

I. Pending Issues

Water Management

Act 167 Stormwater Management Planning:

Twenty-two county-wide stormwater management planning projects have been approved. County-wide plans together with watershed plans now cover 1,531 municipalities. Work is continuing on approximately eight more county-wide plans plus approximately six watershed plans. Many of the county-wide plans currently in progress will be completed and approved by year-end.

NPDES MS4 Permit (PAG-13):

PAG-13 will be presented to the WRAC on April 13, 2011. PAG-13 should be finalized, approved by EPA, and published within the next few months. Afterward PAG-13's comment/response document, the NPDES MS4 Individual Permit Package, workshops with DEP's regional offices, finalizing materials for municipal workshops, and holding the municipal workshops will follow. December 9, 2011, is the deadline for permittees to submit NOIs for PAG-13 renewals. *DEP is continuing its discussions with EPA Region III regarding provisions in PAG-13 particularly in regards to implementation of TMDLs and the implementation of the Chesapeake Bay TMDL.*

State Water Plan

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 met on March 26, 2010. An outcome of the meeting was the subcommittee vote to move forward to the Statewide committee 14 watersheds (includes groupings of smaller watersheds) recommended by the Regional Committees for designation as Critical Water Planning Areas (CWPA). Subsequent to this meeting, a steering committee of the Statewide Committee recommended that another meeting of the technical subcommittee be convened for DEP to provide an overview of the

technical aspects of each of the watersheds under consideration. That meeting is set for August 6, 2010 at 9:30 am in the DEP Southcentral Regional Office, Harrisburg. More information may be found at www.pawaterplan.dep.state.pa.us

A meeting of the Statewide Committee has not yet been set, but will be scheduled likely later this fall at which recommendations of the technical subcommittee will be revisited and designations considered.

A meeting of the Technical Subcommittee of the Statewide committee met on August 6, 2010. At the meeting the subcommittee received a technical review of the watersheds recommended for designation as critical water planning areas by each of the Regional Committees and then developed recommendations for designation by the overall Statewide Committee at a later date. From the list of 15 watershed groupings, several were recommended for designation, with a number as “maybe” requiring further discussion and several were not recommended.

The meeting notes and recommendations are being drafted and will be reviewed by chairs of the subcommittee prior to distribution to Statewide Committee members.

A Statewide Committee meeting to receive the results of the Tech Subcommittee meeting and make decisions on Critical Water Planning Area designations has tentatively been scheduled for November 11, 2010 with location and times to be determined.

A kick-off meeting of a “pilot” Water Management Plan for the joint Marsh and Rock Creeks watersheds in Adams County was held on September 21st in Gettysburg. The purpose was to i (1) introduce the project to prospective advisory committee members and the general public; (2) identify participants’ concerns on issues facing the watersheds; (3) discuss ways for developing implementable recommendations as an outcome of this project; and (4) nominate project advisory committee members for consideration by the Potomac Regional Committee. The pilot “Water Management Plan” name will change to “Critical Area Resource Plan” or “CARP” if it should be designated as a Critical Water Planning Area (CWPA) by the Statewide Committee in November.

Work continues on an ongoing “pilot” Water Management Plan for the Laurel Hill Creek Watershed in Somerset County. This year, the neighboring Back Creek Watershed (tributary to Indian Creek) in Fayette County will be studied in conjunction with the Laurel Hill Creek. Both watersheds are up for CWPA designation similar to the Marsh/Rock Creek Watersheds with “Water Management Plan” being converted to CARP if designated in November.

The Statewide Water Resources Committee voted to designate three watersheds as CWPAs. These watersheds include Marsh/Rock Creeks in Adams County, Laurel Hill Creek in Somerset County, and Back Creek in Fayette County. Laurel Hill Creek and Back Creek were combined, so that one CAAC will be formed to guide the CARP for both watersheds.

Former DEP Secretary John Hanger concurred and designated these watersheds as CWPAs. The Potomac Regional Committee has established a critical area advisory committee (CAAC) to advise them in the development of the CARP for each of the watersheds. The Ohio committee is planning to establish a CAAC in June for the designated watersheds in the Ohio basin. The CAACs are diverse and represent a broad cross section of stakeholders from each of the watersheds.

The CAACs will have working meetings scheduled throughout the rest of 2011. These meeting dates are available on the DEP Website at www.pawaterplan.dep.state.pa.us under “What’s New”. DEP partners the Interstate Commission on the Potomac River Basin (ICPRB) and US Geological Survey (USGS) are working as technical consultants in preparing the CARPS that upon completion will identify water availability problems and conflicts among water users while offering alternatives to resolve those conflicts as well as assure adequate supplies of water into the future.

In addition to designating the CWPAs, the Statewide Water Resources Committee also voted unanimously to place the following watersheds on a watch list:

- *Little Lehigh Ck (Delaware)*
- *Brodhead Creek (Delaware)*
- *Sugar Creek (Upper/Middle Susquehanna)*
- *Spring Creek (Upper/Middle Susquehanna)*

Further consultation will occur with the respective regional committees and the Statewide Committee will review these watersheds in the future. The Department is currently updating its water use data in these watersheds as well as encouraging local stakeholders to explore planning options. However due to staff and other resource constraints, DEP work in these watersheds will be limited.

Central office staff have also met with water program staff from the Southwest Regional Office (Pittsburgh) and the Southcentral Regional Office (Harrisburg) to help assure coordination of regional input during preparation of the CARPS and to discuss regional implementation opportunities after completion and approval of each of the CARPS currently under study.

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 has met several times 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. *As of May 2011 the website is complete and non-profit status achieved. The website is www.savewaterpa.org.* The advisory group is looking for volunteers to review the website and recommendations on what groups should constitute the board.

PA Environmental Council (PEC) is encouraging everyone to utilize the website in water conservation outreach efforts. In addition PEC wants to use the website as a marketing tool to leverage outside funding from industrial water users, public water suppliers, foundations and other funding partners. In addition to the web site, PEC is evaluating the use of social media as another tool to implement the mission of the Center. Social media (i.e. LinkedIn) may offer the potential for enhanced collaboration among water resource professionals and enhanced technology transfer of water resource technologies. Opportunities, limitations and a strategy for social media use are being explored.

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/WIP:

EPA published a Total Maximum Daily Load (TMDL) for the Chesapeake Bay on December 24, 2010, which establishes a ‘budget’ for nitrogen, phosphorous and sediment loadings. As part of the process, EPA directed states to submit Watershed Implementation Plans (WIPs) intended to demonstrate “Reasonable Assurance” that TMDL objectives would be met. EPA’s evaluation of Pennsylvania’s Final Phase 1 WIP determined that it contains significant improvements, including strategies to increase compliance with agricultural regulations. EPA felt that the WIP lacked clear strategies to achieve urban stormwater reductions, however. Pennsylvania meets its nutrient and sediment allocations for each basin in the final TMDL. After adjusting for EPA-approved nitrogen and phosphorus exchanges, Pennsylvania’s WIP input deck resulted in statewide loads that are 2% over for nitrogen and phosphorus, and 5% under for sediment allocations. EPA and DEP reached agreement on further nonpoint source reductions in order to achieve allocations both statewide and in each basin, as documented in the final TMDL. The further reductions are supported by contingencies included in the WIP and EPA’s commitment to track progress and take any necessary federal actions to ensure these reductions are achieved and maintained. In the Final TMDL, EPA imposed a “backstop” on the urban stormwater sector, transferring 50% of the urban stormwater load that is not currently subject to NPDES permits from the load allocation to the wasteload allocation. EPA is doing this to signal that it is prepared to designate discharges as requiring NPDES permits to ensure nutrient and sediment reductions are achieved and maintained. This does not trigger any immediate changes to the NPDES permitting program. Pennsylvania’s final allocations in the Chesapeake Bay TMDL are described in the following table. The Final TMDL calls for 100 percent of the necessary actions to meet Bay water quality standards to be implemented by 2025, with 60 percent to be implemented by 2017.

PA Reduction Targets

Phase 5.3 Watershed Model

Nitrogen (TN), Phosphorus (TP), Suspended Solids (TSS)

Million Pounds/Year

	<i>TN</i>	<i>TP</i>	<i>TSS</i>
<i>1985</i>	<i>135.17</i>	<i>5.08</i>	<i>2,971</i>
<i>2009</i>	<i>106.41</i>	<i>3.96</i>	<i>2,576</i>
<i>Draft TMDL</i>	<i>76.77</i>	<i>2.74</i>	<i>2,013.62</i>
<i>Final TMDL</i>	<i>73.93</i>	<i>2.93</i>	<i>1,983.78</i>
<i>Remaining Reductions By 2025</i>	<i>32.48</i>	<i>1.03</i>	<i>592.22</i>
<i>60% by 2017</i>	<i>19.488</i>	<i>0.618</i>	<i>355.332</i>

Over 125 individuals representing a broad range of organizations and interest volunteered to participate on a Management Team and workgroups that provided input throughout the development of the WIP. There is a lot of information on planned efforts in the WIP, including these examples: Collecting information on un-reported BMPs; implementing recent regulatory changes to Chapter 102; integrating funds for an annual "Million Pound" project; quantifying legacy sediment impacts; and quantifying reductions associated with air quality

programs/regulations. Efforts have been made to include, as much as possible, state-wide programs and changes in the document, which hopefully will help integrate those efforts into the work needed to support the WIP.

The Pennsylvania WIP documents are posted at:

http://www.depweb.state.pa.us/portal/server.pt/community/chesapeake_bay_program/10513 . EPA has established a website specifically for the TMDL, which can be accessed at <http://www.epa.gov/chesapeakebaytmdl/> .

Phase 2

To facilitate local implementation of reduction actions needed to meet the Chesapeake Bay goals, EPA has directed the Chesapeake watershed jurisdictions to sub-divide nutrient and sediment reductions by local areas in a Phase 2 WIP. DEP is considering sub-dividing at the county-level, as the EPA Chesapeake Bay watershed model is based in part on county level data. The reduction targets are for planning purposes only, and do not become regulatory allocations at the county level.

Phase 2 will be addressed in a process similar to Phase 1. DEP staff are re-convening the Management Team that was formed to help develop the WIP and will meet with workgroups as needed. DEP staff have already met with some county groups, and will expand that effort over the summer and fall. Draft Phase 2 WIPs are due to EPA by December 1, 2011, and the Final Phase 2 WIPs are to be submitted by March 30, 2012.

Next Steps:

- *Implementation of Phase 1 WIP*
- *Current Schedule for Phase II WIPs*
 - *July 15, 2011: EPA Phase 5.3 Watershed Model revisions are due*
 - *August 2011: WIP Workgroup meetings*
 - *September 2011: Regional county meetings*
 - *December 1, 2011: Draft Phase 2 WIP due to EPA*
 - *December 1, 2011 to January 14, 2012: Public comment period on draft Pennsylvania Phase 2 WIP*
 - *December 2011: Regional county meetings*
 - *March 31, 2012: Final Phase 2 WIP due to EPA*
 - *Any necessary modifications to the Bay TMDL to be completed later in 2012.*

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 and are proposing new permitting fees and a new submerged land license charges.

The proposed fees were shared with WRAC at the May 11, 2010 meeting and the July 14, 2010 meeting for comment. After a few questions, WRAC motioned for the draft regulations be forwarded to the *Environmental Quality Board (EQB)*.

Program staff presented the draft rulemaking to EQB on December 21, 2010. After some discussion, John Arway, Executive Director, PA Fish and Boat Commission, moved to adopt the proposed rulemaking, with a 30-day public comment period. Walter Heine, Citizens Advisory Council, seconded the motion, which was approved by a majority of the Board members. Joe Deklinski, on behalf of Rep. Scott Hutchinson, voted in opposition to the motion.

Chapter 102 Regulation: Additional training sessions with the regulated community have been scheduled for December and February. They are as follows:

December 14, Williamsport
February 8, Harrisburg
February 10, Allentown
February 24, Cranberry Township

More information will be posted concerning these trainings on the stormwater management website at http://www.portal.state.pa.us/portal/server.pt/community/stormwater_management/10628.

Staff issued a Frequent Asked Questions (FAQ) document to all conservation districts and regional offices with many questions and answers related to the implementation of the new Chapter 102 regulations. Staff are also working on updating and creating new forms and guidance, including riparian buffer waiver guidance, to aide in implementing the new regulations.

Revisions to the Delegation Agreements: DEP staff has been working with the 102 Advisory Workgroup regarding changes to the delegation agreements and required output measures (ROMs) for the NPDES Construction Stormwater Program. *Changes have been made to address changes in delegation caused by the new Chapter 102 regulations and other programmatic changes. A meeting was held in State College on February 17 to discuss changes to the delegation agreement. The Chapter 102 advisory committee will be discussing the proposed changes to the delegation agreement at an upcoming call and are proposing to present the changes to the State Conservation Commission at its July meeting for approval.*

Revisions to the construction stormwater general permit PAG-02: *The Department began discussions with the Environmental Protection Agency on the revisions to the construction stormwater general permit (PAG-02). The Department has incorporated requirements from the new regulations into the PAG-02, as well as incorporating the federal numeric effluent limitation guidelines for turbidity into the permit. The Department will be sharing the draft permit with the conservation districts and regional offices during February and will be delivering the draft permit to EPA for comments in late February. The Department anticipates putting the permit out for public comment in late May or early June, with an effective date of the permit of December 8, 2011.*

II. Pending Issues

Waste Management

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 for \$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 is performing corrective action work under the Storage Tank laws and regulations at 70 eligible sites where properties owners have voluntarily agreed to provide DEP access. *As of August 30, 2011, DEP contractors have completed approximately \$6.1 million worth of work and DEP expended approximately \$5.8 million.* The grant term expires on September 30, 2011.

Recycling Fund and Solid Waste Advisory Committees: *At the September 15th meeting, the Recycling Fund and Solid Waste Advisory Committees reelected Tanya McCoy-Caretti as chairperson and David Strong as Vice-Chairperson. At the September 15th Recycling Fund Advisory Committee meeting, the Department reviewed the FY 2010-2011 Recycling Fund Expenditures and presented the FY 2012-12 Recycling Fund Spending Plan. The Committee approved the 2011-2012 Recycling Fund Spending Plan as presented by the Department.*

At the September 15th Solid Waste Advisory Committee meeting, the Department presented the draft proposed Municipal Waste Regulations – Chapter 284 Regulated Medical Waste. The Solid Waste Advisory Committee approved the request to submit the draft proposed Municipal Waste Regulations – Chapter 284 Regulated Medical Waste to the Environmental Quality Board as a draft proposed rulemaking. The Department also presented the 2011 Draft Hazardous Waste Facilities Plan, which was updated to include 2003, 2005, 2007 and 2009 hazardous waste biennial report information. The Solid Waste Advisory Committee approved the 2011 Draft Hazardous Waste Facilities Plan as presented by the Department.

Land Recycling Program

ARRA Keystone HELP/Geothermal Loan Program: The Residential Geothermal Loan Program opened Oct. 22 and is accepting applications through Keystone HELP: www.keystonehelp.com. The program is funded with \$5 million from the American Recovery and Reinvestment Act (ARRA). The program, to be administered by AFC First Financial, consists of three loan products: a 4.99% fixed rate, unsecured 10-year loan for the purchase and installation of a geothermal heat pump system; a lower rate (based on market conditions) secured 20-year loan for the purchase and installation of a geothermal heat pump system in conjunction with a whole-house energy efficiency project; and a market-rate, short-term Tax Credit Anticipation Loan to further assist homeowners with the capitalization of an investment of this size with minimal cash outlay.

As part of the ARRA Residential Geothermal Loan Program, DEP has set aside a training budget for Keystone HELP contractors to get certified to International Ground Source Heat Pump Association standards. Some of the training programs will be held in the DEP regional offices throughout the state. The primary training opportunities include courses for drillers (geothermal loop installers) and installers (HVAC contractors). The intent of the trainings is to increase industry best practices pertaining to borehole installations and quality installations of geothermal HVAC systems.

Energy Initiatives

ARRA Keystone HELP/Geothermal and Residential Energy ELoan Program: *The Residential Geothermal Loan Program opened Oct. 22 and the Residential Energy Efficiency Loan Program opened on December 20th and is accepting applications through Keystone HELP: www.keystonehelp.com. The programs are each funded with \$5 million from the American Recovery and Reinvestment Act (ARRA). The program is a joint venture between DEP (providing buy-down of interest rates available to borrowers) and PA Treasury (providing loan capital for borrowers). The PA Housing Finance Authority is also a partner, providing loan capital for certain whole-house improvement loans. The program is administered by AFC First Financial.*

To date; The Keystone HELP (Home Energy Loan Program) has funded a total of 172 loans valuing \$1,355,384 since inception of the program. The Geothermal Loan Program has funded a total of 37 loans valuing \$455,873. Keystone Help provides low-interest financing options to assist homeowners seeking to install energy efficient equipment and whole-house improvements, such as air-sealing, insulation measures and geothermal installations.

Biomass Based Diesel Production Incentive Program: *The third and final round of the Biomass-based Diesel Production Incentive closed on May 1, 2011, as the annual maximum of \$5.3 million has been paid to qualifying PA biodiesel producers. The incentive was authorized for three fiscal years to subsidize the PA biodiesel industry. Prior to the subsidy, the PA biodiesel industry could not compete with producers from surrounding states that had greater incentives. The program has proven successful in supporting and ensuring*

the survival of the biodiesel industry in PA and establishing PA as the largest biodiesel producing state in the East.

Electric Vehicle Infrastructure Grant Program: *The EV Infrastructure Solicitation closed on Friday, November 12, 2010. Ten applications were received. All eligible applications were reviewed, scored and awarded. Nine projects were funded for a total of \$950,202, leveraging \$2,076,064 in matching private funds for a total economic impact of \$3,026,266. The nine projects from nine counties will deploy a total of 133 Level II and 45 level III charging stations at 92 locations throughout the commonwealth creating a basic charging infrastructure network for plug-in EVs.*

We anticipate another competitive round of AFIG to be opened in may specifically for PA Turnpike electrification. It is anticipated that one sole award will be made to one installation company. AFIG Staff and the PA Turnpike Commission have worked jointly on the solicitation. DEP will make \$1 million available for this project and the PA Turnpike Commission will contribute up to a maximum of \$500,000 as financial cost share commitment for the electrical upgrades to all plazas in preparation for the EV charger station installations.

Alternative Fuels Incentive Grant Program: *The annual 2011 AFIG competitive round opened on Friday April 15 and will close on Friday June 17th. The opening was announced in the April 9 PA Bulletin. Notification e-mails have been sent to all interested parties that signed up for notification. Revisions to the website have been completed to display the 2011 Guidance document, and application as well as updated Frequently Asked Questions document.*

Home Heating Rebate Program: *The Pa. Home Heating Rebate program is funded by the American Recovery and Reinvestment Act (ARRA). The program is using ARRA funding to provide rebates to Pa. residents for the professional installation of ENERGY STAR rated non-electric HVAC equipment and water heaters. The Home Heating Equipment Rebate Program has had 16,556 rebates paid to date, bringing the total funds expended to \$11,306,750.00 or 99.86% of the total budget. The program is no longer accepting customers to the waitlist. Rebates are still being paid to all qualifying customers with a reservation until all funds are expended. It is expected that the final rebates will be paid out in May closing the program. The PA Home Heating Equipment Rebate program is unique from most of the other state rebate programs because it creates contractor jobs. Other state rebate programs provided rebates for white goods such as refrigerators and clothes washers that did not need to be installed by a professional contractor. Additionally, the home heating equipment is manufactured in the United States and some components are made in Pennsylvania while the majority of the white goods are manufactured overseas.*

Electric Vehicle Infrastructure Grant Program: *OETD opened a special round of AFIG exclusively for Electric Vehicle (EV) charging infrastructure deployment. The Alternative Fuels Incentive Grant Program EV Infrastructure Solicitation funding opportunity opened Sept. 13 and will remain open until close of business Nov. 12, 2010. During the current fiscal year, approximately \$470,000 will be made available to fund these grants to provide incentive to organizations to install charging equipment for plug-in hybrids and other electric vehicles.*

Home Heating Rebate Program: *The Pa. Home Heating Rebate program, funded by the American Recovery and Reinvestment Act (ARRA). The program is using ARRA funding to provide rebates to Pa. residents for the professional installation of ENERGY STAR rated HVAC equipment and water heaters. All funds are currently committed in reservations or the waitlist. The program is no longer accepting customers to the waitlist.*

Rebates are still being paid to all qualifying customers with a reservation. If a reservation customer decides they do not want a rebate, their reservation is given to the next person on the waitlist. The PA Home Heating Equipment Rebate program is unique from most of the other state rebate programs because it creates contractor jobs. Other state rebate programs provided rebates for white goods such as refrigerators and clothes washers that did not need to be installed by a professional contractor. Additionally, the home heating equipment is manufactured in the United States and some components are made in Pennsylvania while the majority of the white goods are manufactured overseas.

Mining/Reclamation/AMD Issues

ABS BF Discharge Treatment: Progress is being made in systematically approaching the problem, with designs underway for many of the treatment facilities. Initial work has begun in order to prepare a draft NPDES permit for these sites. Water Quality Based Effluent Limit Calculations have been started.

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 2010 meeting.

On April 22, 2010 the MRAB made a recommendation that the Department prepare a rulemaking package that includes permit fees that would generate about \$400,000 per year. This rulemaking package was approved at the October 2010 EQB meeting. *The regulation was published for comment in December 2010. No comments were received. Based on processing delays, republication is necessary. The Department is working on justification for advancing the rulemaking process.*

Noncoal Program Fees-preliminary work has commenced for fees to support he noncoal mining program. The fees have been calculated to support the program costs (about \$3M). Outreach meetings have been held to explain the reason for the fees and how the amounts were calculated. The proposed fees were approved at the June EQB meeting. The proposed regulations were published in the August 28 PA Bulletin, with a 30-day comment period. Comments were received from about 20 commentors. IRRC also provided comments. *The Department is working on justification for advancing the rulemaking process.*

NPDES Permitting for mine sites-The mining program has focused its attention on improving the documentation for NPDES permit reviews. This is necessary due to recent initiatives by EPA and OSM. Efforts will focus on dealing with the conductivity/TDS requirements and reasonable assurance of meeting the state water quality standards. EPA has conducted a permit quality review for NPDES permits for mine sites. The Department has engaged EPA in discussions intended to improve NPDES permitting for mining permits. New issues continue to be raised by EPA. The Department has focused it's attention on the regulatory requirements. Some of EPA's objections seem to go beyond the regulations. *Comments have been received on about 25 of the 75 permits sent to EPA as of April 2011. A preliminary draft guidance document has been prepared and sent to stakeholder for informal comments.*

Act 54 Report-BMR is reviewing the Act 54 report and the comments provided by the Citizen's Coal Council. *The Department is gearing up to initiate the contracting process in order to get started on the next report as soon as possible.*

Office of Homeland Security

The Pennsylvania's Homeland Security Directorate resides within the Pennsylvania Emergency Management Agency (PEMA). The Directorate staff consists of:

Ronald C. Stanko, Esq. Deputy Director for Homeland Security

Mary D. Johnston, Assistant Deputy Director for Homeland Security

Steven T. Hoffman, Assistant Director for Infrastructure Protection Activities

Kristin M. Daniels, Critical Infrastructure Protection Specialist

The Deputy Director for the Homeland Security Directorate reports directly to the PEMA Director in support of Emergency Preparedness activities, programs, and initiatives across the Commonwealth.

The OHS Mission is to serve as the lead Commonwealth office for orchestrating and synchronizing protection-related activities for Physical, Cyber, and Human resources, systems, and assets. The Commonwealth departments/agencies provide an all-hazards approach to Homeland Security and Emergency Preparedness that complies with federal Homeland Security legislation and supports Presidential Directives and DHS programs.

The Commonwealth Governance Structure for Emergency Preparedness considers the National Preparedness Goal, the Homeland Security Spectrum of Operations (Prevent, Protect, Respond & Recover from all-hazards incidents), and the 37 federally-defined capabilities required to accomplish those objectives for each of the 17 following critical infrastructure sectors:

(A) Agriculture and food

(B) Banking and finance

(C) Chemical industries

(D) Commercial facilities

(E) Commercial nuclear reactors, materials, and waste

(F) Dams

(G) The defense industrial base

(H) Emergency services

(I) Energy

(J) Government facilities

(K) Information technology

(L) National monuments and icons

(M) Postal and shipping

(N) Public health and health care

(O) Telecommunications

(P) Transportation systems

(Q) Water

When planning for protection of Pennsylvania's Critical Infrastructure, OHS and the Commonwealth's departments/agencies consider the following types of threat to the critical infrastructure sectors and to populations in all areas of the Commonwealth, urban and rural:

(1) Biological

(2) Chemical

(3) Cyber

(4) Explosives

(5) Incendiary

(6) Nuclear

(7) Radiological

(8) Suicide bombers

(9) Such other types of threat determined relevant by the Administrator

Environmental Education

Environmental Education Grants Program (EEGP)

The 2012 manual is in final draft, for final approval. The 2012 grant round opens the first week in October. Applications are due to the program by December 16th 2011.

Outreach: Environmental Education outreach activities include the following:

August 16th through 18th Ag Progress Days Rock Springs- PSU's Ag Research Area

The outreach trailer was on-site offering hands-on interactive activities for children and information on energy conservation/alternative technologies, pollution prevention, watershed protection and related topics for adults.

Workshops Conferences and Board Meetings:

August 12th Trout in the Classroom (TIC) educator training PF&BC Office, Bellefonte

The EE Center will establish a trout raising exhibit using the TIC program

Upcoming Outreach Events:

September 16th & 17th Renewable Energy Festival Kempton The outreach and education trailer will be set up with information on pollution prevention, community renewal and revitalization, watershed and air protection as well as advanced energy technologies. There will also be interactive exhibits for young people.

Other EE Initiatives:

- The EE Director is working with the Pa Department of Education (PDE) to continue a 25 year partnership through an MOU designed to integrate DEP initiatives into K-12 education. The MOU has been fully executed.
- The EE Director is working with the Susquehanna River School/Pride of the Susquehanna Riverboat to explore partnering opportunities in delivering watershed education programming to students and educators.

The Director is working with other agencies and organizations to enhance career opportunities through the Governor's Science, Technology, Engineering and Math (STEM) initiative. The STEM initiative meshes well with DEP's alternative energy technologies related programs. This initiative has been augmented by the new Greening of Pennsylvania's Labor Market initiative with ARRA funding through L&I. DEP's Director of EE is involved regularly with the Pennsylvania Center for Environmental Education (PCEE) 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:

CMS is coordinating the purchasing and installation of equipment to upgrade the falcon cam web broadcast.

DEP Regulations and Proposals Recently Finalized

PA Bulletin Publication Date	Proposals or Regulations
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December 11, 2010 Beneficial Use of Coal Ash (25 Pa Code, Chs. 287, 290 and 299)

January 8, 2011 The Uniform Environmental Covenants Act regulations (25 Pa Code, Chapter 253)

January 8, 2011 Land Recycling Program regulations (25 Pa Code, Chapter 250)