

July 2014 Report to the Citizens Advisory Council
(new and updated information in italics)

DEP Highlights

Proposed Rulemaking – Chapter 78, Subchapter C (relating to oil and gas surface activities)

DEP presented the proposed Chapter 78, Subchapter C regulations to the EQB on August 27, 2013, who adopted the proposal for public comment. The proposed rulemaking was then reviewed by the Office of General Counsel and was forwarded to the Attorney General on September 26, 2013. After DEP responded to a tolling memo, the proposed rule was published in the *Pennsylvania Bulletin* for the 60-day public comment period.

The public comment period opened on December 14, 2013 and was initially scheduled to close on February 12. The EQB intended to host seven public hearings throughout each of the regions of Pennsylvania between January 9 and 27. However, as a result of comments received during the initial public hearings, and to promote an even greater level of public participation, EQB and DEP jointly announced on January 22 that the public comment period would be extended for 30 days to March 14 and additional public hearings would be held. The extension provided for a total of 90 days for public comment and nine public hearings.

Approximately 290 commentators provided comment during the series of public hearings and *DEP* received over 24,000 comments electronically and in hard copy. Of those comments, over 1,100 represented “individual” comments and the balance *were submitted to DEP* as form letters. IRRRC submitted a 19-page comment letter to *DEP* on April 14, formally closing the comment period.

DEP will consider all comments received as it proceeds with the development of the final rulemaking. *DEP presented* a summary of the comments received at the June 26 *Oil and Gas Technical Advisory Board (TAB)* meeting. *Video of the meeting will be posted online and PCN anticipates airing the meeting at some point in July. DEP* anticipates being able to provide initial draft final rulemaking language to TAB at its September 25 meeting. As it proceeds to develop the final rulemaking language based on the comments received, *DEP* will consider using the Advanced Notice of Final Rulemaking process to take additional public comment on the draft changes included in the final rulemaking.

Environmental Education Grants Program (EEGP)

DEP’s Environmental Education and Information Center (EEIC) awards grants to colleges and universities, K-12 schools, county conservation districts, businesses and non-profit organizations, municipalities to do professional development, curriculum integration, hands-on lessons as well as covering costs associated with a variety of environmental education topics.

This program is funded through a portion of fines and penalties collected by DEP. The total amount awarded in 2013 was \$334,034.

The 2015 grant round will open the first week in October. The program places emphasis on topics that are currently not adequately addressed in the environmental education community. In addition to watershed, energy, air quality, geologic resource and sustainability education the program will encourage schools to specifically target faculty through energy education professional development using the KEEP model developed by DEP through the State Energy Plan (SEP) in 2013-14.

PA Falcon Cam Program

The 2014 Falcon Watch and Rescue Program for the four fledgling Peregrine Falcons nesting on the 15th Floor of Rachel Carson State Office Building in Harrisburg, Pennsylvania, was extremely exciting and successful. The Department of Environmental Protection's (DEP) official volunteer Falcon Watch and Rescue Program began on May 25th, with approximately 10 individuals volunteering, in two-hour shifts, from approximately 7:00 a.m. – 4:30 p.m. with some volunteers coming as early as 5:00 am and staying as late as 9:00 p.m.

The Watch and Rescue Program lasted until Monday June 9th, with some volunteers observing for several days after. Three fledglings, both males and one female, required a rescue for the 2014 program. Fortunately, all were a success and fledges were returned to their scrape unharmed.

DEP at Home Exhibit

DEP at Home is an interactive, educational exhibit that promotes energy efficiency, green appliances and lighting, as well environmental friendly and Pennsylvania-produced products for the home. DEP's Energy Office and EEIC coordinate efforts to travel, set-up and staff the exhibit.

The 20 x 30 foot exhibit features four areas: outside, bath and laundry room, kitchen and garage. Each room features décor, appliances, equipment and building materials that help improve energy efficiency, water conservation, pollution prevention and sustainable living in general.

The garage is new for 2014 and features CNG truck and Electric car refueling/recharging hardware. In most venues, a CNG or electric vehicle is on site for visitors to examine and even connect/Plug in to become familiar with the alternative transportation technologies of the 21st century.

Since the debut of the exhibit at the 2013 Farm Show, it has been featured at over 14 home shows, and special events, reaching over 1 million visitors. The next stop for the exhibit will be the Energy Path Expo at Albright College June 19th and 20th, then, to Ag Progress Days at Penn State's Rock Springs Research Complex August 12th through the 14th. Several home shows are tentatively scheduled for the fall of 2014.

Pennsylvania Energy Development Authority (PEDA)

PEDA's 2014 financial assistance offering opened June 14. Approximately \$12.5 million is available for awards. \$10 million of the \$12.5 million is allocated exclusively for renewable and energy efficiency deployment projects. Eligible Applicants are corporations, partnerships, limited liability companies, associations and other legal business entities, non-profit corporations, Pennsylvania schools, colleges and universities, municipalities, public corporation, authorities etc. PEDA expects to fund projects that request grant amounts of \$500,000 and under, however, request for grant funds between \$500,000 and \$1 million will be considered but will require additional justification and special approval by the PEDA Board. It is expected that awards will be announced in October.

DEP published the Draft PEDA Energy Development Plan for a 60-day public comment period in the May 31 edition of the *Pennsylvania Bulletin*. Edits were made to the plan since its original publication in 2008 to reflect changes in PA's energy landscape and to ensure consistency with the recently released State Energy Plan.

Permit Review Process and Permit Decision Guarantee

On July 24, 2012, Governor Corbett signed Executive Order 2012-11 "Permit Decision Guarantee for the Department of Environmental Protection" directing the Department of Environmental Protection (Department) to, among other things, establish a Permit Review Process and Permit Decision Guarantee. The executive order also rescinded the Money Back Guarantee created under Executive Order 1995-5. The "Policy for Implementing the Department of Environmental Protection (department) Permit Review Process and Permit

Decision Guarantee” (policy) was published as final on November 3, 2012, and implementation of the new permitting process began on November 14, 2012.

Following the first year of implementation the department, on October 26, 2013, published for supplementary comment the policy. *In summer* 2014, the department will publish as final the revised policy, comment response document and an annual report. Based on internal and external comments, the department made very few revisions to the policy. The changes that were made however were done to provide additional clarity. For example, clarification regarding the review of technical deficiency response letters was added to Section II. B.1. The revised policy also includes several revisions to the permits included in Appendix A. The department, via the prepared comment response document, has provided clarification and response to the comments and questions submitted during the comment period.

Information pertaining to the department’s Permit Review Process and Permit Decision Guarantee can be found on the department’s web site at www.dep.state.pa.us (DEP Search/Keyword: Permit Decision Guarantee).

Regulatory Update (detailed summaries included in respective program sections)

Draft Proposed Rulemakings

- *Control of VOC Emissions from Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Surface Coating Processes and Pleasure Craft Surface Coatings (25 Pa. Code Chapter 129)* – Tentatively planned for the *September 16* EQB meeting.
- *Control of VOC Emissions from Industrial Cleaning Solvents (25 Pa. Code Chapters 121 and 129)* – Tentatively planned for the *September 16* EQB meeting.
- *Land Reclamation Financial Guarantees and Bioenergy Crop Bonding (25 Pa. Code Chapters 77, 86-90 and 211)* – *Scheduled* for the *July 15* EQB meeting
- *Automobile and Light Duty Truck Assembly Surface Coating Processes (25 Pa. Code Chapters 121 and 129)* – Tentatively planned for the *September 16* EQB meeting

Proposed Rulemakings

- *Administration of Land Recycling Program (25 Pa. Code Chapter 250)* – *Public comment period closed June 17*
- *Additional RACT Requirements for Major Sources of NO_x and VOCs (25 Pa. Code Chapters 121 and 129)* – *Public comment period closed June 30*
- *Environmental Protection Performance Standards at Oil and Gas Well Sites (25 Pa. Code Chapter 78)* – *Comment/Response document under development*
- *Control of VOC Emissions from Fiberglass Boat Manufacturing Materials (25 Pa. Code Chapter 129)* – *Adopted as proposed by EQB at its May 21 meeting*
- *Standards for Surface Facilities (25 Pa. Code Chapter 208)* – *Adopted as proposed by the Board of Coal Mine Safety (BCMS) at their June 10 meeting*

Draft Final Rulemakings

- *Regulated Medical and Chemotherapeutic Waste (25 Pa. Code Chapters 271-273, 284, 285, 287, 288 and 299)* – *Scheduled* for the *July 15* EQB meeting

Final Form Rulemakings

- *Control of VOC Emissions from Flexible Packaging Printing Presses (25 Pa. Code Chapters 121, 129 and 130)* – *Became effective upon publication as final in the Pennsylvania Bulletin on June 28*
- *Oil & Gas Well Fee Amendments (25 Pa. Code Chapter 78)* – *Became effective upon publication as final in the Pennsylvania Bulletin on June 14*

- Requirements for High-Voltage Continuous Mining Machines (25 Pa. Code Chapter 208) – Became effective upon publication as final in the Pennsylvania Bulletin on June 28

Petitions

- *Stony Run Watershed* – Accepted for study by EQB at its February 18 meeting; notice of acceptance of petition for further study published in May 3 Pennsylvania Bulletin
- Clearfield Creek Watershed (Three Petitions: Killbuck Run, Weyerough Run, and Beaverdam Run) – Approved for further evaluation by the EQB at its May 21 meeting
- Ashley Funk and Kids vs. Global Warming – Tentatively planned for the August 19 EQB meeting
- *Beaver Creek* – Submitted to EQB on June 13; under review
- *Upper Paradise Creek* – Submitted to EQB on June 25; under review

Proposals Open for Public Comment

- Blaster’s License Suspension and Revocation Procedure Technical Guidance Document (562-2402-501) (Opened 5/3/14, Closes 7/7/14)
- Draft Pennsylvania Energy Development Plan (Opened 5/31/14, Closes 7/30/14)

Legislative Update

Senate Floor

SB 411—AMD for Frac—Kasunic—DEP SUPPORTS

- It is unclear if the full Senate will consider this legislation in the near future.

SB 1378—Conventional Wells Separate from Non-Conventional—Hutchinson/Scarnati—DEP NEUTRAL

- *It is likely that the Senate will vote on this bill and send it to the House.*

SB 1310—Penn Grade Crude Development Advisory Council—Hutchinson—DEP NEUTRAL

House Floor

HB 2350—Conventional Wells Separate from Non-Conventional—Causer—DEP NEUTRAL

- *It is likely that the House will vote on this bill and send it to the Senate.*

HB 2354—GHG—Snyder—DEP NEUTRAL

- *It is likely that the House will vote on this bill and send it to the Senate.*

Senate Committee

HB 2264--Nuclear Fees—Miller—DEP SUPPORTS

- *The bill was passed by the house and is now in Senate committee awaiting consideration.*

HB 1699—Emergency Generators Registration—Ross—DEP SUPPORTS

- *The bill was passed by the House and is now in Senate committee awaiting consideration.*

HB 343—Water Well Construction Standards—Miller—DEP SUPPORTS

- *The bill was passed by the House and is now in Senate committee awaiting consideration.*

HB 2278—Non-Conventional Well Reporting Requirements—Pickett—DEP NEUTRAL

- *The bill was passed by the House and is now in Senate committee awaiting consideration.*

House Committee

HB 1565—Riparian Buffers—Hahn—DEP SUPPORTS w/ amendments

- *This legislation has not yet been considered by the House committee.*

SB 1355--Nuclear Fees—Yaw—DEP SUPPORTS

- *The bill was passed by the Senate and is now in House committee awaiting consideration.*

SB 1155—Aggregate Advisory Board—Scarnati—DEP NEUTRAL

- *This bill has been passed by the Senate and is now in House committee awaiting consideration.*

Governor's Desk

SB 1254—Lead Free Plumbing Fixtures—Yudichak—DEP SUPPORTS

- *This legislation was passed by the House and Senate, was signed by the Governor and is now Act 55 of 2014.*

SB 177—Lyme Disease—Greenleaf—DEP NEUTRAL

- *This legislation was passed by the House and Senate, was signed by the Governor and is now Act 83 of 2014.*

Monthly Press Releases

June 2, 2014

- *DEP Awards More than \$1Million for Two Mine Reclamation Projects in Centre County*

June 3, 2014

- *DEP Certifies Exelon Hydroelectric Power Project in Lancaster County as part of Federal Relicensing Process*

June 4, 2014

- *Mosquito Spraying Set for Lycoming County on June 6*

June 10, 2014

- *Contract Awarded for Winslow Township Mine Reclamation Project*

June 11, 2014

- *DEP to Hold Public Hearing on Chemical Contamination Cleanup*
- *Mosquito Spraying Set for Lycoming County on June 12*

June 12, 2014

- *DEP Hosts Open House for Activities in Streams and Wetlands*
- *Governor Corbett Announces \$12.5 Million Available for Energy Development Authority Grants and Loans*

June 13, 2014

- *Mosquito Spraying Set for Crawford County on June 17*
- *New Oil and Gas Permit Fees to go Into Effect June 14*

June 17, 2014

- *Governor Corbett Signs Historic Chesapeake Bay Agreement*
- *Mosquito Spraying Set for McKean County on June 17, 18*
- *DEP Issues Code Orange Air Quality Action Day Forecast Today for Southeastern Pennsylvania*

June 18, 2014

- *DEP Fines Carrizo (Marcellus) LLC \$192,044 for 2013 Well Control Incident and a Spill in Wyoming County*
- *PENNVEST, DEP Announce Results of Forward Nutrient Credit Trading Auction*

June 23, 2014

- *DEP Offers Online Refresher Training Program for X-Ray Equipment Operators*

June 24, 2014

- *DEP Announces Energy Development Authority Funding Workshops in North Central PA*

June 26, 2014

- *Mosquito Spraying Set for Lycoming County on June 27*

June 30, 2014

- *DEP Awards Two Mine Reclamation Contracts in Centre, Clearfield Counties Totaling Nearly \$900,000*

Energy Initiatives

Natural Gas Vehicles

DEP is preparing a third and final solicitation for the Act 13 heavy duty natural gas vehicles. DEP is expecting to have approximately \$6.5 million available in grants to assist those entities seeking to purchase natural gas fueled vehicles weighing in excess of 14,000 lbs. DEP is planning to open the application period in the late summer with awards scheduled near the beginning of 2015.

Alternative Fuels Incentive Grant Program (AFIG)

The 2014 application period for the Alternative Fuels Incentive Grant Program (AFIG) closed on Friday, May 30 at 4:00 PM. The program received a total of 44 applications submitted via the DEP/DCNR Environmental eGrants system. 34 applications requesting a total of \$4.2 million were submitted for the vehicle purchase and/or retrofit portion of the program, and 10 projects requesting a total of \$4.3 million were submitted for the innovative technology portion of the program. Scoring and review of the grants is expected to be completed by July 1, 2014. OPPEA will then evaluate the scoring results and begin to create a recommended list of awards. Awards are expected to be announced in August. The AFIG Program offers grant funding for clean, alternative fuel projects in Pennsylvania, and investment in Pennsylvania's energy sector. The program began accepting applications on Saturday, March 1, 2014.

Alternative Fuel Vehicle Rebate Program

As of December 31, 2013, the alternative fuel vehicle rebate program began offering rebates for EVs and PHEVs at \$2,000. The new commitment of 500 rebates at \$2,000 resulted in another \$1 million commitment in support of AFVs purchased and registered by Pennsylvania residents. Currently, as of June 19, 353 rebates at \$2,000 remain. The \$2,000 rebate level will remain available until December 31, 2014, or until 500 rebates are issued, whichever occurs first. The program and the rebate amounts offered will be reassessed at that time.

Promoting Energy Efficient Buildings

Since inception of the American Recovery and Reinvestment Act (ARRA), the DEP-supported Keystone Home Energy Loan Program (HELP) has provided an estimated 5,960 consumer loans valued at \$52,040,119.71 to Pennsylvania homeowners, resulting in an annual energy savings of 21,217,325.62 KWH of electricity; a 148,791,185.53 kBTU reduction in heating fuel consumption; and 22,460,117.88 lb. reduction in CO₂ emissions through installed residential energy conservation and efficiency measures. The Geothermal Loan Program funded 539 of those loans, totaling \$7,483,038.40. In addition, there have been an estimated 406 Pennsylvania Housing Finance Authority (PHFA) Renovate and Repair loans totaling \$8,692,633.50.

Promoting an Energy Efficient Work Force

The first two sessions of a second round of Building Operator Certification (BOC) have been completed in the Southwest Region. A total of 19 people are participating in this course. Five school districts are participating, including Brownsville, Belle Vernon, Blackhawk, Steel Valley, and Karns City school districts. Local and

county governments participating include Penns Manor, Cranberry Township, Hampton Township, Neshannock Township, Moon Township, Pine Township, the City of Pittsburgh, Allegheny Township, and Peters Township. Additional participants include two DEP staff, a facilities manager from the Pennsylvania Turnpike and a representative from International Union of Operating Engineers (IUOE) Local 95. Penn State College of Technology continues to serve as instructors for this training. BOC classes, offered at the Penn State Cooperative Extension in Pittsburgh, began on June 25, and will continue through September 25.

Beginning on October 7, 2014, through February 10, 2015, BOC will be offered in south-central Pennsylvania in Mechanicsburg for facility managers of government and K-12 schools. By June 30, 2015, DEP plans to deliver BOC training to 40 government and K-12 school facility managers.

The fourth and final session of a second round of Building Retuning (BRT) was held on June 17, at Millbourne Borough in Delaware County. A total of eight people participated in this session, including one representative from Millbourne Borough in Delaware County, two staff from Lower Merion School District in Montgomery County, one employee from Norristown State Hospital, two representatives from the Consortium for Building Energy Innovation (formerly EEB Hub), and one DEP representative. PennTAP (Pennsylvania Technical Assistance Program) continues to serve as instructors for this training. The fourth session consisted of a walk-down of Millbourne Borough Hall, which consists of an office building, police station, and volunteer fire company.

The second and final session of a third round of BRT was held on June 18, for facility managers from the City of Philadelphia. Three staff from parks and recreation, as well as one staff person from public property attended. One representative from the Consortium for Building Energy Innovation (CBEI, formerly EEB Hub) attended and one DEP staffer also participated. PennTAP continues to serve as instructors for this training. The walk-downs on June 18 included Vare Recreation Center and Engine 2 Firehouse in Philadelphia.

A new round of BRT will begin in south-central PA on July 1, at James Buchanan Middle School in Mercersburg. Facility managers from the following school districts will participate: Susquehanna Township, Tuscarora, Northeastern, Spring Grove, and South Middleton. DEP plans to deliver at least three BRT trainings to government and K-12 school facility managers in the Southwest and South-central Regions by June 2015.

Energy Efficient Building Codes Training

Pennsylvania's acceptance of \$99.6 million dollars from the American Recovery and Reinvestment Act (ARRA) carries with it a number of obligations regarding enforcement of the 2009 International Energy Conservation Codes (IECC) across the state. Specifically, DEP has provided assurance to the U.S. Department of Energy that it will develop and implement a program that will measure and ensure that DEP has achieved 90 percent statewide compliance with the codes by 2017. While this initiative is expected to be carried out over several years, DEP program staff are currently working with the contractor on a scope of work for trainings and webinars, a codes collaborative and benchmarking of current compliance for FY 2014/2015.

The codes training work plan includes developing and offering a new online commercial IECC training, a hands-on commercial IECC plan review and inspection program, webinars on focused issues of critical details for a code official audience, six training programs in various locations across the state, and home builder training sessions throughout the Commonwealth with a goal of training 150 persons. There were 72 participants for a webinar on proper air sealing for the commercial and residential sectors on June 12.

Oil and Gas

Civil Penalty Assessment Informal Hearing Procedure for the Office of Oil and Gas Management Technical Guidance Document

Section 3256 of the 2012 Oil and Gas Act (act) (58 Pa. C.S. § 3256) provides that the Department may assess a civil penalty for violations of the act or a regulation, order or permit issued by the Department under the act, after a hearing. Section 3256 of the act further provides that a person charged with a penalty must, within 30 days of notification, pay the penalty or file an appeal of the assessment with the Environmental Hearing Board. This document outlines the procedure for the conduct of the informal civil penalty assessment hearings.

The comment period for this proposed technical guidance closed on May 27. The Department received several unique comments from three commentators during the public comment period. The Department is considering the comments and will develop a draft final Technical Guidance with input from District and legal staff. A written comment and response document will accompany the final Technical Guidance. The Technical Guidance will be effective upon publication of notice as final in the Pennsylvania Bulletin.

Oil and Gas Workload Report

Please see Attachment 2.

Water Management

Pre-Draft Proposed Rulemaking – Chapter 109 Safe Drinking Water

DEP presented the pre-draft proposed Chapter 109 Revised Total Coliform Rule (RTCR) revisions to the Small Water Systems Technical Assistance Center (TAC) Board on June 18. The rulemaking is intended to incorporate the federal RTCR provisions to maintain primacy and clarify several sections within Chapter 109 to improve public health protection. The RTCR requires public water systems that are vulnerable to microbial contamination to identify and fix problems, establishes a Maximum Contaminant Level (MCL) for E. coli and requires systems to meet it as demonstrated by required monitoring, and eliminates the MCL for total coliforms, replacing it with a treatment technique for coliforms that requires assessment and corrective action in response to a total coliform-positive sample. The pre-draft proposed rulemaking and presentation are available at the following link:

[www.portal.state.pa.us/portal/server.pt/community/technical_assistance_center_\(tac\)/14016](http://www.portal.state.pa.us/portal/server.pt/community/technical_assistance_center_(tac)/14016)

Notification of Winter Manure Spreading

On March 23, 2013, DEP published as final the renewed NPDES General Permit for CAFOs (PAG-12) in the Pennsylvania Bulletin. The new version of PAG-12 revised and replaced the prior version, which expired March 31, 2013. The renewed PAG-12 included a provision for permittees to notify DEP within 7 days prior to land application of manure during “winter.” “Winter” is defined in 25 Pa. Code § 83.201 as one or more of the following: December 15 through February 28; any time the ground is frozen at least 4 inches deep; or any time the ground is snow covered. Individual CAFO NPDES permits issued after March 31, 2013 also include the winter spreading notification provision.

The notification serves as a certification that manure storage/spreading is performed consistent with an approved nutrient management plan. It also allows DEP to collect general information on where winter spreading is taking place and with what frequency, as well as providing DEP the opportunity to observe spreading taking place.

Approximately 15 percent of currently permitted CAFOs reported winter spreading during the 2013-2014 winter spreading season. The following table provides information on the notification forms received by DEP for the 2013-2014 winter spreading season:

<i>DEP Region</i>	<i>Number of Forms Received*</i>	<i>Number of CAFOs Submitting Forms</i>	<i>Number of Counties Represented</i>
<i>Southeast</i>	<i>9</i>	<i>2</i>	<i>1</i>
<i>Northeast</i>	<i>1</i>	<i>1</i>	<i>1</i>
<i>South-central</i>	<i>128</i>	<i>46</i>	<i>11</i>
<i>North-central</i>	<i>11</i>	<i>5</i>	<i>5</i>
<i>Southwest</i>	<i>7</i>	<i>1</i>	<i>1</i>
<i>Northwest</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>TOTALS</i>	<i>15</i>	<i>55</i>	<i>19</i>

**In some instances, multiple forms were received from a single CAFO due to multiple application events or a change in application date from the original submittal.*

Notification forms could be submitted via U.S. Mail, fax or email. Most forms received for the 2013-2014 winter spreading season were sent via fax. DEP anticipates that these three options will remain available for submittal of forms going forward.

The one-page instructions for filling out the notification form will likely be revised to clarify some questions DEP received regarding notifications for daily haul and manure import/export situations.

Additionally, the Bureau of Conservation and Restoration has hired an intern that is currently sorting and evaluating the inaugural forms received to further categorize the geospatial (i.e., county, watershed, etc.), animal group, and General Permit vs. Individual Permit data. DEP anticipates releasing a report with this additional data evaluation before the end of 2014.

Chesapeake Bay Program

Governor Corbett signed the historic new Chesapeake Bay Agreement on June 16. A copy of the new Agreement can be found at www.chesapeakebay.net/chesapeakebaywatershedagreement/page. Management strategies will be developed for outcomes in the Agreement within a year. Regarding the Chesapeake Bay Total Maximum Daily Load (TMDL), at the time this update was drafted, EPA had not yet released its evaluation of Pennsylvania's progress related to two-year milestones, but EPA planned to release their evaluation before the end of June. In addition, the Interstate Waters Office has announced that Kristen Wolf is the Department's new Chesapeake Bay Program Coordinator, effective June 23.

Nutrient Trading Program

In early April, EPA began objecting to the issuance of NPDES permit renewals within the Chesapeake Bay watershed for wastewater treatment systems, asking for the full 90-day review period provided for in the Memorandum of Agreement between EPA and DEP relative to the implementation of the NPDES Program. EPA cites the need to discuss and resolve issues with the definition of the non-point source agricultural baseline as the reason for the objection and the need for the extra time. Pursuant to 40 CFR Section 123.44(b)(2) and Section III.A.2 of the Memorandum of Agreement between EPA and DEP, DEP received specific objection letters from EPA at the end of the 90-day review period. These letters gave a more detailed explanation for EPA's objections to the re-issuance of two permits in the Chesapeake Bay Watershed. DEP is continuing to work with EPA to address their specific objections.

Water Resources Advisory Committee (WRAC)

WRAC met on May 14. Gary Walters from DEP's Bureau of Point and Non-Point Source Management presented information on the 2014 PA Integrated Water Quality Monitoring and Assessment Report and the 2013 Assessment Methods used to evaluate the waters evaluated in the 2014 Integrated Report. Ted Tesler from DEP's Interstate Waters Office provided WRAC with an update of developments regarding the Chesapeake Bay, which included a progress report on meeting the Chesapeake Bay TMDL and the new

Chesapeake Bay Watershed Agreement being developed by the Chesapeake Bay Executive Council. The July 16 WRAC meeting has been cancelled; the next scheduled meeting is September 17.

Chesapeake Bay Management Team

The Chesapeake Bay Management Team met on Wednesday, May 7. Economics Professor Jim Shortle of Penn State University gave a presentation on his recent study regarding alternatives that could help reduce costs associated with meeting Chesapeake Bay goals. EPA Region III staff discussed efforts that they have underway, including their plans to evaluate the progress of all jurisdictions related to the Chesapeake Bay Total Maximum Daily Load (TMDL), and EPA's plans to likely release an evaluation of two-year TMDL milestones this coming June. DEP staff provided an update on the draft Chesapeake Bay Watershed Agreement that is anticipated to be signed by the Executive Council on June 16. Some members of the Management Team expressed an interest in using the next meeting (tentatively scheduled for Thursday, September 18) as an opportunity to discuss the development of management strategies intended to help achieve the goals and outcomes of the Watershed Agreement.

Coastal Zone Advisory Committee (CZAC)

CZAC met on June 4. The primary purpose of CZAC meetings is to provide updates on Coastal Zone activities in Pennsylvania. Updates were provided on the following: Samantha Burton provided an update on the Lake Erie Resource Mapping project; an update on the Coastal Zone Grants was provided by Stacey Box, including a brief overview and discussion of revisions to the grant application and Grant Administration Guide; Kevin Hess provided an Overview of Section 309 and Stakeholder Engagement; an update on the status of the Lake Erie Boundary Expansion was provided by Joe Sieber; Coastal Zone updates were provided by Amy Miller and Julia Donahue; and applicable agency updates were provided. The next CZAC meeting will be held the first quarter of 2015.

Agriculture Advisory Board (AAB)

The AAB met on June 18. Presentations provided included the following: Chesapeake Bay Program BMP Update given by Andy Zemba; an overview of the USDA NRCS Technical Service Provider program given by Gary Smith, Assistant State Conservationist for Operations, NRCS; Swine Enteric Coronavirus Diseases given by Dr. Craig Shultz, Director, PDA Bureau of Animal and Poultry Health; and an overview of the Waters of the United States and Jurisdiction Areas given by Kelly Heffner. The next meeting of the AAB is scheduled for Wednesday, August 20 at 10 a.m. in the DEP South-central Regional Office.

Waste Management

Regulated Medical and Chemotherapeutic Waste Regulation Revisions

The proposed Regulated Medical and Chemotherapeutic Waste rulemaking was published in the Pennsylvania Bulletin on August 24, 2013, and the 30-day public comment period ended on September 23, 2013. During the official public comment period, the EQB received comments from five commentators. DEP representatives met with the IRRC on October 9, 2013, to discuss IRRC's questions on the rulemaking prior to submitting their formal comments, which were due to the EQB by October 23, 2013. The Bureau of Waste Management (BWM) has reviewed and responded to all the public comments received and drafted the final-form rulemaking. BWM presented the final-form rulemaking to the Solid Waste Advisory Committee on June 5 and highlighted the changes that were made to the rulemaking in response to comments received. Although SWAC did not have a quorum, of the eight members in attendance, all supported BWM's recommendation to present the final-form rulemaking to the EQB for consideration at its July meeting.

Solid Waste Advisory Committee (SWAC)

SWAC held their regularly scheduled meeting on June 5. In addition to discussing the Regulated Medical and Chemotherapeutic Waste final form rulemaking as indicated above, SWAC also heard presentations on and discussed the following: recycling of geo-membrane pad liners from oil and gas well sites (presented by David

LaFiura, Ultra-Poly Corporation); proposed amendments to DEP's Management of Fill Policy (presented by Steve Socash, Division of Municipal and Residual Waste, DEP Bureau of Waste Management); and an overview of U.S. EPA's underground injection control program and Pennsylvania's role in implementation (presented by Kurt Klapkowski, Director, DEP Bureau of Oil and Gas Planning and Program Management). The next SWAC meeting will be held on September 18; this will be the annual joint meeting with the Recycling Fund Advisory Committee (RFAC).

Radiation Protection

Update on Comprehensive Oil and Gas Development Radiation (TENORM) Study

As indicated in previous reports to the CAC, DEP is currently engaged in the most extensive and comprehensive study ever undertaken to examine the levels of naturally occurring radiation in a variety of equipment, materials and media associated with the development of oil and gas resources, as well as the potential environmental impact and exposure to the public and workers. The Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM) study has been ongoing with field activities including sample collection, radiation surveys, and data analysis since mid-April 2013.

Efforts to analyze the data and draft the report have begun. Field activities have been limited to collecting radon monitors at landfills, performing several more surveys on road surfaces receiving brine treatment, and sampling during flowback at our last well pad. Production sampling at this well pad may be delayed due to the lack of infrastructure at the site. In addition, talks have been ongoing with one large processing facility to schedule follow-up sampling and surveys. A date for this work has not yet been set. Peer review on the draft report will occur before its issuance in late 2014.

Radiation Protection Advisory Committee (RPAC)

RPAC held their regularly scheduled meeting on June 12. The primary function of the meeting was to continue discussion on the draft amendments to Chapters 215-240 of the Radiological Health regulations that will update to the x-ray equipment and radon certification requirements, as well as codify an existing fee that was implemented in 2009 for a new therapy called electronic brachytherapy (eBx). At the meeting, RPAC agreed to advance a portion of the regulatory amendments that incorporate by reference a new security standard implemented by the U.S. Nuclear Regulatory Commission (NRC) into Chapter 215 on a separate track from the larger and broader amendments to the other Chapters, as these amendments must be completed by mid-2016. Dave Allard, Director, DEP Bureau of Radiation Protection (BRP), also gave a program update that included an overview of the NRC Management Review Board IMPEP final report and the re-evaluation of BRP's fee schedule. The next RPAC meeting is scheduled for October 16.

Environmental Cleanup and Brownfields

Administration of Land Recycling Program – Chapter 250 Cleanup Standards Revisions

This proposed rulemaking updates the Statewide health standard Medium-Specific Concentrations (MSCs) based on current science. The amendments are authorized under section 303(a) of the Land Recycling and Environmental Remediation Standards Act, which directs the Environmental Quality Board to promulgate Statewide health standards for regulated substances for each environmental medium and also the methods used to calculate the standards. This will avoid unnecessary expense for those remediating contaminated property for redevelopment where it has been determined that higher MSCs for regulated substances are protective and meet the standards established by the statute. These technical amendments to the Land Recycling regulations will affect owners, operators and purchasers of properties and facilities who volunteer or are required to perform remediation of contaminated sites. The public comment period ended on June 17. *Two comments were received on the proposal.*

Cleanup Standards Scientific Advisory Board

The Department has scheduled a meeting of the Cleanup Standards Scientific Advisory Board for July 24 at 9:00 a.m. in the 12th conference room of the Rachel Carson State Office Building located at 400 Market Street, Harrisburg. The purpose of the meeting is to discuss and solicit feedback on the Department's proposed framework for addressing vapor intrusion and separate phase liquids on contaminated properties.

Alternative Fuel Form and Fact Sheet

The Division of Storage Tanks has issued an Alternative Fuel Storage Tank Installation/Conversion Form and accompanying Fact Sheet titled Underground Storage Tank (UST) Equipment Compatibility & Storage of Biofuels and Biofuel Blends. The Alternative Fuel Storage Tank Installation/Conversion Form will be required to be submitted for all USTs and any aboveground storage tank used for motor vehicle fueling that are intended to store alternative fuel blends such as E15, E85, and biodiesel blended fuel containing greater than 5% biodiesel. DEP will not approve an operating permit for an alternative fuel storage tank system unless it is shown that all storage tank components are compatible with the substance stored. All DEP-certified installers and inspectors will be notified of the requirement to utilize this new form. In addition, the form will be discussed this summer during a series of DEP-certified inspector seminars.

Air Quality

Climate Change Advisory Committee

The Climate Change Advisory Committee (CCAC) met on June 24 to discuss the development of the climate change action plan that is due by October 9, 2015. Discussions included updates on potential work plans to inclusion in the action plan. Also discussed were the emission inventory for the natural gas sector, EPA's proposed Section 111(d) emission guidelines, and DEP comments on the proposed greenhouse gas standards for new electric generating units. The CCAC approved revisions to its By-Laws.

Proposed New Source Performance Standards to Reduce Carbon Pollution from Electric Generating Units

On January 8, EPA published a proposed rule concerning Standards of Performance for Greenhouse Gas Emissions from New Stationary Sources: Electric Utility Generating Units (79 FR 1430). EPA proposes to establish standards of performance for new fossil fuel-fired electric utility steam generating units (utility boilers and Integrated Gasification Combined Cycle Units) and natural gas-fired stationary combustion turbines. The proposed rulemaking includes carbon dioxide emission standards, compliance schedules, notification, recordkeeping and reporting requirements. The proposed rule would not establish standards for other greenhouse gases. Additionally, EPA's proposal addresses permitting fees under Title V of the CAA, and Mandatory Greenhouse Gas Reporting requirements. A public hearing on the proposed standards was held in Washington, DC on February 6. EPA extended the comment period. DEP submitted comments on the proposed rulemaking on May 6.

Section 111(d) Emission Guidelines to Reduce Carbon Pollution from Existing Power Plants

EPA was directed by President Obama to address carbon pollution from existing power plants under Section 111(d) of the federal CAA. The department convened two "listening sessions" to receive input from the public prior to discussions with EPA. On December 9 and 16, 2013, the department held listening sessions to collect information from environmental and industrial organizations, unions, individual electrical generating companies and the general public. The December 9 meeting was held with the environmental and local government organizations and the December 16 meeting with industry-related organizations. Attendees at both meetings were appreciative of the opportunity to provide input to the department. The public was invited to submit written information to the DEP; Krishnan Ramamurthy is the main contact. The department considered the public comments and developed a white paper outlining recommended principles to EPA for consideration in the development of federal emissions guidelines for existing power plants. The department issued the white paper on April 10; a copy was distributed to the CAC members and other DEP advisory committees including

the Air Quality Technical Advisory Committee and other interested parties including the Electric Power Generation Association and environmental groups (i.e., PennFuture and the Sierra Club). *EPA issued the proposed rule for public review and comment on June 2. The proposed rule was published in the Federal Register on June 18, 2014. The public comment period will close on October 16, 2014. EPA will hold four public hearings with one to be held on July 31, 2014 in Pittsburgh, PA.*

Pennsylvania Joins Petition Requesting Expansion of the Ozone Transport Region

On December 9, 2013, eight Northeast and mid-Atlantic states submitted to EPA a petition, filed under CAA section 176A, requesting that the agency add nine upwind states to the Ozone Transport Region (OTR) established under section 184 of the CAA Amendments of 1990. The eight petitioning states (all of which are members of the OTR) are Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Rhode Island and Vermont. Pennsylvania signed the petition on December 10, 2013. The petitioners have requested that the OTR be expanded to include the States of Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, Virginia and West Virginia. EPA is required to respond to petitions filed under CAA section 176A within 18 months.

The petitioning states are not requesting that they be relieved of any of their OTR responsibilities. Instead, they are asking EPA to hold the upwind states accountable and to impose the OTR requirements on them as well. Additional requirements in the upwind states would include implementation of stationary source Reasonably Available Control Technology, increased preconstruction permit application reviews under the New Source Review program and implementation of motor vehicle Inspection and Maintenance programs. In February 2014, the upwind states identified in the petition have requested that EPA deny the December 2013, petition. The Section 176A petitioners will send a response to the EPA Administrator concerning the request to deny the petition.

Ashley Funk and Kids vs. Global Warming

On September 6, 2013, the EQB received a petition to promulgate a rule to regulate fossil fuel carbon dioxide (CO₂) emissions and to establish an effective emissions reduction strategy that will achieve safe atmospheric concentrations of CO₂ by 2100. The petition was submitted by Kenneth T. Kristil, Esq., Widener Environmental and Natural Resources Law Clinic, on behalf of Ashley Funk. The petition was submitted to the EQB as provided in 25 Pa. Code Chapter 23 (relating to Policy for Processing Petitions – Statement of Policy).

On October 10, 2013, the department sent a letter to Ms. Funk notifying her that the petition met the established criteria in Section 23.2 of the EQB's petition policy. The letter also set November 19, 2013, as the date the EQB would consider the petition. At the November 19, 2013, EQB meeting, Attorney Kristil, representing Ms. Funk, made a brief presentation as to why the EQB should accept the petition for further study. The department recommended that the EQB accept the petition for further study. The EQB voted unanimously to accept the petition for further study. On December 7, 2013, the department published a notice of acceptance of the petition in the *Pennsylvania Bulletin* (43 Pa.B. 7095).

A draft report on the petition was prepared and sent to the petitioner for review and comment on April 16. An accompanying letter to the petitioner requested written response no later than May 16. The petitioner requested additional time, which the department granted. The petitioner submitted comments on the report on May 30. The department will prepare a recommendation to the EQB based on the report and comments received. The department anticipates the EQB will consider the report and comments at its August 19 meeting.

Air Quality Technical Advisory Committee (AQTAC)

The next AQTAC meeting is scheduled for August 7 at 9:15 a.m. in room 105 of the Rachel Carson State Office Building.

Air Quality Regulatory Packages

Control of VOC Emissions from Fiberglass Boat Manufacturing Materials – At its December 12, 2013, meeting, the Air Quality Technical Advisory Committee (AQTAC) unanimously concurred with DEP’s recommendation to move the draft proposed rulemaking for fiberglass boat manufacturing materials to the EQB for consideration. The proposed rulemaking was submitted for approval by the EQB at its May 2014 meeting. The CAC Policy and Regulatory Oversight Committee voted to support moving this rulemaking to the EQB during a conference call on March 12. The EQB approved the proposed rulemaking for public comment at its May 21 meeting. *DEP anticipates publication for public comment in the Pennsylvania Bulletin in late July.*

Miscellaneous Metal and Plastic Parts Coatings – At the February 20 meeting, AQTAC concurred with the Department to submit the proposed Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Coating Processes and Pleasure Craft Surface Coatings rulemaking to the EQB for consideration. The proposed rulemaking would establish RACT as recommended in EPA Control Technique Guideline (CTG) documents. It is anticipated that the EQB will consider the proposed rulemaking in summer 2014. The CAC Policy and Regulatory Oversight Committee voted to support moving this rulemaking to the EQB during a conference call on March 12.

Control of VOC Emissions from Industrial Cleaning Solvents – At the February 20 meeting, the AQTAC concurred with the department’s recommendation to submit the proposed Control of VOC Emissions from Industrial Cleaning Solvents rulemaking to the EQB for consideration. The proposed rulemaking would establish RACT requirements for industrial cleaning solvents as recommended in the EPA CTG documents. It is anticipated that the EQB will consider the proposed rulemaking in August 2014. The CAC and the Small Business Compliance Advisory Committee (SBCAC) concurred with the Department’s recommendation to submit the proposed rulemaking to the EQB for consideration.

Additional RACT Requirements for Major Sources of NO_x and VOCs – The proposed RACT rulemaking was approved by the EQB on November 19, 2013, and published for public comment on April 19, in the *Pennsylvania Bulletin* (44 Pa.B. 2392). Three public hearings were held May 27, 28, and 29. The public comment period closed on June 30.

Flexible Package Printing and Offset Lithographic and Letterpress Printing (FlexoLitho) – The final-form rulemaking was approved by EQB on February 18. The final-form rulemaking was unanimously approved by IRRC at its May 1 public meeting *and published as final in the Pennsylvania Bulletin on June 28.*

Control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coating Operations – At the April 3 meeting, the AQTAC concurred with the department’s recommendation to submit the draft proposed rulemaking to EQB for consideration. The proposed rulemaking would establish RACT as recommended in EPA’s CTG. It is anticipated that EQB will consider the proposed rulemaking this summer. *The CAC Policy and Regulatory Oversight Committee voted to concur with the Department’s recommendation to submit the proposed rulemaking to the EQB for consideration.*

Active and Abandoned Mine Operations

Meeting Between PA Coal Alliance and Marcellus Shale Coalition

A meeting was held January 31, 2013 at DEP's Cambria field office between members of the Marcellus Shale Coalition (MSC) and the PA Coal Alliance (PCA). The purpose of the meeting was to facilitate a discussion on coordinating the drilling of unconventional gas wells through workable coal seams. The Coal and Gas Coordination Act, which requires gas wells to be spaced 1000 feet from all other wells, was amended in 2010 to accommodate multi-well pad development, but certain spacing requirements remain. However, deep gas wells subject to the Oil and Gas Conservation Law are not required to comply with the well spacing requirements of the Coordination Act. As such, some gas well drillers elect to drill their wells in a manner that subjects them to

the Conservation Law to avoid spacing requirements. The coal alliance requested DEP's presence at this meeting, which was intended to better coordinate well drilling and coal mining. The meeting was well-attended, and frank discussion brought clarity to the issue. Both MSC and PCA agreed to meet again without DEP to further discuss the issue and develop a proposed solution that will be provided to DEP. As of the end of *June*, the meeting date has not yet been communicated to DEP.

Proposed Rulemaking – Land Reclamation Financial Guarantees and Bioenergy Crop Bonding

This rulemaking will implement Acts 95 and 157 of 2012 which provide an incentive for the reclamation of coal mine sites with bioenergy crops and establish the Land Reclamation Financial Guarantee Program, respectively. The rulemaking will provide the ground rules for implementing the biofuels incentive. Act 95 allows for reclamation bond coverage for operators who re-mine and reclaim the area with biofuel crops for no cost. The regulation also will provide the framework for bonding assistance underwritten by existing Commonwealth funds and premiums paid by the operators. Act 157 specifically requires that EQB promulgate regulations to implement the Land Reclamation Financial Guarantee program. The regulations will establish eligibility requirements, program limits and operational standards. The rulemaking also includes amendments to Chapters 77, 87, 88, 89, 90 and 211 that are exclusively related to the correction of the citation for the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1- 1396.19b) due to the addition of section 19.2 in Act 157. Numerous corrections are also included in Chapter 86.

Approval to initiate the rulemaking process was received in April 2013. An initial draft of the rulemaking has been prepared to review with the MRAB. A series of meetings with the Regulation, Legislative and Technical committee of the MRAB have been held. The proposed rule was reviewed by the MRAB on October 24, 2013. The MRAB recommended that the department proceed to EQB with the rulemaking package. The rulemaking package has been assembled and is in the process of internal routing. *This* proposed rulemaking will be considered by EQB at its July 15 meeting. The MRAB field trip planned for July will include visits to 4 recently completed treatment systems on ABS sites in Clearfield County.

Other Coal Mining Program Rulemaking

Preliminary *discussion* is underway for rulemaking packages relating to surface coal mining water supply replacement, remining and water quality, and general coal mining program improvements. Staff met with the MRAB, Regulation, Legislative and Technical Committee in February and April. *A Preliminary draft of the remining regulation language has been shared with the Regulation, Legislative and Technical Committee for their review.* Discussions with the committee included the topics to be covered in the program improvements regulations. The water supply replacement rulemaking will be deferred until the remining and program improvement packages are completed due to priorities identified by MRAB.

Explosives Program Rulemaking

Outreach in advance of the formal rulemaking process is underway for Chapter 211, Storage, Handling and Use of Explosives. There are two primary new explosive regulation areas anticipated to be included in the rulemaking. First, a section for performance standards for the use of explosives for seismic exploration for oil and gas reserves will be developed. This will deal with the issues that are unique to this specific application of explosives. Second, the regulation will, for the first time, impose permitting fees for the non-mining use of explosives (mining use is already subject to fees). Other minor issues are expected to be included in the regulation, including the elimination of Permits to Purchase and Permits to Sell, allowance for authorization expiration dates to be staggered in order to manage the workload, and various clarifications. Outreach will be done with industry trade groups, explosives professional organization chapters and individual stakeholders over the next few months.

NPDES Permitting for Mine Sites

The Mining Program continues to work with EPA to implement NPDES permitting and compliance improvements. The focus has shifted from developing tools (e.g. TGD, SOP, Permit Document and Inspection

Report) to deploying the tools. EPA is working with the Mining Program to identify the parameters of further interaction between the agencies. A two-year work plan has been drafted. Industry outreach was completed during the last week of February. Review of the Standard Operating Procedures for implementing NPDES permits with the compliance staff is underway. EPA has indicated interest in a collaborative review of the process of reviewing draft NPDES permits for mining. DEP plans to engage with EPA on this during the *summer*. Revisions to the NPDES application form for mine site and the Effluent Characterization data submission form are underway to address chronic comments from EPA on draft permits.

Guidance Document Revisions

As a result of the implementation of PDG a few Technical Guidance Documents need to be updated. For example, pre-applications have taken on a more prominent role under PDG. Therefore, the mining program's guidance, Coal Surface Mining Activity Permit Pre-application Review (563-2112-214), requires substantial revision. It is expected that a preliminary draft of the revised document will be shared with the industry trade groups in *July*. The Bureau of Mining Programs is systematically reviewing the library of Technical Guidance Documents to identify all of the documents which require changes. The mining program engineering manual has been redrafted and sent to the mining industry trade groups for their review. Finally, the guidance for the use of Reclamation Fill at Non-coal Mine Sites was published as final at the end of 2013. The PA Aggregates and Concrete Association (PACA) pointed out some discrepancies after this final publication. The Mining Program is actively engaged with PACA to address their concerns which will result in a major revision to the guidance. The Bureau of Mining Programs has evaluated the necessity for minor revisions for all of the Guidance Documents for the program resulting from the reorganization of the Department. More than 90 Guidance Documents will be revised to correct the Bureau name reference. *This is to be finalized in early July.*

Act 54 Report Progress

The contractor has provided the first draft of the current five-year report to the Department and the designated members of the CAC for preliminary review. *Comments have been provided to the contractor.* The final report is expected by August 2014.

Board of Coal Mine Safety (BCMS)

Final Rulemaking: Requirements for High-Voltage Continuous Mining Machines – This final rulemaking was initiated by BCMS to address underground coal mine safety under the authority of the Bituminous Coal Mine Safety Act (BCMSA). The rulemaking amends DEP's regulations by adding sections 208.81 - 208.93 (relating to High-Voltage Continuous Mining Machine Standards for Underground Coal Mines) to 25 Pa Code Chapter 208. The rulemaking incorporates, with one exception, federal Mine Safety and Health Administration (MSHA) electrical safety standards for the installation, use, and maintenance of high-voltage continuous mining machines in underground bituminous coal mines as well as design requirements for approval of these mining machines. BCMS determined it should promulgate a requirement identical to the MSHA with the exception of provisions concerning the mandatory distance between a spliced high voltage trailing cable and a continuous mining machine. Under BCMSA, at § 316(d)(6), spliced trailing cables are prohibited within 50 feet of a continuous mining machine. In contrast, federal requirements at 30 CFR 75.830(b)(1) prohibit the splicing of high-voltage trailing cables within 35 feet of a continuous mining machine. Pennsylvania law provides a more protective standard that enhances miner safety; therefore, the more stringent state requirement is included in the rulemaking. BCMS developed the final rulemaking to allow DEP to have independent authority to enforce the federal requirement. The promulgation of this rulemaking facilitates the use of more advanced equipment designs and provides greater protection for miners from electrical shock, cable overheating, fire hazards, back injuries and other sprains caused by handling trailing cables. BCMS did not receive any comments on this final rulemaking. IRRC provided notice to BCMS that it had reviewed the proposed regulation, and had no objections, comments, or recommendations to offer on the regulation. IRRC noted that if BCMS delivers the final-form regulation without revisions to the Commission, and the standing committees do not take any action on the final rulemaking, the final regulation will be deemed approved. The final rulemaking was approved at

IRRC's May 22, public meeting. The rulemaking *became effective upon publication* as final in the *Pennsylvania Bulletin* on June 28.

Proposed Rulemaking: Standards for Surface Facilities – This proposed rulemaking will allow for the implementation of existing federal regulations that broadly relate to the surface work areas of underground bituminous coal mines and govern surface installations, thermal dryers, safeguards for mechanical equipment, electrical equipment, trailing cables, grounding, surface high-voltage distribution, low- and medium-voltage alternating currents, ground control, fire protection, maps, personnel hoisting, wire ropes, trolley wires and trolley feeder wires, and slope and shaft sinking. As a result, the existing federal regulations will become independently enforceable by the Commonwealth. Adopting these proposed regulations will ensure that surface operations at underground bituminous coal mine sites are safely conducted and maintained. Although underground bituminous coal mine operators are already required to comply with these regulations, implementing this proposed rulemaking will provide DEP with the independent authority to enforce the federal requirements. This will result in improved efficiency and enhanced autonomy for the Commonwealth. The rulemaking was adopted by the BCMS at its June 10 meeting. It is anticipated it will be published for comment in the PA Bulletin by early August.

Attachment 1

2014 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 Center on the DEP website. Click on “Public Participation Center” and “News and Events.”

July	
July 9	Technical Advisory Committee on Diesel-Powered Equipment: 10 am, Fayette County Health Center, Uniontown
July 15	Environmental Quality Board: 9 am, Room 105, RCSOB
July 15	Citizens Advisory Council: 10 am, Room 105, RCSOB
July 23	Small Business Compliance Advisory Committee: 10 am, 12 th Floor Conference Room, RCSOB
July 24	<i>Cleanup Standards Scientific Advisory Board: 9 am, 12th Floor Conference Room, RCSOB</i>
August	
Aug. 5	Environmental Justice Advisory Board, 16 th Floor Delaware Room, RCSOB
Aug. 7	Air Quality Technical Advisory Committee, Rm. 105, RCSOB
Aug. 12	Climate Change Advisory Committee, Rm. 105, RCSOB
Aug. 13	State Board for Certification of Water and Wastewater Systems Operators, 10 th Floor Conference Room, RCSOB
Aug. 19	Environmental Quality Board, Room 105, RCSOB
Aug. 20	Agricultural Advisory Board Committee, South-central Regional Office
September	
Sept. 10	<i>Rescheduled Sewage Advisory Committee, 10:30 am, Room 105, RCSOB</i>
Sept. 11	Northwest Regional Roundtable, 10 am, location TBA
Sept. 15	South-central Regional Roundtable, 10 am, Harrisburg Regional Office Susquehanna A
Sept. 16	Environmental Quality Board, 9 am, Room 105, RCSOB
Sept. 16	Citizens Advisory Board, 11 am, Room 105, RCSOB
Sept. 17	Water Resources Advisory Committee, 9:30 am, Room 105, RCSOB
Sept. 18	Joint Recycling Fund and Solid Waste Advisory Committee, 10 am, Room 105, RCSOB
Sept. 23	Small Water Systems Technical Assistance Center Board, 10 am, Room 105, RCSOB
Sept. 24	State Board for Certification of Sewage Enforcement Operators, 10 am, 11 th Floor Conference Room B, RCSOB
Sept. 25	<i>Rescheduled Board of Coal Mine Safety, 10 am, DEP Cambria Office, Ebensburg</i>
Sept. 25	Oil and Gas Technical Advisory Board, 10 am, Room 105, RCSOB
October	
Oct. 2	Low-level Radioactive Waste Advisory Committee: 10 am, Room 105, RCSOB
Oct. 8	Technical Advisory Committee on Diesel-Powered Equipment: 10 am, Fayette County Health Center, Uniontown
Oct. 9	Air Quality Technical Advisory Committee: 9:15 am, Room 105, RCSOB
Oct. 15	Agricultural Advisory Board Committee Meeting: 10 am, Room 105, RCSOB
Oct. 15	Cleanup Standards Scientific Advisory Committee: 9 am, Room 105, RCSOB

Oct. 16	State Board for Certification of Water and Wastewater Systems Operators: 10 am, 10 th Floor Conference Room, RCSOB
Oct. 16	Radiation Protection Advisory Committee: 9 am, Room 105, RCSOB
Oct. 16	Southwest Regional Roundtable: 10:30 am, Southwest Regional Office, Waterfront A&B, Pittsburgh
Oct. 21	Environmental Quality Board: 9 am, Room 105, RCSOB
Oct. 21	Citizens Advisory Board: 11 am, Room 105, RCSOB
Oct. 22	Small Business Compliance Advisory Committee: 10 am, 12 th Floor Conference Room, RCSOB
Oct. 23	Mining and Reclamation Advisory Committee: 10 am, Room 105, RCSOB
Oct. 28	Climate Change Advisory Committee: 10 am, Room 105, RCSOB
November	
Nov. 5	Environmental Justice Advisory Board: 8:30 am, 16 th Floor Delaware Room, RCSOB
Nov. 5	Sewage Advisory Committee: 10:30 am, Room 105, RCSOB
Nov. 12	Water Resources Advisory Committee: 9:30 am, Room 105, RCSOB
Nov. 13	Northwest Regional Roundtable: 10 am, location TBA
Nov. 18	Environmental Quality Board: 9 am, Room 105, RCSOB
Nov. 18	Citizens Advisory Council: 11 am, Room 105, RCSOB
December	
Dec. 2	Storage Tank Advisory Committee Meeting, Room 105, RCSOB
Dec. 9	Climate Change Advisory Committee, Room 105, RCSOB
Dec. 9	Board of Coal Mine Safety, DEP Cambria Office, Ebensburg
Dec. 10	Coal and Clay Mine Subsidence Insurance Fund Board Annual Meeting, 12 th Floor Conference Room, RCSOB
Dec. 10	State Board for Certification of Water and Wastewater Systems Operators, 10 th Floor Conference Room, RCSOB
Dec. 11	Air Quality Technical Advisory Committee, Room 105, RCSOB
Dec. 16	Environmental Quality Board, Room 105, RCSOB
Dec. 17	Agricultural Advisory Board Committee, South-central Regional Office
Dec. 18	Small Water Systems Technical Assistance Center Board, Room 105, RCSOB
Dec. 22	State Board for Certification of Water and Wastewater Systems Operators, 10 th Floor Conference Room, RCSOB

Attachment 2

Oil and Gas Workload Report – Week Ending 6/20/2014

YTD WELL PERMIT APPLICATIONS - 1/1/2014 to 6/20/2014						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	463	114	554	549	548	5
UNCONVENTIONAL	1,607	316	1,622	1,608	1,579	14
Sub Total	2,070	430	2,176	2,157	2,127	19
AUTHORIZATIONS	222	49	228	217	N/A	11
Total	2,292	479	2,404	2,374	2,327	30

WEEKLY WELL PERMIT APPLICATIONS - 6/14/2014 to 6/20/2014						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	0	0	26	26	26	0
UNCONVENTIONAL	1	1	44	44	44	0
Sub Total	1	1	70	70	70	0
AUTHORIZATIONS	0	0	0	0	N/A	0
Total	1	1	70	70	70	0

HISTORICAL WELL PERMIT APPLICATIONS AS OF 6/20/2014						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	196,103	195,988	194,782	188,938	1,206	106,541
UNCONVENTIONAL	17,711	17,390	17,021	14,717	369	9,429
Sub Total	213,814	213,378	211,803	203,655	1,575	115,970
AUTHORIZATIONS	40,467	40,365	40,145	N/A	220	18,558
Total	254,281	253,743	251,948	243,512	1,795	134,528

YTD INSPECTIONS - 1/1/2014 to 6/20/2014				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	4,908	3,545	639	162
UNCONVENTIONAL	5,137	2,800	229	84
CLIENT/SITE	1,209	0	245	103
Total	11,254	6,345	1,113	349

WEEKLY INSPECTIONS - 6/14/2014 to 6/20/2014				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	25	25	4	5
UNCONVENTIONAL	27	27	1	1
CLIENT/SITE	8	0	2	2
Total	60	52	7	8

WELLS DRILLED					
	Two Years Prior 1/1/2012 to 6/20/2012	One Year Prior 1/1/2013 to 6/20/2013	Year To Date 1/1/2014 to 6/20/2014	Week of 6/14/2014 to 6/20/2014	As of 6/20/2014
CONVENTIONAL	541	388	338	18	194,795
UNCONVENTIONAL	756	595	602	23	8,054
Total	1,297	983	940	41	202,849

This report was prepared by Laura Henry, Executive Policy Specialist, DEP Policy Office. For questions or requests, please email lahenry@pa.gov or call (717) 705-3769.