

September 2016 Report to the Citizens Advisory Council
(New and updated information in italics)

DEP Highlights

Final 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 90-day public comment period, including nine public hearings, closed on March 14, 2014; about 24,000 comments were received. Of those comments, over 1,100 represented individual comments and the balance were submitted to DEP as form letters. IRRC submitted a 19-page comment letter to DEP on April 14, 2014, formally closing the comment period. DEP presented a summary of the comments received at the June 26, 2014, Oil and Gas Technical Advisory Board (TAB) meeting.

On July 10, 2014, former Governor Corbett signed into law Act 126 of 2014 (relating to omnibus Fiscal Code amendments). Act 126 contained the following provision:

Section 1741.1-E. Environmental Quality Board.

- (a) Regulations -- From funds appropriated to the Environmental Quality Board, the board shall promulgate proposed regulations and regulations under 58 Pa.C.S. (relating to oil and gas) or other laws of this Commonwealth relating to conventional oil and gas wells separately from proposed regulations and regulations relating to unconventional gas wells. All regulations under 58 Pa. C.S. shall differentiate between conventional oil and gas wells and unconventional gas wells. Regulations promulgated under this section shall apply to regulations promulgated on or after the effective date of this section.

As a result of this statutory change, DEP determined that the Subchapter C rulemaking process could continue, but that the regulations would be completely bifurcated on final rulemaking. The regulatory provisions applicable to conventional wells will be retained in the existing Chapter 78 and a new regulatory Chapter 78a will be created that is applicable to unconventional wells. No regulatory language outside of the scope of the proposed rulemaking will be altered as a result of this change.

On September 25, 2014, DEP presented the two individual chapters of the bifurcated proposed rulemaking to the members of TAB and discussed the pertinent aspects of the proposed rulemaking. The bifurcated rulemaking was a first step toward placing the proposed regulatory language into a form that could be further adjusted to address public comments.

DEP determined it was necessary to utilize the Advanced Notice of Final Rulemaking (ANFR) process to take additional public comment on the draft changes included in the final rulemaking. DEP presented an overview of the proposed ANFR to TAB and the Conventional Oil and Gas Advisory Committee (COGAC) on March 20 and March 26, 2015, respectively.

On Saturday, April 4, DEP published notice of the Advance Notice of Final Rulemaking for revisions to the rulemaking in the Pennsylvania Bulletin, opening an additional 30-day public comment period.

On April 6, DEP announced extension of the public comment period by an additional 15 days to close on May 19, and the addition of three public hearings on April 29 (Washington), April 30 (Warren), and May 4 (Williamsport).

During the ANFR comment period, the Department received a total of 4,947 comments from 4,601 commentators. Of the comments received, 4,516 were form letters (10 different form letters), 129 were provided via testimony at public hearings, and 302 were unique comments.

DEP presented an overview of the draft final rulemaking to COGAC and TAB on August 27 and September 2, 2015, respectively. Following these advisory committee meetings, DEP hosted a public webinar session on Friday, September 18 with members of COGAC and TAB to further discuss several issues that were raised during the most recent advisory board meetings. The draft final rulemaking was presented to TAB and COGAC on October 27 and October 29, respectively. At the close of the meeting, TAB adopted a written Resolution that stated it would incorporate comments that are developed by COGAC as part of its submittal to the Environmental Quality Board (EQB). On October 29, COGAC adopted a separate Resolution that was critical of the Department and rulemaking process and stated, in part, that the "...process of formulating new regulations for Pennsylvania's conventional oil and gas industry should be restarted in its entirety".

The 2012 Oil and Gas Act authorized TAB to submit a report to the Environmental Quality Board (EQB) on the Department's final Chapter 78 and 78a regulation. On December 22, 2015, TAB convened a public WebEx meeting to discuss the report that it intended to develop for submittal to the EQB. On December 22, COGAC also convened a meeting to discuss the same matter. The TAB accepted public comment and prepared a report that was considered by EQB on February 3, 2016. A copy of this report is available on the EQB website.

On January 6, 2016, DEP submitted the final form rulemaking to the EQB for consideration. On February 3, the EQB approved the final form rulemaking by a vote of 15-4. On April 12, the House and Senate standing committees voted to disapprove the final form rulemaking; however, on Thursday, April 21, the Independent Regulatory Review Commission (IRRC) approved revisions to Pennsylvania's oil and gas drilling regulations by a vote of 3 to 2.

On June 23, Gov. Tom Wolf signed Act 52 of 2016 into law thus creating the Pennsylvania Grade Crude Development Act. Section 7 of the Act "declares that the rulemaking concerning Standards at Oil and Gas Well Sites approved by the Environmental Quality Board in 2016 prior to the effective date of this act is abrogated insofar as such regulations pertain to conventional oil and gas wells." The Act also establishes a new council named the Pennsylvania Grade Crude Development Advisory Council that is charged with a variety of duties that pertain to the advancement of conventional oil and gas industry.

The final-form rulemaking makes minor amendments to the existing Chapter 78 oil and gas regulations to remove references to unconventional wells in the wake of Act 52 of 2016, and creates a new Chapter 78a relating specifically to surface activities at unconventional well sites. The Joint Committee on Documents (JCD) oversees the work of the LRB and placed a hold on publication of the final-form rulemaking at its July meeting. The JCD considered the final-form rulemaking at a public meeting on Thursday, August 18 and approved a motion to direct the LRB to "publish the rulemaking in due course." It is anticipated that this rulemaking will be published in October.

Federal Regulations

Recently Submitted DEP Comments

Nothing to report.

Regulations Planned for DEP Comment

Nothing to report.

Regulatory Update (detailed summaries included in respective program sections)

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

Proposals Open for Public Comment

- *Draft Fiscal Year Report for the Reclamation Fee O&M Trust Account (Opened 9/3/2016, Closes 10/3/2016)*
- *Environmental Assessment Approval for PENNVEST Funding Consideration Fall 2016 (Opened 9/3/2016, Closes 10/3/2016)*

Recently Closed Comment Periods

- *Federal Consistency Under the Coastal Zone Management Act: Maintenance Dredging at Baxter Water Treatment Plant (Opened 9/3/2016, Closed 9/19/2016)*
- *Nutrient Credit Trading Program Certification Request: Red Barn Consulting (Chickies Creek Farm) Lancaster County (Opened 8/27/2016, Closed 9/15/2016)*
- *Nutrient Credit Trading Program Certification Request: Red Barn Consulting (Lime Valley Farms) Lancaster County (Opened 8/27/2016, Closed 9/15/2016)*
- *Nutrient Credit Trading Program Certification Request: Red Barn Consulting (Five Springs Farm LTD) Lancaster County (Opened 8/27/2016, Closed 9/15/2016)*
- *Proposed Designation Recommendations for the 2015 Ozone Standards (Opened 8/27/2016, Closed 9/2/2016)*
- *Proposed Rulemaking: Environmental Laboratory Accreditation (Opened 8/20/2016, Closed 9/19/2016)*
- *Draft Technical Guidance: Coal Mine Activity Permit Renewals (Opened 8/6/2016, Closed 9/6/2016)*
- *Delegation of Authority to Implement Plan Requirements for Federal Sewage Sludge Incineration Units (Opened 7/30/2016, Closed 9/2/2016)*
- *Draft 2016 Integrated Water Quality Monitoring and Assessment Report (Opened 7/30/2016, Closed 9/12/2016)*

Communications Monthly Press Releases (All New, not Italicized)

Press Releases Issued

August 01 – PA Natural Gas Production Increased in 2015

August 01 – DEP Lists Susquehanna River as Impaired for Multiple Uses, Develops New Analytic Methods for Semiannual Impaired Waterways Report

August 01 – DEP to Hold Public Hearing for Eastern Industries Quarry Discharge Permit

August 02 – DEP Declares Drought Watch for 34 Pennsylvania Counties

August 02 – Mosquito Spraying Set for Delaware County on August 4

August 04 – DEP Hosts Kick-off Ceremony for Ehrenfeld Reclamation Project

August 05 – DEP Asks County Conservation Districts in Chesapeake Bay Watershed for Decision on Conducting Agricultural Inspections

August 10 – Mosquito Spraying Set for Fayette County on August 11

August 12 – DEP and North-central Partners Restoring Streams for Seventh Consecutive Year

August 15 – Mosquito Spraying Set for Delaware County on August 17

August 16 – DEP South-central Regional Office Update on Zika Surveillance and Response

August 16 – DEP Northeast Regional Office Update on Zika Surveillance and Response

August 16 – DEP Southeast Regional Office Update on Zika Surveillance and Response

August 16 – DEP Southwest Regional Office Update on Zika Surveillance and Response

August 17 – DEP Announces Changes to 2017 Environmental Education Grants

August 17 – DEP Assesses \$1M Civil Penalty against Montgomery County Company for Air Quality Violations

August 17 – 2014 Air Emissions Inventory for Unconventional Natural Gas Operations Released

August 22 – DEP Fines Pipeline Companies for Modifying Construction Plans without Proper Approval

August 22 – Energy Efficiency and Economic Benefits Emphasized in DEP’s 2015 Climate Change Action Plan Update

August 22 – Mosquito Spraying Set for Delaware County on August 24

August 23 – Mosquito Spraying Set for Delaware County on August 25

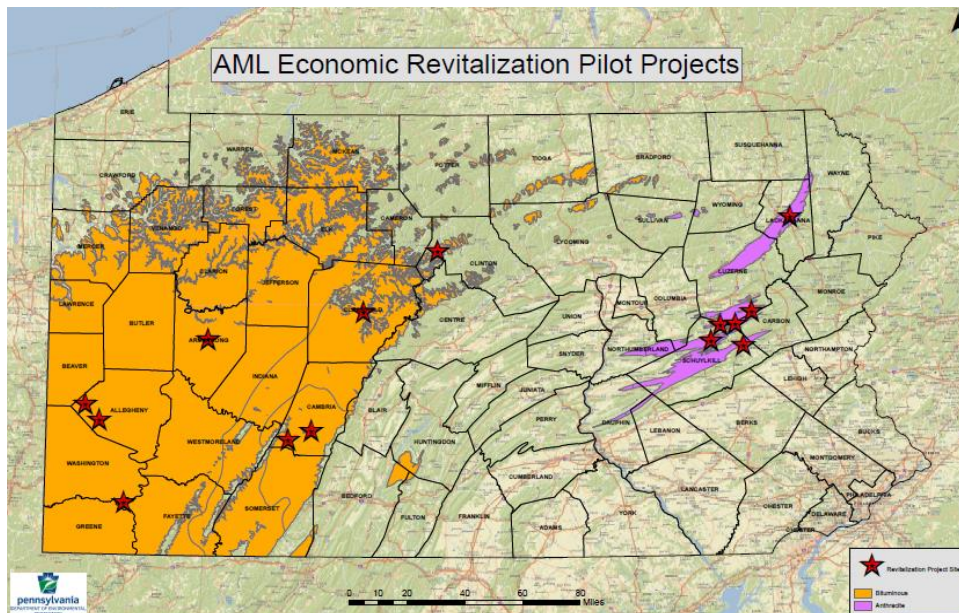
August 24 – DEP Notifies Farmers of Next Steps to Review Erosion and Manure Management Plans

August 29 – DEP Announces New Regional Director for Northwestern PA

August 31 - DEP and North-central Partners Restoring Streams and Rivers for Seventh Consecutive Year

Abandoned Mine Lands (AML) Pilot Program

The AML Economic Revitalization Pilot Program was authorized by Congress under the Consolidated Appropriations Act (signed by President Obama on December 18, 2015) and provides an additional \$30 million of US Treasury Funds to Pennsylvania's AML Program. At OSMRE's request this February, DEP developed a preliminary list of projects. Because this is a pilot program, DEP selected a wide variety of project types with a variety of possible economic or community development benefits and partners. DEP targeted 14 AML Pilot Projects (8 Bituminous and 6 Anthracite) which are located in 10 coal field counties as shown in the map below. Additional Pilot Projects may be considered. An initial list of projects was sent to OSMRE in March resulting in questions and subsequent information sent to OSMRE in April. The AML Pilot Program Grant Application was approved by OSMRE on June 6, 2016. Media events featuring several of the projects receiving some pilot project funding are being scheduled for different areas of the state. The first one was held on August 4, 2016 featuring the Ehrenfeld Coal Refuse Pile in Cambria County. The next event is September 7, 2016, for the Powderly Creek Underground Mine Fire just outside of Carbondale in Lackawanna County.



E-Permitting Project

Earlier this year the Department launched an e-permitting project for the mining program starting with the bituminous surface permit. Future projects will move to other mining permits as well serve as the foundation for expanding to other areas of the Department. After considering other e-solutions, it was decided the best strategy for expanding the effort to other permits would be to develop the application in house from the ground up. A project manager was brought in and a work group was formed from staff from IT and the mining program. Once the project was formalized, requirements gathering began in late March. *Work continued on the requirements for the submission and internal review components and is near completion. Development work continues. The project plan provides for a live application by February 2017.*

Federal Proposed Stream Protection Rulemaking

On July 27, 2015 the federal Office of Surface Mining published a substantial revision to the coal mining regulations relating to the protection of streams. The scope of the rule is extensive and many new additional requirements are proposed, including, for example, site-specific continuous precipitation data for every mine site. The comment period for the proposed rulemaking was extended to October 26, 2015. The Department

completed its evaluation of the rule and submitted comments on October 23. The Department's 17 pages of comments included specific recommendations for alternative approaches or revised language for purposes of improving the proposed regulations. In other instances, there were sections that were not clear and requests were made for clarification. Overall, two specific requests were made: to expand the preamble to comprehensively address each aspect of the proposed rule and the supporting science and to clarify the proposed regulatory language based on feedback received during the initial comment period. OSM has engaged with the states to discuss concerns about the rule. From this interaction it is clear that OSM is working to finalize the rule as quickly as it can the final rule will account for many of the comments received.

Act 54 Report Review

The Bureau of Mining Programs is working with the California District Mining Office to systematically review the Act 54 report. This process will involve review of the report and the comments relating to the report. The goal is to compile and evaluate all of the recommendations and identify action items. Discussions have identified a few categories of actions items. These include issues that have been addressed, but so recently that they could not be reflected in the Act 54 report, short-term actions, such as form revisions, and longer-term actions including database enhancements. The Department has received the CAC comments and will work with the Council to address their concerns. The TGD Surface Water Protection-Underground Bituminous Coal Mining Operations will be revised to address some of the issues raised in the Act 54 report and in response to recent litigation.

Noncoal and Coal Mining Fees

The 3-year reports for noncoal mining fees in Chapter 77 and coal mining fees in Chapter 86 are due in October and November 2016. The draft report for coal mining fees was reviewed with the Mining and Reclamation Advisory Board (MRAB) on April 23, 2015, and the draft report for the noncoal mining fees was reviewed with the Aggregate Advisory Board (AAB) on May 13, 2015. The fee reports were presented to the EQB at its May 20 meeting. The Department met with the AAB Regulation, Technical and Legislation committee on September 22 and October 23, 2015, to review information that had been requested by the PA Aggregate and Concrete Association. A preliminary draft rule was provided to the AAB in February. *The AAB recommended that the Department proceed with the rulemaking process at their August 2016 meeting. Their recommendation was linked to several initiatives they would like to explore through work groups. Similarly, a preliminary draft was presented to the MRAB in January, followed by a revised draft presented at the April MRAB meeting. A revised proposal has been prepared to present to the MRAB RLT committee in an effort to obtain a recommendation from the MRAB at the October meeting.*

Draft Proposed Rulemaking – Areas Unsuitable for Surface Mining, Big Run and Willholm Run Watersheds, Clearfield County

Graham Township was the petitioner for the unsuitable for mining designation. As a result of the formal petition, a comprehensive technical evaluation of the area was done which yielded the result the area within the Big Run and Willholm drainage be designated as unsuitable for mining operations. The regulation proposes to amend 25 PA Code, Chapter 86, Section 86.130 to add paragraph (b) (19) to achieve the designation within the noted watersheds which includes the Mercer, Lower Kittanning, and Clarion #1, #2, and #3 coals. DEP does not anticipate any controversy or opposition with this proposal.

Other Coal Mining Program Rulemakings

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's Regulation, Legislative and Technical Committee on November 25, 2014, to discuss the coal mining program improvements rulemaking. The MRAB committee expressed the concern that it may be premature to proceed, specifically relating to the definition of surface mining activities, since there is litigation related to this underway in the federal system. The proposed remining rulemaking was reviewed by the MRAB at their meeting on October 23, 2014. The MRAB recommended that DEP proceed with the rulemaking process for the

remining regulations. The EQB adopted the proposed remining rulemaking at its meeting on May 20, 2015. This proposed rulemaking was published with a 30-day comment period on October 3, 2015. The water supply replacement rulemaking will be deferred until the remining and program improvement packages are completed due to priorities identified by MRAB. One comment was received from the Pennsylvania Coal Alliance. IRRC comments were received on December 2, 2015. Program staff developed a final regulation which was presented at the January 21, 2016, meeting of the MRAB. The remining rulemaking was approved by the EQB in May. *IRRC approved the rulemaking at its August 18 meeting. Work is underway to be able to implement the new requirements as soon as the regulations are published, which is expected to occur in October.*

The proposed rulemaking for the explosives program was reviewed with the MRAB and the Aggregate Advisory Board. Each recommended that the Department proceed with the rulemaking process. The EQB approved the package on September 15, 2015, but the Attorney General's Office tolled the regulation on November 10, 2015. Program staff and Regulatory Counsel developed a response which was submitted to the Attorney General's Office on December 29, 2015. This was published in the Pennsylvania Bulletin on February 27, 2016, opening the public comment period. Several comments were received by the close of the comment period on March 28 which are currently under review. *The final form rulemaking was presented to the MRAB at their July meeting, resulting in a recommendation to proceed. This rulemaking will be presented to the Aggregate Advisory Board for their recommendation in November.*

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. A checklist that would eventually provide an alternative to submission of draft permits is under discussion; some progress has been made in identifying the content of the checklist, but a final draft has not yet been prepared. Monthly calls with EPA to discuss program issues have been reinstated. A number of workgroups are being established to address on-going issues. One of the workgroups will be evaluating the best way to integrate remining in TMDL watersheds. EPA has recently identified an example of a draft permit and fact sheet that provided them with the information they needed in a very clear and concise manner.

Guidance Document Revisions

The Bureau of Mining Programs is systematically reviewing the library of Technical Guidance Documents (TGDs) to identify all of the documents which require changes. The following TGDs are under active development:

Blaster's License Suspension and Revocation Procedure (562-2402-501): This TGD describes the procedures for the suspension, modification or revocation of blaster's licenses and/or penalty assessment actions; it was substantially revised to be more transparent and provide new procedures for these actions. The substantive revisions were published in the Pennsylvania Bulletin on May 5, 2014 and DEP accepted comments until July 7, 2014. Comments are being reviewed, a comment response document is being developed, and changes will be made to the TGD where necessary.

Board of Coal Mine Safety (BCMS)

Draft Final Rulemaking: Proximity Detection Systems for Continuous Mining Machines – The Mine Safety and Health Administration (MSHA) issued a final rule on proximity detection systems for continuous mining machines in underground coal mines on January 15, 2015. The MSHA rule excludes full-face continuous mining machines. Miners working in the vicinity of continuous mining machines are at risk of pinning, crushing, and striking hazards. This rule provides for greater protection for miners regarding these hazards. The

rule was distributed to the BCMS for review prior to their June meeting. At the June meeting the Board directed DEP to draft initial regulatory language to incorporate the MSHA rule on proximity detection systems for continuous mining machines in underground coal mines into PA mine safety regulations. The package was approved by the Board of Coal Mine Safety on December 8, 2015 and sent to Office of General Counsel and Budget for review. The rulemaking was signed off by the Office of General Counsel, the Governor's Budget Office, and the Office of Attorney General. This was published on March 19, 2016, opening the 30-day public comment period. No comments were received. On May 18, 2016, a no comment letter was received from IRRC. If a final-form regulation is delivered without revisions and if the House and Senate Environmental Resources and Energy Committees do not take any action, it will be deemed approved. *While implementation is proceeding, an issue has emerged concerning instances where a miner wearing a proximity pad is close to a source interfering with radio frequencies (RFI) (e.g., dust sampler, radio, energized cable), the proximity pad may be rendered inoperable. MSHA and equipment manufacturers are working on solutions including carriers that will keep the proximity pad separated from the RFI and developing software for the pads that will give the miner an audible and visual warning if RFI interference is causing a malfunction.*

Draft Proposed Rulemaking: Performance Based Cable Safety – The Board undertook the issue of performance based cable standards to address both shielded cables and sensitive ground fault. Typical low and medium voltage systems use a 15 ampere grounding resistor with a ground fault relay that trips at no more than 50% of the resistor value. It was determined that sensitive ground fault protection, set at an appropriate level, would not only decrease the potential hazard of handling a damaged cable, thereby increasing cable safety, it would also afford protection from inadvertent contact with energized circuits while troubleshooting or performing maintenance. Since the 1980's some components, such as the shearer and face motors, of the high-voltage longwall systems have used a ground fault relay which trips at no more than 0.125 amperes. A similar protection scheme can be used on low- and medium-voltage systems and can increase the protection of miners. This has been under development for several years. Draft language was presented and discussed at the March 23, 2016, meeting of the Board. Based on the Board's review, final language *was developed by Department staff and presented to the Board at their July 7 meeting. After making one amendment, they accepted the updated draft which will be formally considered by the Board at its September 13 meeting.*

Air Quality

Climate Change Advisory Committee (CCAC)

The next CCAC meeting is scheduled for September 13, 2016, at 10:00 a.m. in Room 105, RCSOB.

Air Quality Technical Advisory Committee (AQTAC)

The next AQTAC meeting is scheduled for October 13, 2016, at 9:15 a.m. in Room 105, RCSOB, starting at 9:15 a.m.

Small Business Compliance Advisory Committee (SBCAC)

The next SBCAC meeting is scheduled for October 26, 2016, at 10:00 a.m. in the 12th Floor Conference Room, RCSOB.

Pennsylvania's Methane Reduction Strategy for the Oil and Natural Gas Industry – *Methane is the primary component of natural gas and it has been identified by the EPA as the second most prevalent greenhouse gas emitted in this nation from human activities. Pennsylvania is the second largest producer of natural gas in the United States. On Jan. 19, 2016, Governor Tom Wolf announced a four-point methane emission reduction strategy for unconventional natural gas operations in Pennsylvania. This strategy includes the development of a general permit for new unconventional well pad operations and modifications to the existing general permit (GP-5) for compressors and natural gas processing facilities by Oct. 2016. DEP will also develop a regulatory proposal to implement EPA's final Control Technique Guidelines for the Oil and Gas*

Industry. This rulemaking will be submitted to EPA as a SIP revision within two years following the issuance of the final guidelines. Additionally, DEP will also develop best management practices, including leak detection and repair programs to reduce methane emissions along production, gathering, transmission and distribution lines. The proposed general permits, including the new GP for well pads and GP-5 modifications, will be published for public review and comment this fall.

Air Quality Rulemaking Packages

Control of VOC Emissions from Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Surface Coating Processes and Pleasure Craft Surface Coatings – The rulemaking will establish RACT as recommended in EPA’s 2008 Control Technique Guidelines for Miscellaneous Metal Parts Surface Coating Processes. The EQB approved the proposed rulemaking for public review and comment at its Oct. 21, 2014, meeting. The proposed rulemaking was published in the Pa. Bulletin on Aug. 8, 2015, starting a 60-day public comment period (45 Pa. B. 4366). The EQB held public hearings on Sept. 8, 9, and 10, 2015, in Norristown, Harrisburg, and Pittsburgh, respectively. No testimony was presented at the hearings. The public comment period closed on Oct. 13, 2015. Written comments were received on the proposed rulemaking from James Verderese, Environmental Manager for GE Transportation. IRRC also submitted comments on Nov. 12, 2015. The draft final-form Annex A was presented to AQTAC and CAC on Feb. 11 and March 15, 2016, respectively. Both committees unanimously concurred with DEP’s recommendation to submit the final rulemaking to the EQB for consideration. On April 27, 2016, the SBCAC also concurred unanimously with DEP’s recommendation to present the final rulemaking to the EQB for action. *The EQB unanimously approved the final rulemaking on June 21, 2016; on August 18, 2016, the Independent Regulatory Review Commission also unanimously approved the final rulemaking.*

Control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coating Operations and Heavier Vehicle Coating Operations – The rulemaking will establish RACT requirements consistent with EPA’s 2008 CTG for Automobile and Light-Duty Truck Assembly Coatings. The EQB approved unanimously the proposed rulemaking for public comment and review at its April 21, 2015, meeting. The proposed rulemaking was published in Pa. Bulletin on Aug. 8, 2015, starting a 60-day public comment period (45 Pa. B. 4351). EQB held public hearings on Sept. 8, 9, and 10, 2015, in Norristown, Harrisburg, and Pittsburgh, respectively. No testimony was presented at the hearings. The public comment period closed on Oct. 13, 2015. The EQB did not receive public comments on the proposal, but IRRC submitted comments on Nov. 12, 2015. The draft final-form Annex A was presented to AQTAC and CAC on Feb. 11 and March 15, 2016, respectively. Both committees concurred with DEP’s recommendation to submit the final rulemaking to the EQB. On April 27, 2016, the SBCAC also concurred unanimously with DEP’s recommendation to present the final rulemaking to the EQB for action. *The EQB unanimously approved the final rulemaking on June 21, 2016; on August 18, 2016, the Independent Regulatory Review Commission also unanimously approved the final rulemaking.*

Control of VOC Emissions from Industrial Cleaning Solvents – The proposed rulemaking would establish RACT requirements for industrial cleaning solvents as recommended in EPA’s 2006 CTG for Industrial Cleaning Solvents. At its Feb. 20, 2014 meeting, the AQTAC concurred with DEP’s recommendation to submit the proposed Control of VOC Emissions from Industrial Cleaning Solvents rulemaking to the EQB for consideration. The SBCAC was briefed on the proposed rulemaking on April 23, 2014, and voted unanimously to concur with DEP’s recommendation to forward the proposed rulemaking to the EQB for consideration with a recommendation that DEP consider flexibility for small businesses during the development of the proposed rulemaking. The CAC Policy and Regulatory Oversight Committee discussed this rulemaking during a conference call on May 6, 2014. On the recommendation of the Policy and Regulatory Oversight Committee, on June 17, 2014, the CAC concurred with DEP’s recommendation to forward the proposed rulemaking to the EQB. However, in response to comments heard at the various committee meetings, substantive changes were made to the proposed rulemaking. A revised draft Annex A was presented to AQTAC and CAC on Feb. 11 and March 15, 2016, respectively. Both committees concurred with DEP’s recommendation to submit the final

rulemaking to the EQB for consideration. The proposed rulemaking was presented to the SBCAC on April 27, 2016. The SBCAC also concurred unanimously with DEP's recommendation to submit the proposed rulemaking to EQB for consideration. The proposed rulemaking is tentatively scheduled for EQB consideration this *fall*.

Additional RACT Requirements for Major Sources of NO_x and VOCs – The Reasonably Available Control Technology (RACT) final rulemaking was approved by the EQB on Nov. 17, 2015. The final-form RACT regulation was unanimously approved by IRRC on March 10, 2016, and subsequently delivered, the same day, to the Attorney General's Office for approval as to "form and legality." The final-form RACT regulation was published in the *Pennsylvania Bulletin* on April 23, 2016 (46 Pa.B. 2036). The SIP revision was submitted to EPA for approval on May 16, 2016. *Conditional approval is anticipated pending DEP submission of RACT Case-by-Case determinations.*

Low Reid Vapor Pressure (RVP) Gasoline Repeal – The gasoline volatility regulation codified in 25 Pa. Code Chapter 126, Subchapter C, requires that summertime gasoline with a Reid vapor pressure (RVP) limit of 7.8 pounds per square inch (psi) or less per gallon be sold at the retail level in the Pittsburgh-Beaver Valley Area (Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, and Westmoreland counties) between May 1 and September 1 of each calendar year by all refiners, importers, distributors, resellers, terminal owners and operators and carriers. The restrictions apply between June 1 and September 15 of each year for all wholesale purchaser-consumers and retailers of gasoline. The EQB adopted the regulation in November 1997 to address a violation of the 1-hour ozone standard in the Pittsburgh-Beaver Valley Area; EPA approved the SIP revision on July 20, 1999. Given mandatory vapor recovery technology (carbon canister) requirements for all new vehicles since 2007, this regulation has had a diminishing effect on ozone precursor emissions.

In May 2014, the Pennsylvania General Assembly enacted legislation requiring DEP to develop a SIP revision for the removal of the low RVP fuel provisions from the SIP. The law also directs the EQB to promulgate regulation repealing the low RVP regulation (Act of May 14, 2014, P.L. 674, No. 50). On December 10, 2015, the majority of AQTAC concurred with DEP's recommendation to submit the proposed rulemaking to the EQB for consideration. The proposed repeal of this regulation was presented to the SBCAC and the CAC on Feb. 17 and March 15, 2016, respectively. Both committees unanimously concurred with the DEP's recommendation to submit the proposed rulemaking to the EQB for approval. *The proposed rulemaking is tentatively scheduled for EQB consideration this fall.*

Pennsylvania's Methane Reduction Strategy for the Oil and Natural Gas Industry – Methane is the primary component of natural gas and it has been identified by the EPA as the second most prevalent greenhouse gas emitted in this nation from human activities. Pennsylvania is the second largest producer of natural gas in the United States. On Jan. 19, 2016, Governor Tom Wolf announced a four-point methane emission reduction strategy for unconventional natural gas operations in Pennsylvania. This strategy includes the development of a general permit for new unconventional well pad operations and modifications to the existing general permit (GP-5) for compressors and natural gas processing facilities by Oct. 2016. DEP will also develop a regulatory proposal to implement EPA's final Control Technique Guidelines for the Oil and Gas Industry. This rulemaking will be submitted to EPA as a SIP revision within two years following the issuance of the final guidelines. Additionally, DEP will also develop best management practices, including leak detection and repair programs to reduce methane emissions along production, gathering, transmission and distribution lines. The proposed general permits, including the new GP for well pads and GP-5 modifications, will be published for public review and comment this *fall*.

Air Program Fee Schedule for Emission, Plan Approval and Operating Permit Fees - The proposed rulemaking would amend existing requirements and fee schedules codified in 25 Pa. Code Chapter 127, Subchapter I (relating to plan approval and operating permit fees) to ensure that fees are sufficient to cover the costs of administering the air program, as required by Section 502(b) of the Clean Air Act (CAA) and Section 6.3 of the

Air Pollution Control Act (APCA). Existing fees for plan approval applications and operating permits would be increased and fees would be established for requests for determination (RFD) of whether a plan approval is required, risk assessment reviews, and asbestos notifications. The proposed rulemaking would also set a dollar-per-ton fee to be paid by the owner or operator of a Title V facility for up to 4,000 tons of carbon dioxide (CO₂) emissions if EPA's "Standards of Performance for Greenhouse Gas Emissions from New Stationary Sources: Electric Utility Generating Units" and Clean Power Plan regulating CO₂ under Section 111 of the CAA are upheld by federal courts including the U.S. Supreme Court.

Energy Initiatives

2016 Alternative Fuel Incentive Grant (AFIG) Submissions: *The second submission period for the 2016 AFIG Grant has been extended until 4 PM on Friday, September 9th. Award announcements for the 1st submission period have not yet been announced. During the first submission period, a total of 30 applications were submitted via the DEP Environmental eGrants system. 13 applications were submitted for Vehicle Purchase and/or Retrofit projects, 4 applications were submitted for Innovative Technology projects, and 13 applications were submitted for Refueling Infrastructure projects. The total funding amount applied for is \$7.8 million. The AFIG Program offers grant funding for clean, alternative fuel projects in Pennsylvania, and investment in Pennsylvania's energy sector. Awards from the first submission are expected soon.*

Alternative Fuel Fleet Vehicles

Since 2012, the Act 13 Natural Gas Energy Development Program has awarded \$20 million to 62 companies and organizations. *To date, DEP has reimbursed grantees for the purchase or conversion of 553 heavy duty vehicles under the Act 13 program totaling more than \$11 million in program funds disbursed. The 553 vehicles supported to date with grant funds are estimated to be displacing over 7.1 million gasoline gallon equivalents per year. Over \$29.7 million in actual incremental costs have been expended on alternative fuel vehicles due to this program.*

Since 2013, the Alternative Fuel Incentive Grant Program has provided \$7 million to 66 awardees to support the purchase or conversion for light and medium duty natural gas vehicles as well as propane and electric fleet vehicles of any size. *So far, DEP has reimbursed grantees for the purchase or conversion of 390 vehicles totaling over \$2.2 million in program funds disbursed. The 390 vehicles are estimated to be displacing approximately 998,543 gasoline gallon equivalents per year. Over \$4.6 million in actual incremental costs have been expended on alternative fuel vehicles due to this program.*

Alternative Fuel Vehicle Rebate Program

The alternative fuel vehicle rebate program provides rebates to PA residents for large battery EVs and PHEVs at \$2,000 and small battery EV and PHEVs at \$1,000. DEP committed to provide 250 rebates at \$2,000 resulting in \$500,000 of pledged support to the purchase of large battery storage alternative fueled vehicles. *The \$2,000 rebate level will remain available until December 30, 2016, or until 250 rebates are issued, whichever occurs first. As of August 26, 2016, 163 rebates remain at \$2,000.*

PA Turnpike Electric Vehicle Charging

DEP has been working with the PA Turnpike on the deployment of direct current (DC) fast charging stations on the PA Turnpike. As of May 31st, Car Charging Group, Inc. (CCGI), the technology provider for the Turnpike project, has installed one level III DC fast charging station and one Level II charging station each at 5 service plazas along the Main Line of the PA Turnpike. DEP anticipates construction at the North & South Somerset Plazas to begin in 4 to 6 weeks. North & South Midway plazas will be installed in late summer or early fall of 2016. Eventually, Sideling Hill, Blue Mountain, Cumberland Valley, Highspire, Lawn, and Valley Forge will have Level II chargers as well as Level III DC fast chargers installed capable of fully charging an electric vehicle in 30 minutes.

Plug in Pennsylvania Electric Vehicle Charging

DEP has been working with Car Charging Group, Inc. (CCGI) on the deployment of level II and Level III direct current (DC) fast charging stations throughout Pennsylvania. Three Level III DC fast chargers and two level II chargers have been installed in DEP's Southeast Region. A DC fast charger was recently installed at the Harrisburg International airport's cell phone lot. CCGI is negotiating the next site location with property owners. The level 3 DC fast charger is capable of fully charging electric cars in 30 minutes.

Green Energy Revolving Loan Fund (GELF)

Since inception of the loan program in 2010, As of June 30, 2016, GELF has closed a total of \$14,827,001 of loans supporting the deployment of energy efficiency and alternative energy measures in Pennsylvania. These loans have leveraged nearly \$283 million in total project activities in Pennsylvania. GELF currently has available for lending \$2,373,918 consisting of revolved ARRA funding and additional State Energy Program (SEP) funding provided in 2015. GELF is currently considering a new project, the gut rehab of the historic Hale building in Philadelphia into office and restaurant space. This project is currently in an active underwriting process for a requested \$3,000,000 of loan financing to be supported, in part, by GELF SEP funds.

Promoting an Energy Efficient Work Force

Action Plan Update contains a work plan that recommends increasing deployment of CHP systems in PA and recently the PUC has proposed a policy statement intended to promote CHP investments; encourage electric distribution companies (EDCs) and natural gas distribution companies (NGDCs) to make CHP an integral part of their energy efficiency and resiliency plans.

The project is to demonstrate the use of natural gas and solar energy in a hybrid, CHP-Enabled Renewable Energy distributed energy configuration at the newly constructed Building 7R facility at the microgrid within the Philadelphia Navy Yard. This demonstration will establish a path to a more pervasive use of renewable energy technology by the application of hybrid (CHP + Solar Photovoltaic + Electric and Thermal Energy Storage combinations) systems that enable a resilient, low carbon footprint path that rationally incorporates cost-effective advances in solar cells, energy storage and distributed energy based electric grid designs. The project will provide the data and system operation experience for a transferrable design guide to enable interested municipal, industrial and rural co-op organizations to assess implementation feasibility for particular applications.

DEP participated in a meeting on Thursday, July 28, 2016, at Penn State Berks Campus related to the feasibility of a CHP-renewable microgrid to serve a proposed 155-acre industrial park in Bern Township, Berks County. Representatives from Penn State University, BCIDA, Met-Ed, First Energy, UGI, DCED, PUC, NETL, DOE Headquarters, Philadelphia Navy Yard, Enersys, GE Grid Solutions, among others, gave perspectives on what needed to be considered in a feasibility study for this site as well as the development of microgrid opportunities in the city of Pittsburgh and at the Philadelphia Navy Yard. Considerations include the use of renewables and net metering, ownership structure, types of tenants, islanding, resiliency, and participation in PJM markets. Penn State, who manages the Mid-Atlantic CHP Technical Assistance Partnership, helped to organize this meeting and is facilitating communication between the entities involved in this potential project, and similar projects in Pittsburgh and the Navy Yard.

Industrial Energy Efficiency Assistance

The draft Climate Change Action Plan Update contains a work plan that calls for greatly increasing the number of energy assessments for the manufacturing sector and this proposal directly coincides with that recommendation. DEP contracts with the Pennsylvania State University's Technical Assistance Program (PennTAP) to help Pennsylvania companies improve their competitiveness by providing technical assistance and information. DEP and PennTAP entered into a new contract for FY 2016 – 2017 to provide 70-75 energy efficiency assessments for small to mid-sized manufacturers. The project will also educate the next generation

of engineering students at Penn State University by including them in site visits and writing assessment reports. Funding is provided by EPA's Pollution Prevention Incentives for States and the DOE's State Energy Program.

PennTAP's technical staff provided ten assessments for manufacturing companies in the northwest, southwest, northcentral and southcentral regions during July. The manufacturers' represented the following categories: food processing, building construction, chemical, rubber and plastics, vehicle equipment, electronics, advanced materials, wood and lumber and petroleum products.

Energy Efficient Building Codes Outreach and Education

The Building Codes Assistance Project, Alliance to Save Energy, Energy Efficient Codes Coalition and other partners are working with the Delaware Valley Regional Planning Commission(DVRPC) and DEP staff to educate municipalities about the importance of registering to vote in-person (October 2016) or online (November 2016) on the proposed 2018 International Energy Construction Code (IECC). This year is particularly important after various energy efficiency professionals did an analysis of the proposed codes and found that the 2018 IECC, as proposed, will roll back energy efficiency requirements pre-dating 2009 IECC. The DVRPC held a workshop for code officials on July 19th. The group will also be providing further email blasts to municipalities statewide about the importance of registering to vote on the proposed codes, and, provide guidance about the technical issues on the proposed code. OPPEA staff will also be participating in webinars provided by the National Association of State Energy Officials to prepare for the upcoming voting sessions.

Application to USDOE for Competitive Solar Energy Evolution and Diffusion Studies II – State Energy Strategies (SEEDSII-SES)

OPPEA submitted an application entitled "Finding Pennsylvania's Solar Future: Scenario Planning and Stakeholder Engagement to Identify Tomorrow's Solar Development and Investment Strategies" on April 29 to the United States Department of Energy (DOE) in response to the SEEDS II – State Energy Strategies Solicitation. OPPEA's proposal is to work in partnership with Citizens for Pennsylvania's Future (PennFuture), the Vermont Energy Investment Corporation (VEIC), and others to coordinate and conduct a scenario-based stakeholder engagement process to create a cogent statewide Solar Deployment Plan for Pennsylvania, reaching out five years and 10 years to facilitate achievement of in state solar generation representing 10 percent of Pennsylvania's electricity sales by 2030. The period of performance would be 30 months, pending the outcome of continuation reviews and availability of funding. Eleven PA entities have pledged time to participate in the project, including the Energy Association of PA, PUC, Office of Consumer Advocate, University of Pennsylvania, all of the Sustainable Energy Funds, Solar City and Community Energy. DOE's reviewers provided comments on the proposal on May 26. DEP will respond to the comments by June 2, and we hope to be notified whether or not we received the award in September.

Environmental Cleanup and Brownfields

Administration of Land Recycling Program

Final-form amendments to the land recycling program regulations in 25 Pa. Code Chapter 250 was approved at the Environmental Quality Board meeting on April 19 and the Independent Regulatory Review Commission on June 30, and published on August 27, 2016. The amendments update the Medium-Specific Concentrations established under the Statewide health standard to protect human health by using current toxicological data and to provide clarification on administrative requirements. Other revisions include documentation of public notices that are required to be submitted with Act 2 reports and the ability of DEP to waive Act 2 report fees for resubmission of reports due to minor deficiencies. Also on August 27 DEP published revisions to the underground and above-ground storage tanks closure technical guidance documents to incorporate the new Chapter 250 MSC revisions into tank closure assessment protocols.

Cleanup Standards Scientific Advisory Board (CSSAB)

The next CSSAB meeting is scheduled for November 16, 2016, at 9 a.m. in the 14th Floor Conference Room, RCSOB.

Storage Tank Advisory Committee (STAC)

The STAC meeting scheduled for September 6, 2016, has been cancelled. The next meeting will be held December 6, 2016, at 10:00 a.m. in Room 105, RCSOB.

Environmental Education

Environmental Education Grants Program (EEGP)

DEP's Environmental Education and Information Center (EEIC) awards grants to do professional development, curriculum integration, non-formal environmental education programs, 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.

For the 2017 grant round, organizations may apply for mini-grants of up to \$3,000 or general grants up to \$50,000. General grants will be awarded to organizations implementing large scale regional or statewide environmental education projects. Mini-grant applicants may apply for local environmental education projects. All applicants are encouraged to undertake projects that address DEP's priority topics of climate change, water education and environmental justice.

DEP will be conducting four in-person workshops and a webinar geared to staff from county conservation districts, colleges and universities, public and private schools including Intermediate Units, school district curriculum specialists, nature centers, non-profit organizations, municipalities and authorities, and businesses. Workshop participants will learn strategies to prepare a successful grant application. Applications must be submitted electronically through the Single Application for Assistance from Oct. 3 through Dec. 16, 2016.

Workshops will be held on the following dates and locations:

Sept. 13: 10 a.m.- noon – [McKeever Environmental Learning Center](#), 55 McKeever Center, Sandy Lake, Mercer County.

Sept. 15: 10 a.m. – noon – [Schuylkill Center for Environmental Education](#), 8480 Hagy's Mill Road, Philadelphia.

Sept. 20: 1-3 p.m. – [Pool Wildlife Sanctuary](#), 3701 Orchid Place, Emmaus, Lehigh County.

Sept. 27: 10 a.m.- noon – [Benjamin Olewine III Nature Center](#), 100 Wildwood Way, Harrisburg, Dauphin County.

In addition to the workshops, DEP will hold a webinar about the grant program from 10-11 a.m., Thursday, Sept. 29. Interested individuals may join the webinar by clicking [here](#).

PA Falcon Reintroduction Program

The volunteer watch and rescue program began on May 23rd and concluded on June 3rd with all three juveniles flying well. Again this year, all three juvenile fledges had to be rescued after becoming grounded from their first flights. The fledges dispersed the area in late July confident in their flying and hunting abilities. The Falcon Cam is live year round, and viewers may tune in to see the adult pair spending time together at the ledge. This is good news in that it indicates their pair bond is strong and the outlook for the next breeding season is good. The resident female typically stays in the area year round. The resident male now stays in the area throughout the year as well. There is ample food supply available and the climate is suitable, even the cold winter temperatures.

Combined TAB and COGAC Meeting

In lieu of the TAB and COGAC meetings originally scheduled for May and August, 2016, DEP met with the board and committee members jointly on June 23, 2016. Given that the meeting topics *related to* both TAB and COGAC, it was determined that it *would* be more effective and efficient to meet with both groups simultaneously. The meeting *was held* in the DEP Moshannon District Office in Philipsburg *and was open to the public*.

Draft Technical Guidance Documents (Environmental Protection Performance Standards at Oil and Gas Well Sites)

Two technical guidance documents are being developed to assist DEP and industry in implementing the final-form rulemaking – Guidelines for Implementing “Area of Review Regulatory Requirement” (AOR Guidelines) and the “Policy for the Replacement or Restoration of Private Water Supplies” (Water Supply Policy). Both documents have been the subject of workgroup meetings dating back to last November with a wide range of stakeholders as well as formal consideration by TAB and COGAC. Edits have been made in the wake of Act 52 to remove all references in the documents to the conventional oil and gas industry.

Draft Forms (Environmental Protection Performance Standards at Oil and Gas Well Sites)

DEP’s Office of Oil and Gas Management (OOGM) is developing the forms that will assist in the implementation of the final-form surface activities rulemaking. The draft forms were presented to the Oil and Gas Technical Advisory Board (TAB) and Conventional Oil and Gas Advisory Committee (COGAC) in March and June. DEP has made revisions to the forms and guidance as a result of discussion with TAB and COGAC and intends to make the forms available on its website at the time the final-form rulemaking is published in the Pennsylvania Bulletin.

Information Technology Enhancements (Environmental Protection Performance Standards at Oil and Gas Well Sites)

The final-form rulemaking (i.e., “Environmental Protection Performance Standards at Oil and Gas Well Sites”) begins to transition the unconventional gas program from paper-based submissions to electronic submissions. In several areas, including unconventional well permitting, the regulations require operators to submit notification, reports and applications electronically. For the publication of the rulemaking, the initial plan is to make electronic notifications available through the DEP’s Greenport system and a basic e-Submission portal for operators to upload electronic versions of reports and applications. Operators will be required to log into the system with specific identifiers and submit the proper notification or identify and upload electronic documents. DEP’s Office of Oil and Gas Management has been working with staff from its Bureau of Information Technology to ensure the necessary functionality.

Training Webinars (Environmental Protection Performance Standards at Oil and Gas Well Sites)

DEP’s Office of Oil and Gas Management committed to oil and gas industry stakeholders to provide training on the new regulations (i.e., “Environmental Protection Performance Standards at Oil and Gas Well Sites”) prior to the effective date of the rulemaking. Department staff presented training webinars to the public and the regulated community during the week of Aug. 22 and Aug. 29, including:

- *Monday, August 22: Pipelines & Horizontal Directional Drilling*
- *Tuesday, August 23: Waste Management – Control and Disposal*
- *Wednesday, August 24: Emergency Response, Secondary Containment, Reporting/Remediating Spills & Releases*
- *Thursday, August 25: Well Permits & Reporting*
- *Friday, August 26: Water Management Plans*

- *Tuesday, August 30: Erosion Control, Site Restoration & Borrow Pits*
- *Wednesday, August 31 (10:00 am): Protection of Water Supplies*
- *Wednesday, August 31 (1:00 pm): Waste Management – Disposal*
- *Thursday, September 1: Application Requirements & Public Resources*

The Department will make the recorded webinar, the PowerPoint presentation and a “Frequently Asked Question” document available on its website for each individual training session.

Classroom-based Training (Environmental Protection Performance Standards at Oil and Gas Well Sites)

In addition to the web-based training modules/Webinars, DEP staff will host two free, in-person trainings on the new regulations in September. These will be two-day trainings covering all ten modules over the course of this training. The first training will be held on September 13-14, 2016 at the Ramada Inn in State College, PA. The second training will be held on September 27-28, 2016 at the Ramada Inn in Washington, PA. These training sessions enable the regulated community and public to receive training in a venue that includes “in person” presentations with an opportunity for attendees to ask questions and receive answers and feedback in more of a dialogue format.

2015 Oil and Gas Annual Report Published

On Monday, August 1, DEP published the 2015 Oil and Gas Annual Report. This is the third year in a row that the Office of Oil and Gas Management has authored and released a comprehensive annual report for public review and use. This annual report provides detailed information about DEP’s oil and gas permitting, inspection and compliance programs. In addition, the annual report provides insights of ongoing data trends, outlines significant accomplishments and provides a view of what to expect from DEP during 2016. The report shows that despite the reduction in the number of natural gas wells that were drilled in Pennsylvania during 2015, the overall volume of natural gas produced continued to increase to a record level. In 2015, more than 4.6 trillion cubic feet of natural gas were produced in Pennsylvania compared to about 1 trillion cubic feet of natural gas produced in 2011. Currently, Pennsylvania remains the second largest supplier of natural gas in the nation.

New GIS Application and Tutorial to Help Users Access Oil and Gas Information

On July 19, DEP released an updated version of a GIS application that allows users to access information and download reports about oil and gas wells in Pennsylvania. DEP also released a new video tutorial that explains how to use the PA Oil and Gas Well Mapping application and what information is available to retrieve. The video is available on [DEP’s YouTube Channel](#). Users can locate wells by searching based on the permit number, or specific address, county, latitude and longitude, municipality or zip code. In addition to being able to view the location of oil and gas wells, users can also access specific information about each well, including inspection, violation, and enforcement information as well as production data. Additionally, users can access and view a number of documents associated with those wells, including well permit applications, well permits, inspection reports, operator responses to violations, and well site emergency response plans. DEP plans to make additional information available as it transitions to collecting more oil and gas well data in an electronic format. Users can also pinpoint a particular point on the map and draw a proximity buffer around it to learn what other features are located within that buffer zone such as coal mining operations, landfills and waste facilities. The PA Oil and Gas Well Mapping application is available on [DEP’s website](#).

Oil and Gas Workload Report

Please see Attachment 2.

Radiation Protection

Low-Level Waste Advisory Committee (LLWAC)

The annual meeting of the LLWAC is scheduled for October 7, 2016, at 10:00 a.m. in Room 105, RCSOB.

Radiation Protection Advisory Committee (RPAC)

The RPAC meeting scheduled for October 13, 2016, has been rescheduled to November 17, 2016, at 9:00 a.m. in the 14th Floor Conference Room, RCSOB.

Radiation Protection Rulemaking Packages

Radiation Protection Program Fees – This *proposed* rulemaking *will* amend Chapters 218 and 240 relating to fees. DEP must review the adequacy of established fees every three years, and the current fee review indicates the need for a fee increase in two program areas. The fees for Radioactive Materials and Decommissioning Program and the Radon Program are insufficient to cover program costs. This information was presented in a 3-year Fee Report to the RPAC and EQB in 2014 meetings of these bodies. RPAC has endorsed the increases. The proposed rulemaking was approved by the EQB on April 19, 2016, *and published in the Pa. Bulletin on July 2*, with a 60-day public comment period *that closes August 30, 2016*. *A draft final rulemaking will be developed in September and reviewed with the RPAC at its November 17, 2016, meeting.*

Radiological Health – This proposed rulemaking *is diverse in scope and will* amend 25 Pa. Code Chapters 215-240 *to establish and maintain adequate radiation protection standards and oversight due to significant technological advances in the use of radiation sources. The revisions will delete Agreement State transitional language and outdated requirements as well as add definitions for clarity of new and existing regulatory provisions. The amendments also contain comprehensive amendments for radon testing, mitigation, and laboratory analysis that largely reflect current practice.* This rulemaking has been reviewed at length with RPAC at its meetings in 2014 and 2015. DEP received the Committee's endorsement of the package in July 2015. The proposed rulemaking *will be presented to the EQB on September 20, 2016.*

TENORM Study Revision

The 2015 TENORM Study report has been revised to correct errors in the data tables, inconsistent use of significant figures, and some typos. In addition, a new Appendix M was completed that contains the non-radiological data generated and collected that was not within the scope of the study. The revised study report was posted *on June 8, 2016, on the DEP website in both final form and in track-change form.*

Waste Management

Solid Waste Advisory Committee (SWAC)

The *annual meeting of the SWAC and Recycling Fund Advisory Committee* is scheduled for Thursday, September 22, 2016, at 10:00 a.m. in Room 105, RCSOB. *Agenda topics include the 2016-2017 Recycling Fund spending plan, updates on PennDOT's Strategic Recycling Program, and the Act 101 Section 904 Recycling Performance Grant Program.*

Water Programs

New Chapter 102 and 105 Delegation Agreements

The Department of Environmental Protection has revised the delegation agreements with county conservation districts for both the Water Obstruction and Encroachments Permitting Program (WEOP Program, Chapter 105) and the Erosion and Sediment Pollution Control (E&S) and National Pollutant Discharge Elimination System (NPDES) Permitting Program for the discharge of stormwater from construction activities (Chapter 102). The key changes to the delegation agreements include the following:

- *Permit Decision Guarantee/Permit Review Process (PDG/PRP) SOPs have been developed for each permit type and the timeframes in those SOPs are reflected in the delegation agreements and required output measures (ROMs).*

- *Post Construction Stormwater Management (PCSM) delegation has been developed in a stand-alone agreement, along with associated ROMs.*
- *The PCSM delegation provides for both completeness and engineering review of the PCSM plans; what was previously known as the “technical review” will be terminated. Districts who do not assume the PCSM delegation will still remain required to execute completeness reviews of PCSM plans and to make note of PCSM practices during site inspections.*
- *Agriculture E&S is specifically identified in the base and PCSM delegation agreements and ROMs.*

Key Changes to the Chapter 105 Agreement:

- *General Permit transfers and Submerged Lands License Agreement transfers will be added to the responsibilities of the delegated conservation districts.*
- *Customized agreements will no longer be issued. Every conservation district will be provided the same agreement with the same delegated responsibilities.*
- *Permit Decision Guarantee/Permit Review Process (PDG/PRP) SOPs have been developed for each permit type and the timeframes in those SOPs are reflected in the delegation agreements and ROMs.*

The revised delegation agreements were approved by the State Conservation Commission at its September 19, 2015 meeting, and were sent to all conservation districts for review and signature. The districts could opt to maintain their current levels and programs of delegation agreement, add a new level or agreement, or drop a level or agreement. A letter of Intent was requested from each conservation district by February 26, 2016 indicating their choice. It is anticipated that full execution of all revised delegation agreements will take place by or before January 2017.

Technical Guidance Documents

The Bureau of Waterways Engineering and Wetlands is in the process of finalizing three technical guidance documents previously published for public comment. The technical guidance documents set to be finalized are the Pennsylvania Wetland Condition Level 2 Rapid Assessment (Doc Id: 310-2137-002), Pennsylvania Riverine Condition Level 2 Rapid Assessment (Doc Id: 310-2137-003), and Pennsylvania Lacustrine Condition Level 2 Rapid Assessment (Doc Id: 310-2137-004). These technical guidance documents provide standard guidelines for evaluating the condition of palustrine wetlands, riverine and lacustrine aquatic resources for the purposes of meeting regulatory requirements contained in 25 Pa. Code Chapter 105. The technical guidance outlines how to conduct assessments, the factors to consider when doing so and establishes a scoring system based upon condition categories. Program staff will present an overview of the three proposed Aquatic Resource Condition Level 2 Rapid Assessment final technical guidance documents to the Water Resources Advisory Committee at their September 21, 2016 meeting.

NPDES Permitting

On May 30, 2015, DEP published a draft NPDES General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (PAG-13), and provided a 60 day comment period. DEP subsequently decided to extend the comment period for an additional 15 days based on several public requests. As a result, the comment period ended on August 31, 2015. DEP received 609 comments from 64 individuals/groups. Bureau of Clean Water (BCW) staff prepared a comment-response document, and the final PAG-13 General Permit was published in the Pennsylvania Bulletin on June 4, 2016. The General Permit will not become effective until March 2018. DEP reissued the General Permit well in advance of the expiration date because significant work may be required by MS4s to prepare for renewal of coverage, including the possibility of developing a Pollutant Reduction Plan for stormwater discharges to waters in the Chesapeake Bay watershed and to locally impaired waters.

BCW staff is currently working on the re-issuance of the NPDES General Permit for Discharges of Stormwater Associated with Industrial Activities (PAG-03). The current PAG-03 expired on December 5, 2015. The proposed draft PAG-03 general permit revision was advertised in the Pa Bulletin on October 17, 2015. The draft

PAG-03 is available for viewing on the Department's website. The public comment period was open for 30 days until November 16, 2015. BCW published an Administrative Extension to PAG-03 until December 5, 2016 so that the current authorization for existing general permitted discharges does not expire until a new permit can be issued. However, during the period of Administrative Extension, new NPDES PAG-03 general permits cannot be issued. Persons seeking authorizations to discharge would need to apply for an individual NPDES discharge permit. BCW staff are currently reviewing comments and preparing responses before final issuance of the new NPDES PAG-03 permit, Issuance is targeted within the next month.

Sewage Sludge Land Application Permitting

The Bureau of Clean Water (BCW) is currently re-writing the three sewage sludge land application general permits numbers PAG-07, 08 and 09. These permits initially expired in April 2014. These general permits have been administratively extended since that time and will continue to be extended until new permits are issued on a statewide basis by the BCW staff. The draft revised permits will be published for public information and comment. Target timeframe for the publication of the draft permits is within the next 3 months.

Stormwater BMP Grant Program Applications Received

DEP announced a new grant program, using EPA money, which will be used by municipalities to construct stormwater Best Management Practices (BMPs) in the Chesapeake Bay Watershed in August. The deadline for applications closed on October 9, 2015. DEP received 42 applications. The most common types of BMPs requested in the applications are raingardens, trees (urban planting and riparian buffers), and stormwater management basin retrofits. Applications came from municipalities and municipal authorities in the southcentral, northeast and northcentral DEP regional offices. Details on the program are available on the DEP stormwater website. Scoring and recommendation for final selection has been completed and submitted for approval. Nineteen projects were recommended for funding, totaling \$2.28 million. Announcement of successful applicants should happen within the next couple months.

Municipal Separate Storm Sewer System (MS4) Training

DEP is providing training for the public on the PAG-13 NPDES General Permit. The training will be broken out into two sessions, one geared towards new MS4s, Notice of Intent (NOI) preparation, and the second session focusing on Pollution Reduction Plans (PRPs) and Total Maximum Daily Load (TMDL) plans. The first session is complete and consisted of five, 50 person training events throughout the state; each event will have two to three, one day sessions, with the third day dependant upon public interest. The second session will consist of five, 100 person training events throughout the state, starting in September 2016; each event will have one to two, one day sessions, with the second day dependant upon public interest.

Triennial Review of Water Quality Standards

Section 303(c)(1) of the Clean Water Act and Federal regulations at 40 CFR Section 131.20 require that states periodically, but at least once every 3 years, review and revise as necessary, their water quality standards. Pennsylvania's Water Quality Standards are set forth in 25 Pa Code Chapter 93 (Water Quality Standards) and Chapter 16 (Water Quality Toxics Management Strategy – Statement of Policy).

DEP is currently drafting proposed rulemaking and related documentation to support recommended revisions to Pennsylvania's Water Quality Standards (Chapter 93), for consideration by the Environmental Quality Board (EQB). In addition, DEP is recommending related amendments to the Water Quality Toxics Management Strategy – Statement of Policy (Chapter 16). Water quality standards include designated uses, numeric and narrative criteria and antidegradation requirements for surface waters. The regulatory changes in this proposed rulemaking are the result of on-going reviews and evaluations of the water quality standards conducted by DEP. This proposed rulemaking fulfills the federally required triennial review of water quality standards as mandated by the federal Clean Water Act.

The triennial review of water quality standards proposed rulemaking (TR17) was presented to the Water Resources Advisory Committee at the March 24, 2016 meeting. *The final rulemaking is anticipated in 2017, which will be submitted to the U.S. Environmental Protection Agency for formal review and approval in accordance with the Federal Clean Water Act.*

Stream Redesignations – Sobers Run, et al. Proposed Rulemaking

As part of its continuing water quality management program and ongoing review of water quality standards, DEP is currently drafting proposed rulemaking and related documentation to support recommended revisions to stream redesignations in Pennsylvania’s Water Quality Standards (Chapter 93), for consideration by the Environmental Quality Board (EQB). The recommended amendments are to revise 25 Pa. Code Chapter 93, §§93.9c, 93.9f, and 93.9i.

Section 303(c)(1) of the federal Clean Water Act requires states to periodically review and revise, as necessary, water quality standards. This proposed rulemaking contains waterbodies that are candidates for redesignation. Stream evaluations were conducted by DEP to determine the appropriate designated use of the candidate waterbodies. The streams in this proposed rulemaking were all evaluated in response to petitions as follows:

Stream	County	Petitioner
Swiftwater Creek	Monroe	Brodhead Creek Watershed Association
Sobers Run	Northampton	Bushkill Township
Mill Creek	Berks, Chester	Delaware Riverkeeper Network
Silver Creek	Susquehanna	Silver Lake Association

Additionally, the Department is recommending corrections to some stream names as they appear in §93.9c. The United States Geologic Survey (USGS) maintains the National Hydrography Dataset (NHD) Flowline. These corrections are being proposed to maintain consistency between the Pennsylvania Code and the NHD Flowline. The proposed rulemaking was presented to the EQB at their April 19, 2016 meeting.

2015 Assessment and Listing Methodology

The Department published the 2015 Assessment Methodology as final in the Pennsylvania Bulletin on February 13, 2016. The Assessment Methodology is a compilation of sampling and analysis protocols used to assess the waters of the Commonwealth for purposes of the Integrated Monitoring and Assessment Report produce every two years as required by the federal Clean Water Act. The Methodology is available on the Department’s website at http://www.dep.pa.gov/Business/Water/PointNonPointMgmt/WaterQuality/Pages/Draft-2015-Assessment-Methodology.aspx#.Vt2rXqMo6_4. The methodology consists of 19 protocols to monitor and assess biological and chemical data from rivers, streams and lakes and 8 support documents and appendices. All protocols published in the 2013 Assessment Methodology were retained with four lake protocols being revised and two new protocols added. The new protocols are the Cause and Effect survey and Bacteriological Sampling Protocol. The draft Nutrient Impact Assessment Protocol was not published as a final method as the Department decided that further development of the protocol was warranted following public comment period.

Proposed Rulemaking:

Revised Total Coliform Rule

The purpose of the proposed RTCR Chapter 109 rulemaking package is to incorporate necessary federal requirements needed to obtain primacy and to provide for the increased protection of public health. The proposal does the following:

- *Strengthens public health protection by ensuring the integrity of drinking water distribution systems and monitoring for the presence of microbial contamination.*

- *Establishes a Maximum Contaminant Level (MCL) for E.coli.*
- *Creates a treatment technique for coliforms that requires public water supplies (PWSs) to assess their system and correct any problems that have been identified.*

The RTCR was published in the PA Bulletin on October 3, 2015. The draft final rulemaking was presented for review and comment at the March 16, 2016 Small Water Systems TAC Board meeting. The EQB approved the final rulemaking on June 21, 2016; IRRC approved the final rulemaking on August 17, 2016. It is anticipated that the final rule will be published in the fall.

Disinfection Requirements Rule

The purpose of the proposed Disinfection Requirements Rule Chapter 109 rulemaking package is to strengthen requirements relating to microbial protection and disinfection by ensuring the adequacy of treatment designed to inactivate microbial pathogens and by ensuring the integrity of drinking water distribution systems. The amendments include:

- *New monitoring and reporting requirements to ensure compliance with existing treatment techniques regarding log inactivation and CT requirements. Without this data, there is no way to determine compliance with the existing requirement.*
- *Increasing the minimum disinfectant residual requirements in the distribution system to 0.2 mg/L free or total chlorine. The Department's existing disinfectant residual requirements for the distribution system have not been substantially updated since 1992 and require the maintenance of a detectable residual that is defined as 0.02 mg/L. This is not protective of public health because a residual of 0.02 mg/L does not represent a true detectable residual and the level is inadequate to protect against microbial growth within the distribution system.*
- *The amendments also include minor clarifications to the Stage 2 Disinfectants/Disinfection Byproducts Rule (Stage 2 DBPR), Long Term 2 Enhanced Surface Water Treatment Rule (LT2) and the Lead and Copper Rule Short-Term Revisions (LCRSTR) in order to obtain or maintain primacy.*

The proposed rulemaking was approved by EQB on Nov 17, 2015 and was published in the PA Bulletin on February 20, 2016. Three hearings were held on March 28 (Harrisburg), April 5 (Norristown), and April 7 (Pittsburgh). The public comment period closed on April 19, 2016. IRRCs comment period closed on May 19, 2016. The draft final rulemaking should be presented to the TAC Board in early of 2017.

Draft 2016 Pennsylvania Integrated Water Quality Monitoring and Assessment Report (Integrated Report)

The Department published the Draft 2016 Pennsylvania Integrated Report in the Pennsylvania Bulletin on July 30, 2016 for a 45-day comment period. The comment period closes September 12, 2016. The Integrated Report satisfies the federal Clean Water Act (CWA) Section 303(d) requirement that every two years on even numbered years submit the list of waters (flowing and lakes) that will not meet water standards following the application of technology due to a pollutant and require the development of a Total Maximum Daily Load (TMDL) to USEPA. The report also satisfies the CWA Section 305(b) requirement that states report the water quality status of all surface waters from time to time to USEPA. The list is composed of surface waters assessed for at least one of the four protected uses of aquatic life, fish consumption, potable water supply and recreation. The report is available on the Department's website at:

<http://www.dep.pa.gov/Business/Water/PointNonPointMgmt/WaterQuality/Pages/Integrated-Water-Quality-Report---2016.aspx>. The report consists of five categories, waters that are attaining all four uses, waters attaining at least one use, waters not assessed, waters impaired but don't require a TMDL and waters impaired by a pollutant that require a TMDL. In addition, the report identifies the waters selected as high priorities for TMDL development and those waters that will be restored through an alternative to a TMDL, waters restored to water quality standards since the previous integrated report and other details and statistics of the water quality

management program. An overview of the 2016 Integrated Report will be presented to the CAC at the September 20, 2016 meeting.

Water Resources Planning

Great Lakes and St. Lawrence River Basin Regional Body Vote on Waukesha, Wisconsin, Diversion

On June 21, 2016, The Great Lakes Compact Council voted unanimously in approving the City of Waukesha’s request to divert water from the Great Lakes into the Mississippi River Basin. This request was made and evaluated under the Great Lakes Basin Compact. The final diversion amount is 8.2 million gallons per day. This is down from an application request for 10.1 million gallons per day. Also agreed to were conditions and amendments related to annual reporting; monitoring of the Root River, which will be the conveyance of return flow back to Lake Michigan; and acknowledgement of enforceability by the Compact Commission or parties thereto.

2016 National Conservation Foundation (NCF) Envirothon

From July 25 through July 28 Envirothon teams from 52 states and provinces, plus China, competed in the NCF-Envirothon held at Trent University in Peterborough, Ontario. Penncrest High School, Delaware County, Pennsylvania took second place. Each member of the five member Pennsylvania team will receive a cash award of \$2,000. University of Toronto Schools from Ontario won the event.

Attachment 1

2016 Events Calendar

Please consult the DEP Calendar of Events for a comprehensive listing of upcoming events. The Calendar can be accessed in the Public Participation Tab on the DEP website. Click on “Public Participation;” “Calendar of Events.”

September	
22	Solid Waste and Recycling Fund Advisory Committees, 10a.m., Room 105 RCSOB
October	
7	Low-Level Waste Advisory Committee, 10:00 a.m., Room 105 RCSOB
12	Technical Advisory Committee on Diesel Powered Equipment, 10 a.m., Westmoreland Room, DEP New Stanton Office, 131 Broadview Rd., New Stanton
13	Air Quality Technical Advisory Committee, 9:15 a.m., Room 105 RCSOB
20	Mining Reclamation Advisory Board, 10 a.m., 105 RCSOB
26	Small Business Compliance Advisory Committee, 10:00 a.m., 12 th Floor RCSOB
November	
1	Climate Change Advisory Committee, 10:00 a.m., Room 105 RCSOB
2	Aggregate Advisory Board, DEP Southcentral Regional Office, 10 a.m., Susquehanna Conference Room, 900 Elmerton Avenue, Harrisburg
16	Cleanup Standards Scientific Advisory Board, 9:00 a.m., 14 th Floor RCSOB
17	Radiation Protection Advisory Committee, 9:00 a.m., 14 th Floor RCSOB
December	

Attachment 2**Oil and Gas Workload Report****YTD WELL PERMIT APPLICATIONS - 1/1/2016 to 8/26/2016**

	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	136	42	99	99	99	0
UNCONVENTIONAL	812	187	854	846	825	8
Sub Total	948	229	953	945	924	8
AUTHORIZATIONS	469	175	549	519	N/A	30
Total	1,417	404	1,502	1,464	1,399	38

WEEKLY WELL PERMIT APPLICATIONS -8/20/2016 to 8/26/2016

	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	0	0	7	7	7	0
UNCONVENTIONAL	14	14	21	21	21	0
Sub Total	14	14	28	28	28	0
AUTHORIZATIONS	18	18	0	0	N/A	0
Total	32	32	28	28	28	0

HISTORICAL WELL PERMIT APPLICATIONS AS OF 8/26/2016

	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	197,311	197,259	196,037	189,965	1,222	103,709
UNCONVENTIONAL	22,177	21,963	21,519	17,644	444	10,186

Sub Total	219,488	219,222	217,556	207,609	1,666	113,895
AUTHORIZATIONS	42,095	41,810	41,476	N/A	3234	18,675
Total	261,583	261,032	259,032	248,480	2,000	132,570

YTD INSPECTIONS - 1/1/2016 to 8/26/2016

	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	10,345	8,217	1,490	304
UNCONVENTIONAL	10,324	5,266	265	72
CLIENT/SITE	2,793	0	616	173
Total	23,462	13,483	2,371	549

WEEKLY INSPECTIONS - 8/20/2016 to 8/26/2016

	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	217	205	9	3
UNCONVENTIONAL	242	230	2	0
CLIENT/SITE	53	0	1	8
Total	512	435	12	11

WELLS DRILLED

	Two Years Prior 1/1/2014 to 8/26/2014	One Year Prior 1/1/2015 to 8/26/2015	Year To Date 1/1/2016 to 8/26/2016	Week of 8/20/2016 to 8/26/2016	As of 8/26/2016
CONVENTIONAL	508	223	53	4	193,684
UNCONVENTIONAL	908	557	272	11	9,881
Total	1,416	780	325	15	203,565

This report was prepared by Abbey Cadden, Policy Aide, DEP Policy Office. For questions or requests, please email acadden@pa.gov or call (717) 705-3769.