

I. Pending Issues

Water Management

25 Pa Code Chapter 95 Wastewater Treatment Requirements -The Permitting of New Discharges of High Total Dissolved Solids (TDS)

The proposed rulemaking was published in the Pa. Bulletin on November 7, 2009. In addition, four (4) public hearings were held: December 14, 2009 in Cranberry Township, Butler County; December 15, 2009 in Ebensburg, Cambria County; December 16 in Williamsport, Lycoming County; and December 18, 2009 in Allentown, Lehigh County.

Prior to recommending that the proposed regulation be provided to the Environmental Quality Board, the Water Resources Advisory Committee (WRAC) suggested that further examination be made during the comment period to address two critical areas. WRAC suggested the Department examine the costs of the proposed regulation on the sectors that would be impacted, and the technologies available to treat discharges high in TDS. WRAC created the TDS Stakeholders Subcommittee to work in cooperation with the Department on these issues.

The TDS Stakeholders Subcommittee was tasked with examining the issue of cost and technology, and was to make recommendations to WRAC for submission to the Department in the form of formal comments on the proposed regulation. The subcommittee was made up of members of the various industries impacted as well as members of interested environmental groups. The subcommittee met monthly from August 2009 thru March 2010. During that timeframe various sector groups presented their findings on the impact of the proposed regulations to their industry or sector. The Department worked closely with the TDS Subcommittee and has taken into account the information presented and its recommendations in developing the final rulemaking.

The final rulemaking changes the approach for identifying larger, new and expanding loads of TDS subject to this regulation. In response to comments regarding a perceived lack of clarity or precision, the regulation was revised and now utilizes the concept of “authorized TDS loadings prior to the effective date of the regulation” as the basic means of defining the scope of the regulation. The revised section also clarifies that relocating or combining existing discharges which does not result in overall increased TDS loadings is not subject to the new treatment requirements in the regulation. The final rule also specifically identifies certain classes of existing discharges, as well as discharges with lower TDS loading levels, that are not subject to this regulation, thus further clarifying the precise scope of the regulatory requirements.

In summary, the final rulemaking establishes a watershed based approach that allows for use of assimilative capacity where available. Further, it provides watershed monitoring of the TDS loadings in watersheds statewide, and only imposes effluent limits on dischargers when the loading within the water body is nearing the limit of assimilative capacity. The final rulemaking establishes sector-based effluent standards for the natural gas industry, and requires recycle and reuse of fluids captured in the initial stages of well development. Wastewater that cannot be reused must be transported to treatment facilities that provide treatment to appropriate standards.

State Water Plan:

Progress:

Critical Water Planning Designation Process

All regional committees but the Delaware have held February meetings. The Delaware Committee's meeting was rescheduled to March 24th due to winter storm conditions. At these meetings, each committee reviewed the comments and testimony from the November public hearings and recommendations from DEP whether any of the watersheds under Critical Water Planning Area designation consideration no longer meet the designation criteria based on information coming from the hearings.

With the Delaware watersheds yet to be discussed, all but two of the other watersheds in other basins continue to meet the criteria and will be forwarded to the Statewide Committee for consideration. Of the two watersheds not being recommended by the regional committees, one was returned to the nominator (York/Adams Counties) for further work and the second was rejected by the Upper/Middle Susquehanna Committee as not meeting the designation criteria.

A technical subcommittee of the Statewide Committee is scheduled to meet on March 26 at the RCSOB with the entire Statewide Committee scheduled to meet on April 28th at the PA Fish and Boat Commission Building, Harrisburg.

Water Resource Technical Assistance Center (WRTAC)

DEP has contracted with the Susquehanna River Basin Commission (SRBC) to establish the Water Resource Technical Assistance Center. The establishment of the Center is a requirement of Act 220. After a request for proposal (RFP) solicitation, SRBC selected the PA Environmental Council to develop a plan to establish the Center. The WRTAC advisory committee to SRBC met this Wednesday to review the work of the contractors selected to develop the WRTAC. The contractors include PA Environmental Council and Eastern Research Group (ERG).

The three goals of the project are to establish a leading edge website, develop a comprehensive business plan and legal non profit incorporation including establishment of a board of directors. The website is nearing completion. There was discussion of adding relevant DEP content to the website and how that may work and its value. The advisory group is looking for volunteers to review the website and recommendations on what groups should constitute the board.

The financial numbers of the business plan are beginning to fall in place. PEC is also exploring a variety of fund raising options to implement the business plan, including solicitation of private business, foundations and elected members of the Senate and House for initial support.

Marcellus O&G Water Management Plan Activities

Water Use Planning staff recently met with representatives of the PA Oil and Gas Producers to discuss the water withdrawal registration and reporting under Act 220 and Chapter 110 regulations. The Division of Water Use Planning has been working internally with Bureau of Information Technology and the Oil and Gas program central and regional offices in developing Marcellus electronic water use reporting and data management systems. As applications are developed to accommodate quarterly reporting of water withdrawals by Marcellus operators, longer term solutions will be developed for overall water management plan data management and sharing of information with River Basin Commissions.

DEP's Water Use Planning (WUP) and the Bureau of Information Technology met with representatives of the Susquehanna River Basin Commission (SRBC) in late 2009 to discuss coordination of data management information and systems, specifically in regards to water use in Marcellus gas operations. It was the consensus of that group to begin defining their respective data needs that will lead to data sharing in the future.

In addition, WUP staff continues to develop and further refine Marcellus electronic water use reporting and data management systems.

Chesapeake Bay Program:

Chesapeake Bay TMDL: EPA is working on a Total Maximum Daily Load (TMDL) for the Chesapeake Bay, which will establish a 'budget' for nitrogen, phosphorous and sediment loadings. The current schedule has the TMDL being completed by December 2010, with EPA requesting states to submit initial draft Watershed Implementation Plans (WIPs), formerly referred to as 'tributary strategies', by June 2010. EPA has established a website specifically for the TMDL, which can be accessed at <http://www.epa.gov/chesapeakebaytmdl/> . The website now has information on webcasts that EPA is beginning to provide that will contain updates on their TMDL progress.

On March 31st, Deputy Secretary Hines led a public discussion regarding the development of the PA WIP. Over 80 persons attended the meeting. EPA TMDL staff provided information on their expectations on WIP format and content, along with a discussion of potential federal actions that could be undertaken if expectations are not met. To help with the development of the WIP, a suggestion was made at the meeting to follow the process successfully utilized in 2005, when workgroups were formed to review the Tributary Strategy. DEP staff are in the process of organizing the names of persons that volunteered to participate in the workgroups, with the intention of trying to schedule meetings in the very near future. Additional discussion opportunities will also occur at DEP Chesapeake Bay Advisory Committee meetings.

Two-Year Milestones: At a Chesapeake Executive Council (EC) meeting in 2009, the seven Bay jurisdictions (Maryland, Virginia, Pennsylvania, Delaware, West Virginia, New York and the District of Columbia) agreed to establish short, two-year goals called milestones. The first set of milestones announced at the 2009 EC meeting are set to be met by December 31, 2011. By meeting these and future milestones, the Bay jurisdictions will put in place measures necessary for a restored Bay no later than 2025.

Presidential Executive Order on the Chesapeake Bay: The same day as the 2009 EC meeting, President Barack Obama signed an Executive Order that declares the Chesapeake a national treasure and increases the federal commitment to restoring the Bay. Highlights and goals of the Executive Order include: Establishment of a Chesapeake Bay Federal Leadership Committee (FLC); direction to EPA to fully use its Clean Water Act authorities; reduction of water pollution from federal property; development of a Bay climate change strategy; improvement of agricultural conservation practices; and expansion of public access. The Federal Leadership Committee will oversee the development and coordination of reporting, data management and other activities by agencies involved in Bay restoration. The committee is chaired by the Administrator of the Environmental Protection Agency and includes senior representatives from the federal departments of Agriculture, Commerce, Defense, Homeland Security, Interior, Transportation and others. A website with updates on the federal activities related to the Order can be accessed at <http://executiveorder.chesapeakebay.net/default.aspx> . At a recent FLC meeting, it was announced that the Committee plans on publishing its final strategy by May 12, 2010.

Chapter 105 Regulation Revisions: The Division of Waterways, Wetlands, and Stormwater Management is currently working to revise the Chapter 105 Dam Safety and Waterway Management regulations. The Chapter 105 Wetland program is a very strong program and one of the leading wetland programs in the Mid-Atlantic States. The program is considering regulation revisions that would further strengthen the program in two (2) general areas: 1) the wetland classification system, and 2) the wetland and waterway compensation program. The proposed wetland classification system would include an assessment of natural wetland condition allowing for the classification of high value resources. The proposed waterway compensation program would require applicants to offset waterway and floodway impacts authorized by Chapter 105 authorizations similarly to the way wetland impacts are offset.

The Division is getting input on the revisions from Regional Office staff through meetings and resource agencies and the regulated community through the WRAC Chapter 105 Adhoc Workgroup, which met several times between January 9, 2008 and January 23, 2009. The workgroup reviewed conceptual changes for wetland classification and wetland compensation. Many comments on each topic were shared and discussed. Comments and recommendations from the workgroup on these topics *were* presented to WRAC at their July 2009 meeting.

WRAC recommended program staff continue moving forward with the regulation revision.

While the Chapter 105 Program staff are continuing work on the regulation revision, they have been placed on hold and are currently focused on proposing new permitting fees and a new submerged land license fee. The proposed fees *will be shared with WRAC at the May 11, 2010 meeting.*

Chapter 102 Regulation Revisions: DEP staff is in the process of revising the Chapter 102, Erosion Control Regulations to ensure comprehensive and complimentary Erosion and Sediment and Post Construction Stormwater Management requirements while referencing appropriate water quality protection and permitting requirements. Revisions to the regulations include requirements addressing post construction stormwater

management, antidegradation analysis and buffers. DEP staff has conducted presentations on the regulation revision process to various DEP advisory boards and committees, conservation district roundtable meetings and with other interested stakeholder groups. Once the regulated rewrite is complete, DEP will send the draft regulations to its delegated conservation districts for a 60 day review. Staff continues to meet on the draft Chapter 102 regulatory revisions, however, the timeframes for completion of the draft have been pushed back due to some of the proposed sections in Chapter 102 needing more internal discussions and clarifications. We would like to have a draft available for discussion with advisory groups by early summer. We received additional direction and had more internal discussion on some of the outstanding issues that impact moving forward with the draft regulation. The committee will meet twice the first week of July to continue working on completion of the draft. There have been several more committee meetings conducted to date and more details of the draft regulation continue to get worked through. We anticipate a few more meetings before we are prepared to go before the various advisory committees with a solid draft. The committee is working with Dana Aunkst's staff to ensure consistency and coordination between the proposed Chapter 102 draft and the proposed Chapter 92a draft, since both regulations deal with NPDES permitting. The committee continues to push forward with the Chapter 102 draft. We anticipate going before WRAC and the Ag. Advisory committee in April, 2009 with the completed draft. There were three WRAC meetings in April where the Chapter 102 draft regulations were discussed, as well as discussion of the draft at the April Agricultural Advisory Committee meeting. The Chapter 102 proposed rulemaking was approved by EQB. The next step is to obtain approval from the Governor's Office and the Office of Chief Counsel. Three public meetings/hearings were conducted in September and October. The proposed rulemaking was published in the Pennsylvania Bulletin and the comment period closed in November, 2009. There were over 1,300 commentators. Program staff are currently working on the final rulemaking, comment and response, and associated documents. The Department presented a summary of the comments and anticipated actions in response to the comments at the February meetings of WRAC and AAB. A special meeting of WRAC will be held on March 17 to finalize regulations. The Department is also meeting with various stakeholders regarding key issues, comments, and proposed actions. The Department is anticipating that the final regulation will be presented to the EQB in June. *A special meeting of WRAC was held on March 17 to review the final draft Chapter 102 regulations. In addition to minor clarifications, the draft final rulemaking includes changes related to: 1) riparian buffer requirements; 2) the permit-by-rule; 3) permit fees; and 4) post construction operation and maintenance. WRAC approved the final rulemaking subject to the clarifying changes discussed during the meeting.*

Post Construction Stormwater Delegation Agreement: DEP staff has developed a draft Post Construction Stormwater Delegation agreement to offer conservation districts the opportunity to review Post Construction Stormwater Management plans, in an effort to expedite the NPDES permit review process. The draft delegation agreement is currently under review. DEP met with conservation district representatives on February 8, 2008 to review the draft delegation agreement. DEP went before the State Conservation Commission at their March 13, 2008 meeting, requesting approval to delegate this program to conservation districts. On March 13, 2008, the State Conservation Commission unanimously approved the Post Construction Stormwater Management Delegation Agreement. The final agreement was emailed to all conservation districts statewide for their consideration. On March 30, we received the first delegation agreement signed by the Chester County Conservation District. On April 29 we received the second delegation agreement signed by the Washington County Conservation District. The Monroe, Pike, and Lehigh County Conservation Districts stated that they will be sending in their signed delegation agreements after their May board meetings. At their May meeting, the Columbia County Conservation District voted to accept delegation, and Bucks County Conservation District will be making a decision on whether or not to accept delegation at their July board meeting. On June 1, we received the second delegation agreement signed by Lehigh County Conservation District. Chester, Washington, and Lehigh delegation agreements are currently going through the multiple-agency signatory approval process. On July 31, Columbia Conservation District formally submitted their request for Post Construction Stormwater Management delegation. In December, 2008, post construction stormwater management delegation agreements were received for Pike and Westmoreland Conservation Districts. In January, 2009, a post construction stormwater management delegation agreement was received for Allegheny

County Conservation District. The delegation agreements for Chester, Washington, Lehigh and Pike Conservation Districts have been fully executed and program delegation has begun for those counties. In February 2009, the Department received a post construction stormwater management delegation agreement from Schuylkill County Conservation District. In April 2009, the Department received a post construction management delegation agreement from Jefferson County Conservation District. In May, 2009, the Department received a post construction stormwater management delegation agreement from Monroe County Conservation District. Additionally, the post construction delegation agreement was executed for Columbia County Conservation District in June, 2009 and program delegation has begun. Monroe Conservation District received their executed delegation agreement in October, 2009.

Proposed Permit for Oil and Gas Activities: In response to the United States Environmental Protection Agency's (EPA's) rulemaking and the effect of the federal Energy Policy Act of 2005, DEP plans to issue an "Erosion and Sediment Control General Permit -1 (ESCGP-1) for oil and gas activities that disturb five acres or greater at one time over the life of the project. This permit will apply to earth disturbance activities for oil and gas exploration, production, processing, treatment operations or transmission facilities (oil and gas industry). The added protection gained through this permit will ensure that proper best management practices (BMPs) will be planned, implemented and maintained for erosion and sediment control and post construction stormwater runoff from these activities. In addition, this approach is an incentive for the operator to minimize the disturbed area and restore the area promptly after completion of the well or installation of the pipeline. The ESCGP was published in the PA Bulletin for public comments and the Department has addressed these comments, revised the permit, and anticipates availability of the permit early in 2008. The ESCGP-1 permit, application, and instructions were completed in early March. A notice of the availability of this permit will be published in the Pennsylvania Bulletin on Saturday, April 12. It will then be available on the Bureau of Oil and Gas Management and Bureau of Watershed Management web pages. This permit is effective immediately. Copies of the permit, permit application, and instructions have been sent to the DEP regional offices and county conservation districts statewide. The Division of Waterways, Wetlands, and Stormwater Management will be conducting training sessions for all districts and regions on the new ESCGP-1 permit application. These six regional sessions will be conducted in July and August in conjunction with Post Construction Stormwater Management technical plan review training. All six regional sessions have been completed on Post Construction Stormwater Management technical training and the new ESCGP-1 permit application for Oil and Gas Activities. In October and November, 2008, the Division conducted two technical erosion and sediment control plan development training sessions for the oil and gas industry. This training also included administrative training on the new ESCGP-1. Over 200 industry personnel attended these two sessions. Due to the overwhelming response from industry, another session is being planned for early spring, 2009. A few of the conservation districts in the southwest and northeast regions have reported some improvement in the quality of erosion and sediment control plan submittals from some of the consultants who attended the training. Three oil and gas industry training session on Marcellus permitting were conducted in April, 2009. DEP staff provided this training on the following agenda items: erosion and sediment control overview of new permitting options, wastewater, water management plan to include water withdrawal and module overview and impoundments. DEP regional office staff involved in the permitting and inspection of gas wells were required to attend.

General NPDES Construction Permit (PAG-2) Renewal The PAG-2 authorizing the discharge of stormwater during construction activities was extended until December, 2008. The Division of Waterways, Wetlands, and Stormwater Management has developed a draft of this permit and anticipate it being published in the Pennsylvania Bulletin for comment in September. On December 13, 2008, the PAG-2 six-month extension notice appeared in the Pennsylvania Bulletin, extending the current PAG-2 until June, 2009. Division staff will be working on the draft final PAG-2 over the next few weeks in preparation for publication in the Pennsylvania Bulletin for comments. On February 27, the request for publication was sent to DEP's Policy Office. With other program priorities such as Chapter 102 revisions and permit by rule, a request was made to the DEP Policy Office the week of April 29 to grant a second extension to the PAG-2. The current PAG-2 is due to expire June, 2009. This second extension would move the expiration deadline to December, 2009. The

extension for the PAG-2 was granted and notice was published in the Pennsylvania Bulletin that the PAG-2 was extended until December, 2009. The revised PAG-2 was published in the Pennsylvania Bulletin in December, 2009. This authorization will be good thru December, 2011.

Waste Management

American Recovery and Reinvestment Act (ARRA).

Leaking Underground Storage Tank ARRA: Under the ARRA, \$200 million is provided for Leaking Underground Storage Tank (LUST) cleanups, nationwide. EPA has awarded a grant in the amount of \$6,163,000.00 to Pennsylvania to conduct cleanups at LUST sites where a private party is unable to perform the work or has abandoned the site. DEP has identified 71 eligible sites where property owners have voluntarily agreed to provide DEP access and is working on initiating corrective actions under the Storage Tank laws and regulations at these sites. The grant term expires on September 30, 2011.

Superfund ARRA: Under the ARRA, \$600 million is provided to EPA for federal superfund projects. EPA has chosen to use ARRA funds at two Pennsylvania sites, the Havertown Pentachlorophenol (PCP) Site, located in Haverford Township, Delaware County, and the Crossley Farms Site, located in Hereford Township, Berks County. EPA intends to use up to \$5 million in ARRA funds at each site. Pennsylvania is obligated to pay 10% of the cleanup costs at these sites according to the superfund statute and regulations (there is no exemption from this requirement under ARRA). The Commonwealth's share will come from the Hazardous Sites Cleanup Fund.

Beneficial Use of Coal Ash Regulations: At the March 19, 2009 SWAC meeting, the Department discussed and requested SWAC's position on the draft proposed rulemaking on the Beneficial Use of Coal Ash. The Committee voted to recommend that the rulemaking be presented to the Environmental Quality Board (EQB). The draft proposed rulemaking on the Beneficial Use of Coal Ash was presented at the July 2009 EQB meeting and approved for publication in the PA Bulletin with a 45-day public comment period. Chapter 290, Beneficial Use of Coal Ash regulations were published in the November 7 edition of the PA Bulletin. The public comment period ended December 22, 2009. The Department received *1,121* comments on the proposed regulations. The Department is currently working on the comment and response document and changes to the proposed rulemaking. The Department plans on presenting the draft final rulemaking on the Beneficial Use of Coal Ash at the next SWAC meeting *scheduled for May 27, 2010*.

Recycling Fund and Solid Waste Advisory Committees: At the December 7th Recycling Fund Advisory Committee meeting, the Committee unanimously approved the 2010-2011 Recycling Fund Spending Plan. The spending plan includes the planned shutdown of the Recycling Grant Programs administered by the Department.

The Solid Waste Advisory Committee meeting scheduled for Thursday, *April 8, 2010*, has been *rescheduled* to Thursday, *May 27, 2010*.

Land Recycling Program

The Uniform Environmental Covenants Act (UECA) regulations were approved by the EQB on December 15th 2009. The EQB also approved the proposed revisions to Chapter 250 on December 15th 2009. Both packages will be open for a 30 day comment beginning March 6th.

Energy Initiatives

Alternative Fuel Incentive Grant Program: The Commonwealth announced April 7 the investment of \$8 million in 20 projects that will advance the alternative fuels industry in the state. The Alternative Fuel Incentive Grants (AFIG) program helps support energy security by investing in companies that produce and market homegrown alternative fuels and related infrastructure. The 20 AFIG projects will combine to save more than three million gallons of conventional liquid fuel. Two of the projects will produce 5.8 million gallons of biofuel. The projects are expected to create or retain more than 160 jobs for Pennsylvanians and leverage nearly \$21.6 million in private funding. Environmental benefits include reducing harmful carbon dioxide emissions by 34.4 million pounds annually, the equivalent of removing 3,000 passenger vehicles from our roads.

Alternative Fuel Vehicle Rebate Program: The Commonwealth is opening the Alternative Fuel Vehicle Rebate program on April 10. This program provides \$500 rebates to consumers for the purchase of new plug-in hybrid, plug-in electric, natural gas, propane, and hydrogen fuel cell vehicles. Consumers may submit applications for up to six months after the date of purchase. Consumers should be aware that funds may be depleted before their rebate application can be processed. This program replaces the currently closed Hybrid Vehicle rebate program. Standard hybrid vehicles will not be eligible for the new program.

Small Business Advantage Grant Program: The Commonwealth announced March 31 the award of \$1.2 million to 202 small businesses for energy efficiency projects through the Small Business Advantage Grant program. As a result, these businesses will cut nearly \$2 million in expenses from their bottom lines each year. The first year savings alone—which will also recur in subsequent years—exceed the \$1.2 million in grants that were awarded this round.

Pennsylvania's Small Business Advantage Program provides small businesses (those with fewer than 100 employees) with 50 percent matching reimbursement grants of up to \$7,500 to implement projects that will save at least 20 percent annually in pollution prevention or energy-related costs. The grants were awarded to 202 businesses in 52 counties on a first come, first served basis. Those businesses employ more than 4,000 people.

The projects will generate a combined annual energy and pollution-related savings the first year of more than \$1.8 million, an average of nearly \$9,000 per business. The state funds will leverage an additional \$3.4 million in private investments through the projects.

Pa. Home Heating Rebate Program: The Commonwealth is using American Recovery and Reinvestment Act (ARRA) funds to provide rebates for non-electric boilers, furnaces, and water heaters through the Pa. Home Heating Equipment Rebate program, which will be administered through an outside contractor, Resource Solutions Group. For more information, residents can visit www.paheatingrebates.com or call the contractor's call center at 1-877-592-2061. As a result of Act 129, which requires electric distribution companies (EDC's) to reduce energy consumption, the EDC's are offering rebate programs to their customers for appliances, lighting, heat pumps, and other equipment. More information on these programs can be found by clicking the Energy Rebate \$ button at www.depweb.state.pa.us.

Mining/Reclamation/AMD Issues

Reclamation Fee: The final rulemaking was published in the Pennsylvania Bulletin on August 30, 2008. . <http://www.pabulletin.com/secure/data/vol38/38-35/1585.html> The regulation established an adjustable reclamation fee to provide for the on-going Operation and Maintenance (O & M) Costs for the (now defunct) Alternate Bonding System bond forfeiture discharge sites. The fee calculated for 2010 is \$0. This is based primarily on the fact that the fund has about \$4 M and the regulations require a minimum of \$3 M. A second factor is that all of the required treatment systems have not yet been constructed. It is anticipated that the fee will be increased substantially in the future as more facilities come on line. *As of April 1, 2010 about 10 permits have been issued with the reclamation fee calculated at \$0 per acre.*

Third 5 Year Report: The University of Pittsburgh commenced work on report preparation in February 2009. University researchers have compiled most of the information needed for impact assessment from Department files and databases. Researchers have created a geographic information system (GIS) that is used in establishing relationships between study period mining and overlying properties, structures, streams, water supplies and other surface features. In addition to the Department's data, researchers have reviewed reports prepared by the Center for Public Integrity as a means of gathering additional information on mining-related impacts and landowners' views regarding those impacts. The researchers are currently engaged in evaluating the data that has been gathered. University biologists have visited stream sites where mining related impacts were reported and performed independent biological assessments of many of the sites. In November, DEP directed researchers to perform biological assessments of several additional streams, which the researchers were unable to sample between the award of the contract and the end of May. (Under the applicable scoring protocol, macroinvertebrate sampling must be performed between October and May) Researchers experienced several unanticipated set backs in correlating information from various sources and, as a result, are running behind schedule. Based on revised projections, the delivery date for the final report has been pushed from May to July 2010. *The contractor has begun submitting parts of the report for DEP review.*

Beneficial Use of Coal Ash at Mine Sites: The mining program continues to work with the Bureau of Waste Management to address the comments received in response to the draft coal ash regulations (Chapter 290).

- **Proposed Rulemaking-Coal Permit Fees:** DEP presented a proposed rulemaking package to the MRAB at the October meeting. This package included fees for coal mining permit applications. The MRAB objected to the fee amounts and recommended that the rulemaking proceed with out the fee revisions. In the meantime, BMR is working with the MRAB's Regulation, Legislative and Technical Committee (RLT) to establish a fee approach that is in line with recommendations the MRAB made at the January meeting. These recommendations are:
 - Because permit fees have not gone up since 1982, a permit fee increase is reasonable.
 - Any increase in permit fees should be dedicated exclusively to finance the mining program permitting fee process.
 - DEP should not do anything to discourage or provide disincentives to remining activities and their reclamation benefits to the State.
 - It is reasonable to ask industry to contribute to funding some part of the program.
 - MRAB will continue to advise DEP on appropriate permit fee assessment and allocations

A RLT meeting was held on March 15 to discuss fees.

Noncoal Program Fees-preliminary work has commenced for fees to support he noncoal mining program. Efforts are focused on having the proposed rulemaking ready for the June EQB meeting. The fees have been calculated to support the program costs (about \$3M). *Outreach meetings have been scheduled to explain the reason for the fees and how the amounts were calculated.*

Office of Homeland Security

The Pa. Office of Homeland Security was recently moved to a Deputy Directorship under PEMA's Director. The move also former head of the office is no longer in charge of the daily operations. The new Deputy Director has not called a Homeland Security Steering Committee meeting since the change occurred. These meetings normally track the progress of homeland security protection initiatives within the Commonwealth from an all-hazards approach.

The 2009 DEP Emergency Operations Plan (EOP), signed by Secretary Hanger was distributed to the Regional Directors and Emergency Response Managers. Field Operations has also placed the EOP on the IntraDEP website for use by all DEP personnel.

Environmental Education

Environmental Education Grants Program (EEGP)

- *Award recommendation has been submitted; awaiting final approval*
- *Awards should be announced sometime starting the third week in April to the second week in May, pending final review and approval*

Outreach: Environmental Education outreach activities include the following:

- *March 8 Pittsburgh Home and Garden Show
 - *Outreach/Education Trailer*
 - *(center piece of sustainable living area)**
- *March 12,13 Pa Assn. for Environmental Educators Conference
Blue Bell, PA
 - *Energy Education Workshop*
 - *Government Partner Award**

Workshops Conferences and Board Meetings:

- *March 25 Annual teacher workshop on endangered species, highlighting the falcons, RCSOB- This workshop is an on-going partnership initiative among DEP, Zoo America and the Pa Game Commission.*

Upcoming Outreach Events:

April 12 Erie Reading Council-, Tom Ridge Education Center- Environmental Progress Reading Activity for students and their families

Other EE Initiatives:

The EE Director is working with the Pa Department of Education (PDE) and the EE Advisory Council to revise Environment and Ecology Academic Standards and develop standards assessment content. The Standards Assessment System (SAS) is the new initiative under PDE to further refine concepts, competencies, essential questions and vocabulary within academic standard areas. The goal of SAS is to provide school districts with a common framework for continuous enhancement and improvement of formal curriculum.

The Director is working with other agencies and organizations to enhance career opportunities through the Governor's Science, Technology, Engineering and Math (STEM) initiative. Regional networks have been developed and a STEM Center will be established. The STEM initiative meshes well with DEP's alternative energy technologies related programs.

The Pennsylvania Center for Environmental Education (PCEE) Board has been reestablished as a provision of the new EE Act. DEP's Director of EE serves as Board Chair. PCEE is located in Slippery Rock, PA and is funded and administered by the State System of Higher Education. The center serves as a clearing house and resource tool for formal and non-formal educators throughout the state.

Falcon Outreach/Education:

- *On-going updates are posted*
- *EE Director is seeking sponsorship of falcon cam hardware upgrades for next season. The National Aviary has offered to partner with DEP.*
- *AV vendors and retailers are being considered as future partners.*
- *CMS will provide technical assistance as they have from the start of the falcon cam program.*

EP Draft Technical Guidance Documents

Draft Date	Document Title	Comment Deadline
<i>4/6/2010</i>	<i>Blasting Near Utility Lines on Mining and Construction Sites and Bituminous Coal Mining Within the Right-of-Way or Easement of Utility Lines</i>	<i>5/3/2010</i>

i. DEP Regulations and Policies: Proposals Open for Comment

PA Bulletin Publication Date	Proposal or Regulation	Comment Deadline
<i>5/3/2010</i>	<i>2010 Draft Integrated Water Quality Monitoring and Assessment Report; Notice of Availability for Public Comment</i>	<i>5/17/2010</i>

DEP Regulations and Proposals Recently Finalized

PA Bulletin Publication Date	Proposals or Regulations
	<i>None</i>