draft regulatory language for the next CSSAB meeting on February 13, 2019.*

Land Recycling Program Technical Guidance Manual (TGM)

Notice of proposed revisions to the Land Recycling Program TGM was published in the Pennsylvania Bulletin on December 16, 2017, followed by 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 to the CSSAB on August 1, 2018. The Department provided the final TGM to the CSSAB on September 28 for final review and comment. Department staff reviewed the comments and made changes to the proposed rulemaking as warranted. *The TGM will be published as final in the Pennsylvania Bulletin on January 19, 2019.*

Environmental Education

DEP Environmental Education Grants Program

The Environmental Education Grants Program was unveiled on November 2, 2018. *Applications were due by 11:59pm on January 11, 2019.* This round of grants will feature a General Grant round for projects that have a regional or statewide impact and can be funded up to \$25,000. The Mini-Grant program will again be offered for more localized projects providing funding up to \$3000. 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 Action Project. This new grant opportunity is designed for public schools within the Chesapeake Bay watershed to develop and implement stormwater projects to assist MS4 communities with meeting both their water quality benchmarks and to meet the MS4 educational requirements. This project has been funded by EPA under agreement with DEP. MWEEs are multi-stage activities that include learning both outdoors and within the classroom and aim to increase the environmental literacy of all participants. This initiative supports students to investigate topics both locally and globally that are of interest to them, learn they have control over the outcome of environmental issues, identify actions available to address these issues, and understand the value of those actions.

PA Falcon Reintroduction Program

On December 13, 2018, utilizing the newly implemented fall safety protection policy, a representative from DEP's Environmental Education office accessed the 15th floor ledge to place clean gravel in the nest platform and to clean the camera lens covers. This work was completed prior to nesting activities to insure the least amount of disturbance to the adult falcons.

Update from the PA Watershed Education Task Force

As this collaborative effort moves into its second year, the PA Watershed Education Task Force, in 2018, provided a series of workshops to support this initiative to improve environmental literacy within the Commonwealth. To address this initiative, the task force had a visible presence at the PA Association of Environmental Educators (PAEE) conference, PA Science Teachers Association (PSTA) conference, and the Dive Deeper Conference with members of the task force leading sessions at these events. In addition, the first proposed pilot workshop for pre-service teachers took place at the Millersville University Watershed Education Training Institute April 11. A similar workshop is planned for Kutztown University in 2019. The Stroud Center, PDE, DCNR and DEP continue to cooperate on this task force therefore providing additional educational opportunities in 2019 for MWEE training, STEM, Watershed Education, and stormwater workshops.

“Weathering the Storm” Stormwater Workshop

Three workshops, designed to promote stormwater projects are currently scheduled for February and March of 2019. Partnering with the Lebanon County Conservation District, Susquehanna River Basin Commission, Penn State Extension, Penn State Master Gardeners, and Lycoming College these workshops will provide participants information on the funding available through the new Meaningful Watershed Educational Experience (MWEE) Stormwater Action Project, assist with the implementation of MWEEs, and provide participants with the curriculum developed by Penn State Extension known as "Rain to Drain." This workshop is designed for traditional and non-traditional educators, resource people, municipal employees, and corporate representatives.

Oil and Gas

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. EQB adopted the proposed rulemaking with two opposing votes. The Office of Attorney General completed its review on June 26, 2018. The proposed rulemaking was published in the Pennsylvania Bulletin on July 14, 2018 and the comment period closed on August 13, 2018. DEP received comments from IRRC on September 13. *DEP is currently preparing a Comment and Response Document and final revisions.*

Deepest Fresh Groundwater Modeling Academia and Research Agency Meeting *Representatives from the Bureau of Oil and Gas Planning and Program Management (BOGPPM) and DEP's Eastern District Oil and Gas Operations area met with researchers from the Pennsylvania State University (PSU), the United States Geological Survey (USGS), and the Pennsylvania Geologic Survey on November 30, 2018 to discuss geographic information system statistical models developed by BOGPPM and used to map the base of fresh groundwater circulation and shallow brine/hydrocarbon intervals. A statewide model is intended to improve oil and gas operators surface casing programs, which are installed to protect drinking water aquifers. Both the USGS and PSU committed resources to assist with calibration of the BOGPPM models.*

Public Information Meeting, Pennsylvania General Energy Company, LLC, Plunketts Creek Township, Lycoming County

On December 12, 2018, the Director and permitting staff from the Bureau of District Oil and Gas Operations attended a public meeting in Barbours, PA at the request of Representative Garth Everett. The purpose of the meeting was to provide a forum for the operator and the regulatory and resource agencies to inform and educate the public about a proposed nearby pipeline project. Pennsylvania General Energy Company, LLC is in the very early planning stages of a pipeline project and water withdrawal intake proposed to cross Loyalsock Creek upstream of the small community of Butternut Grove. Bureau staff provided a brief overview of the structure of the Bureau and its roles and responsibilities in permitting, inspection, and compliance of similar projects. Staff from the Susquehanna River Basin Commission, Department of Conservation and Natural Resources, and the Pennsylvania Fish and Boat Commission were also in attendance to explain their roles in the process. At this time, no permits have been submitted to the Department.

Technical Advisory Board (TAB) Coal-Gas Industry Subcommittee Meeting

DEP oil and gas program, mining program, Mine Safety and Health Administration (MSHA), and National Institute for Occupational Safety and Health (NIOSH) technical staff met with coal and gas industry representatives on December 18 as part of TAB's Coal-Gas Industry Subcommittee to discuss matters relating to coordination between the two industries. The subcommittee has made substantial progress respective of the safe coordination between the two mineral extractive industries in southwestern Pennsylvania.

Oil and Gas Workload Report

Please see Attachment 2.

Radiation Protection

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; IRRC approved it on August 16, 2018; and it was published on October 27. The effective date of the rulemaking is January 24, 2019 – 90 days after publication.

Waste Management

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 *worked diligently to hear the concerns of stakeholders and published a substantive revision for public comment on November 10, 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.

DEP will accept public comment on the proposed changes until January 8, 2019 and intends to finalize the policy in the second quarter of 2019.

Modification and Renewal of the Regulated Fill General Permit

On October 6, 2018, the Department published notice of its intent to modify and renew the base general permit (GP) WMGR096. This permit authorizes the beneficial use of regulated fill as a construction material. Under the GP, regulated fill may only be moved to a property that is approved for construction and meets one of the following criteria:

- *The property is zoned and used exclusively for commercial and industrial uses, or*
- *The property is unzoned but exclusively used for commercial and industrial uses (excluding parks, playgrounds, nursing homes, child care facilities, schools or other residential-style facilities or recreation areas).*

WMGR096 does not authorize blending or processing of fill with the purpose of meeting the concentration limits specified in Table GP-1 of the permit.

DEP received a significant level of public interest on the proposed modifications to the base GP. Due to the volume and extensiveness of the comments received, as well as the short amount of time available to evaluate the comments prior to the expiration date of the base GP, the Department has renewed the existing version of WMGR096 for one year and added a permit condition relating to renewal. All general permits that are renewed and that do not already contain the following condition are updated to include the condition as a standard practice:

“In the event that a timely and complete application for renewal has been submitted and the Department is unable, through no fault of the permittee, to reissue the general permit or approval for coverage before its current coverage expiration date, the terms and conditions of the approved coverage will automatically continue and will remain fully effective and enforceable pending the issuance or denial of the renewal for permit coverage, provided the permittee is, and has been, operating in compliance with the terms and conditions of the general permit.”

The permit was renewed by Central Office and became effective on December 23, 2018. This action will provide DEP with the appropriate amount of time to consider the comments received and evaluate whether additional modifications to the base GP are necessary. DEP plans to re-notice proposed modifications to the base GP in the Pennsylvania Bulletin and provide for another 60-day public comment period after the comments received have been appropriately evaluated and addressed.

Coverage under WMGR096 will automatically continue for existing permittees, provided they are in compliance with the terms and conditions of WMGR096.

Solid Waste Advisory Committee (SWAC)

The final SWAC meeting of 2018 was held on December 12. The Committee heard a presentation on revisions to DEP’s “Guidance Document on Radioactivity Monitoring at Solid Waste Processing and Disposal Facilities” and discussed both the draft GP WMGM064, “County Recycling Convenience Centers and Satellite Stations” and amending the Committee bylaws. DEP indicated it would revise the draft GP based on the discussion at the meeting and bring it back to the Committee for recommendation at the first 2019 meeting. SWAC voted to create a Bylaws Subcommittee to evaluate and revise the Committee bylaws, including creation of separate bylaws for RFAC. The next regular SWAC meeting is scheduled for Thursday, March 14.

Recycling Fund Advisory Committee (RFAC)

The final RFAC meeting of 2018 was held in conjunction with the regular SWAC meeting on December 12, 2018. The RFAC portion of the meeting included an informational item to review Act 101 of 2018, which changed leaf waste management requirements. The remainder of the RFAC portion of the meeting was the meeting of the Act 101 Workgroup as described below. The next regular RFAC meeting is scheduled for September 12; this is the annual joint meeting with SWAC at which the Committee will review and approve the Spending Plan for the Recycling Fund.

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. A special meeting of the Workgroup was held on November 5, 2018; the purpose of the meeting was to discuss remaining potential changes to Act 101, the Municipal Waste Planning, Recycling and Waste Reduction Act, in preparation for making final recommendations to the Department. Due to the lack of a quorum at the Special Meeting, the Workgroup met during the December 12, 2018, regularly scheduled SWAC and RFAC meetings to finalize the recommendations.

The Bureau of Waste Management is drafting a white paper summarizing the Workgroup discussions and recommendations for presentation to the Secretary in the first quarter of 2019.

Water Programs

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

The Chapter 105 e-Permitting application “went live” on October 10, 2018, as part of a greater effort by Governor Tom Wolf and DEP to reduce permit backlogs, modernize permitting processes, and better use technology to improve both oversight and efficiency. The Chapter 105 e-Permitting application was designed for Chapter 105 Obstruction & Encroachment General Permit registrations. Individual permits, small project authorizations, and environmental assessments will continue to use the Joint Permit application using the current paper process. *The Bureau of Waterways Engineering and Wetlands (Bureau) staff remain actively engaged with applicants, consultants, delegated county conservation districts, regional office staff and IT support regarding processes and technical issues for Chapter 105 General Permit e-permitting. Staff have begun revising the User Guides in response to emails and/or phone calls between Bureau staff and applicants and/or consultants as they complete the process to gain access to e-permitting.* Additional information about the Chapter 105 e-Permitting system, including background information, recorded webinar and training materials, and user guides is available on the Bureau of Waterways Engineering & Wetlands webpage at <https://www.dep.pa.gov/Business/Water/Waterways/Pages/ePermitting.aspx>.

Lead and Copper Rule (LCR) Technical Guidance Documents

On November 17, 2018, DEP published notice of two draft technical guidance documents pertaining to the LCR. The first document, Lead and Copper—A Working Guide to the Lead and Copper Rule (393-0300-001), provides substantive revisions to an existing guidance document intended to assist public water systems in compliance with the key provisions of the LCR. All sections have been revised to include the 2002 minor revisions and the 2010 short-term revisions. Additionally, Chapter 109 citations have been included throughout this document. The second document, Water Quality Parameter Reporting Instructions for the Lead and Copper Rule (393-3301-008), is a new technical guidance document that provides uniform and detailed instructions for the reporting of public drinking water monitoring results to DEP. The primary objective of the LCR is to control lead and copper levels in public drinking water systems through a treatment technique for corrosion control. An action level (AL) represents a level at which the system must take additional action to reduce lead or copper levels. Treatment technique requirements are triggered when an AL for lead or copper is exceeded. Systems exceeding either the lead or copper AL are required to install Optimal Corrosion Control Treatment, source water treatment or both. Large systems and those small/medium systems that exceed an AL are required to monitor for Water Quality Parameters (WQP). Laboratories and Public Water Systems must now report data electronically, according to 25 Pa. Code Chapter 109.810 (relating to reporting and notification requirements). The new Technical Guidance also provides instructions for submitting WQPs under the LCR into Drinking Water Electronic Lab Reporting System by the Safe Drinking Water Act forms for reporting. In addition, this guidance introduces a table containing newer Department approved/accepted methods for WQPs. Comments for both LCR technical guidance documents were due by January 2, 2019.

Revised Total Coliform Rule (RTCR) Technical Guidance Document

On December 8, 2018, DEP published notice of final technical guidance on RTCR titled Revised Total Coliform Rule Guidance (393-2129-001). Safe Drinking Water regulations published at 25 Pa. Code Chapter 109 were revised in September 2016 to incorporate the Federal revisions to the Total Coliform Rule. This TGD summarizes changes enacted under the RTCR; clarifies how to determine a public water system's population for establishing monitoring requirements; explains new start-up procedure requirements for seasonal public water systems; and describes the RTCR assessment process and provides examples of sanitary defects. In response to public comments received, the DEP revised the document to provide additional examples and clarifying language.

Small Water Systems Technical Assistance Center Board Meeting

The Small Water Systems Technical Assistance Center Board met on November 9. DEP staff led a discussion on the 1-Hour Reporting Rule, provided an update on PFAS, and unregulated contaminants that are part of EPA's fourth Unregulated Contaminant Monitor Reporting Rule (UCMR4).

West Nile Virus Control Program – Year-end Summary of Mosquito-borne Disease Activity

The Pennsylvania Department of Health has reported 117 human cases of WNV and 1 case of St. Louis Encephalitis. Of these WNV reports, there have been 8 deaths and 82 neuroinvasive illnesses. It is likely that more cases will be reported. 2018 has had the second highest number of reported human cases since WNV was introduced into Pennsylvania in 2000. The Department of Agriculture (PDA) reported 108 veterinary cases, which is estimated to be one-fifth of the actual equine burden of WNV cases. Many of these cases are from counties with Amish communities. This is also the second highest number of WNV infected horses reported seasonally by the program. DEP's Vector Management (VM) lab also tested and confirmed 110 WNV-positive wild birds. For the past few years VM has been cooperating with bird rehabbers across the state and many of these birds were submitted from these facilities. Our recent collaboration with the Pennsylvania Game Commission has also resulted in several Ruffed Grouse submissions that detected WNV-positive grouse. VM recorded a 28% increase in the number of infected mosquito samples from the previous record high in 2012. DEP's VM lab reported 6,544 positive pools for the 2018 season. The program also received over 3,000 biting mosquito complaints this year. The unseasonable amount of precipitation in 2018 caused greater than normal vector mosquito populations, as well as a huge increase in nuisance mosquito populations throughout the season. In response, DEP's VM and granted county programs conducted 9.5 times more acreage of adult mosquito control in 2018 than 2017. PDA also reported a case of Eastern Equine Encephalitis (EEE) in an emu. The Pennsylvania Department of Health also confirmed a case of EEE in a human. EEE is a very serious disease with a fatality rate of 1 in 3. The last EEE case in Pennsylvania was in 1979. Since these cases were reported following the active mosquito season, VM will survey the area in 2019 to determine if mosquito species associated with EEE transmission are identified and, if found, will test those mosquitoes in the VM lab for EEE.

Black Fly Suppression Program – Year-end Summary of Black Fly Season

*The Black Fly Suppression Program had 38 participating counties in 2018 and anticipates a similar number in 2019. Treatment operations occurred in the three major river basins in Pennsylvania (Delaware, Ohio, Susquehanna) beginning in April and ending in August. About 50 rivers/streams were treated at least once during the 2018 season. Heavy rains and high flows affected the treatment operations throughout the season. The program was still able to apply 45,077 gallons of *Bacillus thuringiensis israelensis* (Bti), the majority by air using a contractor. Some smaller streams were hand-treated by DEP staff using a backpack sprayer. Black fly monitoring of streams and rivers during late August, September, and October indicates a large resurgence of black fly egg hatching likely will occur in the Spring of 2019. The program is prepared to begin spraying in April, continue until funds are exhausted, and start again on July 1 once funding for the new fiscal year is appropriated.*

Tick Surveillance and Disease Testing Program

*DEP and the Pennsylvania Department of Health (DOH) have formally agreed to a Memorandum of Understanding (MOU) that will reimburse DEP's Vector Management Program (VM) for costs associated with tick monitoring and testing. The MOU will provide funding for staff, vehicles, and county partner surveillance activities. DEP staff and our county partners already have begun collecting adult *Ixodes scapularis* (blacklegged tick; deer tick) across the Commonwealth. These ticks will be tested for several tick-borne diseases and the results will be provided to DOH. Additional collections will occur during late winter, spring, and early summer, focusing on the nymph and adult stages of a variety of tick species that are capable of disease transmission within the Commonwealth. The VM lab will test these ticks for diseases that have been*

documented to be transmitted by each tick species. All results will be provided to DOH for dissemination to the medical community, state agencies, and the public.

Great Lakes Executive Committee Meeting (GLEC) – Toronto, ON

On December 4-5, the GLEC Secretariat convened the semi-annual meeting of state, provincial, federal agency, and observer participants to receive updates regarding Great Lakes Water Quality Agreement activities and progress under the Annex Subcommittees. There was discussion of phosphorus reduction efforts on Lake Erie and the Invasive Mussel Collaborative led by the Great Lakes Commission, who gave a detailed presentation on the impacts of invasive mussels in the Great Lakes. The December 5 proceedings were cancelled in observance of President Bush's official day of mourning.

Deadline Extended to Submit Annual Reports for Concentrated Animal Feeding Operations (CAFO) General Permit (PAG-12)

On December 29, 2018, DEP published notice in the Pennsylvania Bulletin of an extension to submit annual reports to continue operating under the National Pollutant Discharge Elimination System General Permit for CAFOs. The extension is an administrative one-time modification to the existing PAG-12. DEP issued a revised PAG-12 on April 1, 2018, that directed permittees to submit an annual report to the DEP by January 1 of each year to continue operations. The initial date to submit an annual report under the revised PAG-12 is January 1, 2019. Prior to this revision, the reporting deadline was February 15. DEP is extending the deadline for submission of the 2018 report to February 15, 2019. This extension is only effective for the CAFO annual reports due in 2019. Thereafter, the CAFO annual reports under PAG-12 shall be due January 1 of each year, as set forth in the permit.

Soil Erosion and Sedimentation Control Manual for Agriculture

The Soil Erosion and Sedimentation Control Manual for Agriculture (Ag E&S TGD) (383-4200-002) has been drafted and shared with an internal workgroup consisting of conservation district, DEP, and State Conservation Commission staff. DEP's Agricultural Advisory Board (AAB) was provided the opportunity for input throughout the drafting phase; a subcommittee of AAB members met twice and reviewed and commented on the drafts with Bureau of Clean Water staff. The input that has been provided so far from this subcommittee has been incorporated and the AAB will continue to be briefed on the status of this guidance document. The draft document was shared with the AAB at their December 20 meeting. DEP will publish notice of the availability of the draft guidance for public comment in the Pennsylvania Bulletin in January for a 60-day comment period.

Manure Management Plan Technical Guidance Document (361-0300-002) Revisions

The Manure Management Plan (MMP) Technical Guidance Document was published effective October 29, 2011. The Bureau is looking to revise the document based on lessons learned throughout the past eight years. As part of this process, staff developed a survey with items listed as suggested revisions, plus areas for comment and additional feedback.

This survey was sent October 29 to conservation district management, DEP regional offices, SCC, Penn State extension, NRCS, certified Nutrient Management Specialists (external commercial planners and internal public reviewers), as well as the relevant advisory boards (Agricultural Advisory and Nutrient Management Advisory). We provided one month for feedback; 156 individuals and organizations provided responses to this request for input. We intend to share the results of the survey with the Agricultural Advisory Board (AAB) at their December 20 meeting.

DEP will take the feedback, incorporate, and work through the process for technical guidance internal review, advisory board briefings, and public comment. The goal is to post the revised TGD for public comment by Summer 2020 and in final form by late Fall 2020.

Sewage Advisory Committee Meeting

On December 13, 2018, SAC met at the Swatara Township Municipal Building. The meeting focused on two draft technical guidance documents (Onlot Wastewater Technology Verification Protocol (TVP)(385-2208-003))(Site Suitability And Alternatives Analysis Guidelines for New Land Development Proposing On-lot Sewage Disposal (385-2207-001)) to address amendments to the Pennsylvania Sewage Facilities Act (Act 537 of 1965) made by Act 26 of 2017 related to the planning and regulation of alternative onlot sewage systems. Staff from the Bureau of Clean Water provided a detailed review of both documents. Staff also delivered presentations on a pre-draft technical guidance document (Sewage Enforcement Officer Certification and Training Program Guidance (385-2314-002)) and associated new web-based training system for certifying Sewage Enforcement Officers. Finally, SAC was briefed on DEP's work to reissue the NPDES general permit for small-flow sewage treatment facilities (PAG-04), which is scheduled for reissuance in May 2019.

Water Resources Advisory Committee Meeting

DEP's Water Resources Advisory Committee (WRAC) met on November 29. Members elected John Jackson (Stroud Water Research) as Chair and Kent Crawford (retired from the United States Geological Survey) as Vice Chair. DEP staff presented the following items to the Committee: Water Allocation Permit Technical Guidance, Chapter 105 Function Based Compensation Protocol, Act 162 Guidance: Riparian Buffer Equivalency and Offsetting, PAG-04 and PAG-06 National Pollutant Discharge Elimination System (NPDES) General Permit Reissuance, Water Use in Pennsylvania, Agricultural Erosion and Sedimentation Manual, and an update on the Manganese Regulatory package. Throughout the meeting, members expressed concern for a lack of DEP staffing needed to adequately implement important water programs. The next WRAC meeting is scheduled for January 24, 2019.

Great Lakes & St. Lawrence River Basin Water Resources Council and Regional Body Meeting – Chicago, IL

On December 5-6, the Compact Council and Regional Body met for a series of meetings. On December 5, the state and provincial staff members met to discuss the formal adoption of the Rules and Procedures package, the next iteration of rulemaking is set to occur in 2019. Also discussed was a Straddling Communities/Straddling Counties study that was requested by Pennsylvania. Other meetings included the Tribes and First Nations and the Advisory Committee. On December 6, the Compact Council and Regional Body adopted the Rules and Procedures governing the methods in which an Applicant and Originating Party submits a Proposal for an Exception to the Ban on Diversions, the Sequence of Events that would govern Regional Review, and the due process rights and procedures associated with hearings and challenges after a decision is made by the Compact Council. Pennsylvania also submitted the 2018 PA Water Conservation and Efficiency Program Review and gave an update to member states and provinces.

Pipeline Symposium with PUC and FERC

On December 12, 2018, DEP's Regional Permit Coordination Office partnered with the PA Public Utility Commission (PUC) and the Federal Energy Regulatory Commission (FERC) to host a full-day training/meeting to provide information on areas of jurisdiction; areas of common interest; and discussion on how to improve interagency coordination and communication. The proceedings were held live at the PEMA Headquarters in Harrisburg and broadcast live via WebEx to facilitate statewide participation from regional offices, oil and gas districts and pertinent central office bureaus. This symposium was well-attended with over 50 participating in-person and over 25 participating online. The morning session was dedicated towards presenting/discussing the corresponding DEP-PUC roles for pipelines in PA and their growing agency interactions; and the afternoon was dedicated to presenting/discussing various customized topics related to the regulatory process for FERC-regulated pipelines.

Environmental Justice

Environmental Justice Advisory Board

The last Environmental Justice Advisory Board (EJAB) meeting was held on Tuesday, November 13, 2018. A portion of the meeting was held as a joint meeting with the Citizens Advisory Council. EJAB members received information on Environmental Education grants and discussed an EJAB communications plan. OEJ scheduled an EJAB planning meeting to discuss strategy and focus with EJAB Chair and Co-Chair in January 2019. The next EJAB meeting is scheduled for Tuesday, February 12, 2019 in the Rachel Carson State Office Building.

Stakeholder Engagement

OEJ Director Allison Acevedo and OEJ staff met with various stakeholders including PennFuture, Braddock Borough Council, Public Interest Law Center and others throughout December 2018. In addition, OEJ Director Allison Acevedo testified at the State of the Environment hearing hosted by Councilwoman Blondell Reynolds of Philadelphia on Thursday, November 29 and was interviewed by Planet Philadelphia about environmental justice and community engagement on Friday, December 21.

Community and Stakeholder Engagement

OEJ Newsletter - OEJ distributed the 1st edition of its quarterly newsletter, EJ News: Your Environment Your Voice, on Tuesday, November 13. The newsletter was delivered to 370 recipients with a 32% open rate. 23% of recipients opened hyperlinks embedded in the newsletter to find out more information about the office, outside research, the EJAB, as well as other grant opportunities and resources. The next distribution is scheduled for spring 2019.

Public Meetings – *OEJ participated in a public hearing for Bruce Mansfield Power Plant and Little Blue Run Impoundment on Wednesday, November 28 in Beaver County and a public hearing on a proposed Government Financed Construction Contract mine reclamation project on Wednesday, December 12 in Fayette County.*

Anthracite Region for Progress – *OEJ has been engaging with the Anthracite Region for Progress in Shamokin. OEJ applied for an EPA Small Communities Grant in collaboration with Anthracite Region for Progress and participated in the most recent meeting on Monday, December 3 in which Randy Farmerie from the Environmental Cleanup and Brownfields (ECB) program delivered a presentation on Brownfields and available funding sources for Brownfields redevelopment.*

Roundtables – *Roundtable events are in the process of being scheduled in Johnstown, Philadelphia and Erie, PA in spring 2019. These events invite approximately 20-25 stakeholders from the community to discuss pertinent environmental justice issues and find potential solutions between DEP and other state and community partners.*

Strategy and Planning

Environmental Education- *OEJ collaborated with the Environmental Education Office to assist with development and outreach for a webinar delivered in December 2019 regarding the Environmental Education Grant program.*

Policy Review Process – *OEJ is currently drafting a Comment-Response document for the EJ Public Participation Policy. The Comment-Response document and revised policy will be reviewed by the EJAB, DEP Internal Work Group, and DEP personnel throughout the winter. OEJ anticipates final release of the EJ Public Participation Policy in spring 2019.*

Attachment 1

2019 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.”

| January | |
|-----------------|--|
| 9 | <i>Coastal Zone Advisory Committee, 9:30 a.m., 10th Floor Conference Room, RCSOB, Harrisburg, PA</i> |
| 10 | <i>Coal and Clay Mine Subsidence Insurance Fund Board, 10:00 am, 12th floor conference room, RCSOB, Harrisburg</i> |
| 23 | <i>Small Business Compliance Advisory Committee, 10:00 a.m., 12th Floor conference room, RCSOB, Harrisburg, PA</i> |
| 17 | <i>Mining and Reclamation Advisory Board and RLT Committee Meeting, 8:30 am, Room 105, RCSOB, Harrisburg, PA</i> |
| 24 | <i>Water Resources Advisory Committee, 9:30 a.m., Room 105, RCSOB, Harrisburg, PA</i> |
| 24 | <i>Aggregate Advisory Board and RLT Committee Meeting, 10th floor conference room, RCSOB, Harrisburg, PA</i> |
| 31 | <i>Small Water TAC Board, 9:00 a.m., Room 105, RCSOB, Harrisburg, PA</i> |
| February | |
| 6 | <i>State Board for Certification of Water and Wastewater Systems Operators, 10:00 a.m., 10th Floor Conference Room, RCSOB, Harrisburg, PA</i> |
| 7 | <i>Air Quality Technical Advisory Committee, 9:15 a.m., Room 105, RCSOB, Harrisburg</i> |
| 7 | <i>Susquehanna River Basin Commission public hearing, Capitol East Wing, Room 8E-B, Harrisburg, PA</i> |
| 12-14 | <i>Ohio River Water Sanitation Commission (ORSANCO) Technical Committee, 10 East Rivercenter Boulevard, Covington, KY</i> |
| 13 | <i>Cleanup Standards Scientific Advisory Board, 9:00 a.m., Room 105, RCSOB, Harrisburg</i> |
| 13 | <i>State Board for Certification of Sewage Enforcement Officers, 10:00 a.m., Conference Room 11B, RCSOB, Harrisburg, PA</i> |
| 14 | <i>Radiation Protection Advisory Committee, 9:00 a.m., Room 105, RCSOB, Harrisburg</i> |
| 20 | <i>Phase 3 Chesapeake Bay WIP Steering Committee, 1:00 p.m., Room 105, RCSOB, Harrisburg, PA</i> |
| 21 | <i>Delaware River Basin Commission Water Management Advisory Committee, 10:00 a.m., DRBC Goddard Conference Room, 25 Cosey Road, West Trenton, NJ</i> |
| 26 | <i>Climate Change Advisory Committee, 10:00 am, Room 105 RCSOB, Harrisburg, PA</i> |
| 28 | <i>Agricultural Advisory Board (AAB), time and location to be determined</i> |
| March | |
| 5 | <i>Storage Tank Advisory Committee, 10:00 a.m., Room 105, RCSOB, Harrisburg</i> |
| 13 | <i>Sewage Advisory Committee, time and location to be determined</i> |

| | |
|-----------|--|
| <i>14</i> | <i>Solid Waste Advisory Committee, 10:00 a.m., Room 105, RCSOB Harrisburg</i> |
| <i>15</i> | <i>Susquehanna River Basin Commission business meeting, 9:00 a.m., location to be determined</i> |
| <i>20</i> | <i>Phase 3 Chesapeake Bay WIP Steering Committee, 9:00 a.m., Room 105, RCSOB, Harrisburg, PA</i> |
| <i>28</i> | <i>Water Resources Advisory Committee, 9:30 a.m., Room 105, RCSOB, Harrisburg, PA</i> |

Attachment 2

Oil and Gas Workload Report (As of December 14, 2018)

| YTD WELL PERMIT APPLICATIONS - 1/1/2018 to 12/14/2018 | | | | | | |
|---|--------------|--------------|--------------|----------------|-----------------|--------------------|
| | RECEIVED | UNDER REVIEW | PROCESSED | PERMITS ISSUED | WELLS PERMITTED | OTHER DISPOSITIONS |
| CONVENTIONAL | 269 | 27 | 272 | 269 | 268 | 3 |
| UNCONVENTIONAL | 1,638 | 178 | 1,834 | 1,814 | 1,687 | 20 |
| Sub Total | 1,907 | 205 | 2,106 | 2,083 | 1,955 | 23 |
| AUTHORIZATIONS | 728 | 151 | 792 | 644 | N/A | 148 |
| Total | 2,635 | 356 | 2,898 | 2,727 | 2,575 | 171 |

| WEEKLY WELL PERMIT APPLICATIONS - 12/6/2018 to 12/14/2018 | | | | | | |
|---|------------|--------------|-----------|----------------|-----------------|--------------------|
| | RECEIVED | UNDER REVIEW | PROCESSED | PERMITS ISSUED | WELLS PERMITTED | OTHER DISPOSITIONS |
| CONVENTIONAL | 16 | 16 | 3 | 3 | 3 | 0 |
| UNCONVENTIONAL | 82 | 81 | 53 | 53 | 53 | 0 |
| Sub Total | 98 | 97 | 56 | 56 | 56 | 0 |
| AUTHORIZATIONS | 34 | 27 | 35 | 35 | N/A | 0 |
| Total | 132 | 124 | 91 | 91 | 91 | 0 |

| HISTORICAL WELL PERMIT APPLICATIONS AS OF 12/14/2018 | | | | | | |
|--|----------------|----------------|----------------|-----------------|--------------------|----------------|
| | RECEIVED | PROCESSED | PERMITS ISSUED | WELLS PERMITTED | OTHER DISPOSITIONS | ACTIVE PERMITS |
| CONVENTIONAL | 197,841 | 197,813 | 196,563 | 190,385 | 1,250 | 101,578 |
| UNCONVENTIONAL | 26,570 | 26,379 | 25,836 | 20,480 | 543 | 11,843 |
| Sub Total | 224,411 | 224,192 | 222,399 | 210,865 | 1,793 | 113,421 |
| AUTHORIZATIONS | 43,813 | 43,661 | 42,895 | 41,905 | 766 | 18,780 |
| Total | 268,224 | 267,853 | 265,294 | 252,770 | 2,559 | 132,201 |

| YTD INSPECTIONS - 1/1/2018 to 12/14/2018 | | | | |
|--|---------------|----------------------|--------------|--------------|
| | INSPECTIONS | FACILITIES INSPECTED | VIOLATIONS | ENFORCEMENTS |
| CONVENTIONAL | 12,921 | 10,154 | 2,934 | 225 |
| UNCONVENTIONAL | 18,195 | 8,210 | 982 | 142 |
| CLIENT/SITE | 4,448 | 1 | 1,776 | 284 |
| Total | 35,564 | 18,365 | 5,692 | 651 |

| WEEKLY INSPECTIONS - 12/6/2018 to 12/14/2018 | | | | |
|--|--------------|----------------------|------------|--------------|
| | INSPECTIONS | FACILITIES INSPECTED | VIOLATIONS | ENFORCEMENTS |
| CONVENTIONAL | 412 | 389 | 167 | 10 |
| UNCONVENTIONAL | 607 | 588 | 24 | 7 |
| CLIENT/SITE | 150 | 1 | 93 | 5 |
| Total | 1,169 | 978 | 284 | 22 |

| WELLS DRILLED | | | | | |
|----------------|---|--|--|------------------------------------|------------------|
| | Two Years Prior 1/1/2016 to 12/14/2016 | One Year Prior 1/1/2017 to 12/14/2017 | Year To Date 1/1/2018 to 12/14/2018 | Week of 12/6/2018 to 12/14/2018 | As of 12/14/2018 |
| CONVENTIONAL | 91 | 102 | 131 | 4 | 192,726 |
| UNCONVENTIONAL | 475 | 778 | 755 | 8 | 11,674 |
| Total | 566 | 880 | 886 | 12 | 204,400 |

This report was prepared by Abbey Cadden, Executive Policy Specialist, DEP Policy Office. For questions or requests, please email acadden@pa.gov.