

**September 2017 Report to the Citizens Advisory Council**  
(New and updated information in italics)

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**DEP Highlights**

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**Chesapeake Bay Phase III Watershed Implementation Plan (WIP) Steering Committee Meeting**

The Steering Committee met on July 31 to discuss the workgroup memberships, stakeholders' input on the Phase I and Phase II WIP processes, and to view a presentation on a Bay Program tool to analyze the cost effectiveness of various methods to reduce nutrient contributions to the watershed. The Steering Committee voted to approve the proposed members of the Agriculture, Forestry, Stormwater, Wastewater, and Funding workgroups, while the membership of the Local Area Goals workgroup remains TBD until priority areas in the watershed are identified. Representatives from the Stormwater, Agriculture, and Wastewater sectors spoke about aspects of the Phase I and Phase II WIP processes they felt worked and did not work for their industries and used these experiences to provide suggested focuses for the Phase III WIP such as land use issues, accurate manure management accounting, and wastewater targets and compliance.

**2018 Climate Change Action Plan Kickoff Meeting**

On Monday, August 7, the Climate Change Advisory Committee met to discuss the development of the 2018 Climate Change Action Plan Update. DEP's contractor, ICF, outlined plans for the Comprehensive Statewide Energy Assessment, climate mitigation strategies, and climate adaptation strategies. Committee members asked questions about the process moving forward.

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**Federal Regulations**

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**Recently Submitted DEP Comments**

*National Oceanic and Atmospheric Administration's (NOAA) request for comments on Streamlining Regulatory Processes and Reducing Regulatory Burden (NOAA-NMFS-2017-0067-0001). DEP's comments focused on NOAA's intent to review the Coastal Zone Management Act (CZMA) Federal Consistency Regulations (15 C.F.R. Part 930).*

**Regulations Planned for DEP Comment**

Nothing to report.

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**Regulatory Update (detailed summaries included in respective program sections)**

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

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## **Proposals Open for Public Comment**

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- *Proposed Rulemaking: Safe Drinking Water General Update and Fees (Opened 8/26/17; Closes 9/25/17)*
- *Proposed State Implementation Revision: Attainment Demonstration for the Indiana Nonattainment Area for the 2010 Sulfur Dioxide NAAQS (Opened 8/12/17; Closes 9/15/17)*

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## **Recently Closed Comment Periods**

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- Proposed Rulemaking: Control of VOC Emissions from Industrial Cleaning Solvents; General Provisions; Aerospace Manufacturing and Rework; Additional RACT Requirements for Major Sources of NOx and VOCs (Opened 7/17/17; Closed 8/21/17)
- Federal Consistency Notice Under the Coastal Zone Management Act: Maintenance Dredging of the Marina Basin Located in Neshaminy State Park, Bucks County (Opened 7/29/17; Closed 8/14/17)
- Draft Technical Guidance: Policy for State Water Quality Certification Issuance for Interstate Natural Gas Transmission Pipeline Projects Regulated by FERC (310-2100-001) (Opened 7/29/17; Closed 8/28/17)
- Draft PAG-15 NPDES General Permit for Point Source Discharges from the Application of Pesticides (Opened 7/22/17; Closed 8/21/17)
- Nutrient Credit Trading Program; Certification Requests, Lancaster County (Opened 7/22/17; Closed 8/21/17)
- Proposed Certification State Implementation Plan: Pennsylvania's Existing Emission Statement Program and Nonattainment New Source Review (NNSR) Program Addressing the 2008 Ozone NAAQS Rule (Opened 7/15/17; Closed 8/18/17)
- Proposed State Implementation Plan Revision: Attainment Demonstration for the Beaver Nonattainment Area for the 2010 Sulfur Dioxide NAAQS (Opened 7/15/17; Closed 8/18/17)
- Federal Consistency Notice Under the Coastal Zone Management Act: a proposal to construct a culvert to enclose a portion of the West Branch Cascade Creek (Opened 7/8/17; Closed 7/24/17)
- Proposed State Implementation Plan Revision: Attainment Demonstration for the Warren Nonattainment Area for the 2010 Sulfur Dioxide National Ambient Air Quality Standard (Opened July 1, 2017; Closed August 4, 2017)
- Pennsylvania's 2017 Annual Ambient Air Monitoring Network Plan (Opened July 1, 2017; Closed August 1, 2017)
- Nutrient Credit Trading Program, Certification Requests: Lycoming County Conservation District (Opened July 24, 2017; Closed July 24, 2017)
- Proposed Infrastructure State Implementation Plan Revision: Applicable Requirements for the 2012 Annual Fine Particulate Matter National Ambient Air Quality Standard (Opened July 17, 2017; Closed July 20, 2017)
- Proposed Base Year Inventory State Implementation Plan Revision: Applicable Requirements for the 2012 Annual Fine Particulate Matter National Ambient Air Quality Standard (Opened 6/17/17; Closed 7/20/17)

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## **Communications Monthly Press Releases (All New, not Italicized)**

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### **Press Releases Issued**

**July 11** – ADVISORY – DEP to Hold Public Hearing on Homer City Generating Station in Indiana County

**July 12** – DEP Issues a Code Orange Air Quality Action Day Forecast for the Philadelphia Area for July 13

- July 13** – Wolf Administration Announces Former Susquehanna County Railyard to Be Transformed into Community Park
- July 13** – ADVISORY –DEP to Hold Public Meeting on Coal Refuse Area Expansion in Cambria County
- July 17** – ADVISORY – DEP Secretary McDonnell Will Participate in Wyoming Valley Regional Stormwater Event
- July 18** – DEP Commends Regionalized Approach to Reduce Stormwater Pollution in Luzerne County
- July 18** – DEP Issues a Code Orange Air Quality Action Day Forecast for the Philadelphia, Pittsburgh, and Liberty-Clairton Areas for July 19
- July 19** – DEP Issues a Code Orange Air Quality Action Day Forecast for the Philadelphia Area for July 20
- July 20** – DEP Announces Employment Opportunity in Mining Program
- July 20** – ADVISORY – DEP to Hold Public Meeting on Bailey Mine Permit Revisions in Greene County
- July 20** – DEP to Hold Public Comment Period and Public Hearing on Atlantic Sunrise Pipeline Air Quality Permit Application
- July 21** – DEP Releases Details of Mariner East 2 Oversight
- July 25** – DEP Announces Accountability Actions for Mariner East 2 Violations, Environmental Hearing Board Issues Temporary Partial Halt to Drilling
- July 25** – DEP Draft Water Quality Report Submitted to U.S. EPA
- July 26** – ADVISORY – Quecreek Mine Rescue 15th Anniversary Commemoration Day
- July 26** – ADVISORY – Wolf Administration to Announce Funding for Cooks Run Restoration Project
- July 27** – DEP Issues Expansion Permit for Frey Farm Landfill
- July 27** – ADVISORY – Steering Committee to Hold Public Meeting on Chesapeake Bay Watershed Phase 3 Plan
- July 27** – Wolf Administration Commemorates 15th Anniversary of Quecreek Mine Rescue
- July 27** – ADVISORY – DEP to Host a Public Hearing on a Proposed State Implementation Plan Revision for the Warren Nonattainment Area
- August 01** – Wolf Administration Announces Project to Reclaim 40 Acres, Restore Designated High-Quality Coldwater Fishery in Sproul State Forest
- August 01** – Three GO-TIME Initiatives Selected as Finalists for National Tech Awards
- August 01** – DEP Issues a Code Orange Air Quality Action Day Forecast for the Philadelphia Area for August 2
- August 03** – Wolf Administration Leaders Urge Residents to Take Steps to Prevent Mosquito and Tick Bites

- August 04** – Lessons from Past, Tools for Future Focus of Meeting on Phase 3 of Pennsylvania’s Plan to Clean Up Local Waters in Chesapeake Bay Watershed
- August 08** – DEP Chronicles Story of Susquehanna River Stresses and Cites Successes on New Interactive Multimedia Website
- August 09** – Department of Health and Department of Environmental Protection Report First Human Case of West Nile Virus in Pennsylvania in 2017
- August 09** – Mosquito Spraying Set for Delaware County on August 10
- August 10** – ADVISORY – Wolf Administration to Dedicate Headframe at Pioneer Tunnel Coal Mine
- August 10** – DEP Approves Source Water Protection Plan for Appalachian Utilities, Inc. in Clinton County
- August 10** – REMINDER – DEP to Hold Public Hearing on Atlantic Sunrise Pipeline Air Quality Permit Application
- August 11** – ADVISORY – DEP to Hold Public Hearing on Proposed State Implementation Plan Revision for Beaver Nonattainment Area
- August 11** – Mosquito Spraying Set for Lebanon County on August 14
- August 14** – Wolf Administration Dedicates Historical Headframe at Pioneer Tunnel Coal Mine Tourism Site
- August 15** – ADVISORY – DEP and Agriculture Secretaries to Discuss Chesapeake Bay Watershed Phase 3 at Legislative Public Meeting
- August 16** – Wolf Administration Announces Successful First Year for Expanded Agricultural Inspections in Chesapeake Bay Watershed
- August 17** – DEP Approves Use of Emission Reduction Credits for Lancaster County Soybean Plant
- August 18** – Mosquito Spraying Set for Lycoming County on August 21, 2017
- August 21** – Anglers Warned to Not Eat Fish from Shenango River
- August 22** – ADVISORY – Steering Committee to Hold Public Meeting on Chesapeake Bay Watershed Phase 3 Plan
- August 24** – DEP Implements Plan to Improve Drinking Water Quality Inspections
- August 28** – ADVISORY – DEP Staff to Update Media on Proposed Landfill in Boggs Township, Clearfield County
- August 28** – ADVISORY – DEP to Hold Public Hearing on Proposed State Implementation Plan Revision for Indiana Nonattainment Area

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## **Active and Abandoned Mine Operations**

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### **Act 54 Report Review**

The Bureau of Mining Programs is working with the California District Mining Office to systematically review the Act 54 report. A few categories of action items have been identified. DEP 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. BMP started to draft the next report and will soon select the party that will undertake the project.

### **Final Rulemaking**

#### **Draft Final-Form Rulemaking – Handling and Use of Explosives**

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. The final-form rulemaking was presented to the MRAB at their July 2016 meeting, resulting in a recommendation to proceed. This rulemaking was presented to the Aggregate Advisory Board at their November 2016 meeting which also resulted in a recommendation to proceed. It is expected to be presented to the EQB in 2017.

### **Proposed Rulemaking**

#### **Non-Coal Mining Fees**

*The Noncoal Mining program fees are the subject of a proposed rulemaking package that is scheduled for review by the EQB this Fall. The rulemaking proposes to revise fee amount to reflect the full cost of implementing the Noncoal Surface Mining Act. The proposal includes fee increases that are phased in three two-year increments. After these phases, the fees would be adjusted using an index for employment costs.*

#### **Aggregate Advisory Board Work Groups**

*The Aggregate Advisory Board has identified several issues that it would like to review and weigh in on in collaboration with the Department. The most prominent of these issues is the evaluation of factors contributing to sink hole development near quarry sites. The Aggregate Advisory Board has pointed out that sink hole development is a complex issue which, while it can be related to pumping done by quarries, it is also subject to other influences which need to be identified and evaluated. Some of these factors go beyond the scope of the noncoal mining laws and regulations. Other work group topics include permit application reviews, bonding, inspections and overall program implementation.*

### **NPDES Permitting for Mine Sites**

The Mining Program continues to work with EPA to implement NPDES permitting and compliance improvements. EPA is working with the Mining Program to identify the parameters of further interaction between the agencies. A checklist that would eventually provide an alternative to submission of draft permits is under discussion; some progress has been made in implementing the checklist, aimed at beginning its use soon. Monthly calls with EPA to discuss program issues have been reinstated. Several workgroups are being established to address on-going issues.

## **Guidance Document Revisions**

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

### **Processing Completion Reports for Coal Mining Operations (563-2504-411)**

This draft guidance explains the process operators should follow to submit a completion report to have their bond liability reduced. On completion of a stage of reclamation, the operator or any other person having an interest in the bond, may file a Completion Report requesting a bond release. There will be a 30-day comment period on this guidance document this Summer.

### **Blaster's License Suspension and Revocation Procedure (562-2402-501)**

Substantive changes have been made to the draft based on public comment. The changes enhance clarity and transparency, and ensure that the necessary actions taken are reasonable. This guidance document is expected to be published as final this Summer.

## **Board of Coal Mine Safety (BCMS)**

### **Draft Final-Form 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 near 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 comments 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. The Board tabled action on this rule at their December 13, 2016, meeting pending resolution of MSHA implementation issues.

### **Draft Final Form – Sensitive Ground Fault**

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, 2016 meeting. The draft was reviewed by the Board at their September 13, 2016, meeting where it was approved with some minor

changes brought up by the Pennsylvania Coal Alliance. This was delivered to IRRC, the House and Senate Environmental Resources and Energy Committees, and Legislative Reference Bureau on March 3, 2017. It was published on March 18, 2017 opening the public comment period through April 17, 2017. On May 17, 2017, IRRC submitted comments regarding concern over the 60-day phase in period protecting the safety of miners and the need for the regulation to require rebuilt load centers at existing mines. The June meeting was cancelled. The Board met on September 5, 2017 *and adopted the final-form Sensitive Ground Fault rulemaking.*

Future regulatory issues that will be taken up by the Board include a better way to define what is a reportable accident and consolidating required ventilation plans into one package to simplify the entire plan approval process.

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## **Air Quality**

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### **Climate Change Advisory Committee (CCAC)**

*The CCAC held a meeting on August 7, 2017. The next CCAC meeting has been rescheduled from Sept. 12, 2017, to October 24, 2017, at 10:00 a.m. in Room 105, RCSOB.*

### **Air Quality Technical Advisory Committee (AQTAC)**

*The August 3, 2017, AQTAC meeting was rescheduled to Wednesday, September 6, and will be held via webinar at 9:15 a.m. from Room 105, RCSOB. Agenda topics include a conceptual presentation of proposed air quality fee revisions and a discussion of the 2015 Emissions Inventory. The next AQTAC meeting is scheduled for October 12, 2017, at 9:15 a.m. in Room 105, RCSOB.*

### **Small Business Compliance Advisory Committee (SBCAC)**

*The SBAC held a meeting on July 26, 2017. The next SBCAC meeting is scheduled for October 25, 2017, at 10:00 a.m. in the 12<sup>th</sup> Fl. Conference Rm, RCSOB.*

### **VW Beneficiary Mitigation Plan**

The U. S. Department of Justice, the state of California and Volkswagen lodged partial consent decrees with the Northern District Court of California relating to Volkswagen's unlawful emissions from its 2.0-liter and 3.0-liter diesel vehicles, model years 2009 through 2016. The court approved these decrees on October 25, 2016, and May 17, 2017, respectively, providing Pennsylvania with \$118,569,539.52 for economic and environmental damages. DEP will apply to become certified as the official state agency that will receive and distribute funding from the Environmental Mitigation Trust (Mitigation Trust). DEP has developed a draft Beneficiary Mitigation Plan (Plan) that provides an overview of how Pennsylvania's portion of the trust fund will be spent. The public comment period on this Plan opened on May 20, 2017, and closed on July 5, 2017. DEP held a webinar on May 23, 2017, and held a listening session at each of its six regional offices in June. In general terms, the Plan calls for DEP to receive proposals for projects and rate the projects on established and publicized criteria, such as cost effectiveness, emission reductions, and the air quality where the project is located. DEP will grade project applications to determine the best eligible projects, then apply to the Trustee for approval to fund those projects. *The draft Plan is available on the Department's Volkswagen web page at <http://www.dep.pa.gov/Business/Air/Volkswagen/Pages/Environmental-Mitigation-Trust-Agreement.aspx>.*

### **Pennsylvania's Methane Reduction Strategy for the Oil and Natural Gas Industry**

Methane is the primary component of natural gas and has been identified by the EPA as the second most prevalent greenhouse gas emitted from human activities in this nation. 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 included the development of a general permit for new unconventional well pad operations (GP-5A) and modifications to the existing general permit (GP-5) for compressors and natural gas processing facilities. The proposed general permits were presented to the AQTAC, CCAC and CAC on Dec. 8, 2016, Jan. 10 and Jan. 17, 2017, respectively. A Pennsylvania Bulletin notice on Feb. 4, 2017, opened a 45-day public comment period which was subsequently extended to 120 days and closed on June 5, 2017. Approximately 10,000 comments were received; AQ program staff are drafting a comment and response document prior to finalizing the general permits and making them available for use.

DEP will also develop a proposed rulemaking to implement EPA's 2016 Control Technique Guidelines (CTG) for the Oil and Gas Industry. The EPA established a deadline of two years from the date of issuance of the final guidelines to submit the state's SIP revision. The CTG was issued on Oct. 27, 2016, making the state's SIP revision due to the EPA on or before Oct. 27, 2018.



## **Ozone Designations**

On Oct. 26, 2015, EPA lowered the ozone National Ambient Air Quality Standard (NAAQS) from 75 ppb to 70 ppb. Following promulgation of a new or revised air standard, states are given the opportunity to submit recommendations for the designation of attainment, unclassifiable and nonattainment areas. Using 2013, 2014, and 2015 ozone season data and EPA guidance, DEP proposed the following ozone nonattainment areas in the Aug. 20, 2016, Pa. Bulletin:

- A 7-county Pittsburgh-Beaver Valley Area;
- A 5-county Philadelphia Area;
- Indiana County; and
- Lebanon County.

The Department held public meetings in Harrisburg, Pittsburgh and Norristown on Aug. 24, 25, and 26, respectively. There were 24 comments received from five commentators. The Department submitted its recommendations to the EPA on Oct. 3, 2016. On Feb. 28, 2017, the Department submitted certified 2016 ozone data to the EPA. Based on 2014, 2015 and 2016 certified ozone season data, on April 11, 2017, the Department recommended that the 7-county Pittsburgh-Beaver Valley Area and Indiana County be designated as attainment. In addition, the Department has begun the process of completing two exceptional event analyses with respect to forest fires contributing to high ozone concentrations across the Commonwealth in 2016. This analysis may confirm the design values for Lebanon County and Berks County meeting the 2015 Ozone NAAQS, leaving only the 5-county Philadelphia Area in nonattainment for the 2015 ozone standard of 70 ppb. The EPA will perform its own analysis to determine nonattainment areas, while taking the Commonwealth's recommendations into account. On June 6, 2017, the EPA extended the deadline for promulgating initial area designations for the 2015 ozone NAAQS by one year. *On August 2, 2017, EPA withdrew the extension, leaving it unclear as to when EPA will make its initial area designations.*

## **2010 SO<sub>2</sub> NAAQS Attainment Demonstration SIP Revisions**

On March 18, 2016, effective April 18, 2016, the EPA published a final action finding that several states, including Pennsylvania, failed to submit SIPs to satisfy nonattainment area planning requirements of the Clean Air Act (CAA) for the 2010 1-Hour Primary SO<sub>2</sub> NAAQS. The four areas in Pennsylvania are Beaver, Indiana/Armstrong, Warren, and Allegheny Counties. The Pennsylvania SIPs, which were due by April 4, 2015, must describe how the areas will meet the SO<sub>2</sub> standard by the statutory attainment date of Oct. 4, 2018. The EPA's findings of "failure to submit" triggered mandatory deadlines for the EPA to impose sanctions if Pennsylvania does not submit SIPs addressing those requirements and for the EPA to promulgate a Federal Implementation Plan (FIP) to address any outstanding SIP requirements. The EPA is obligated to apply offset sanctions within 18 months (Oct. 18, 2017) from the effective date of the findings and highway funding sanctions in 24 months (April 18, 2018) from the effective date of the findings if the state has not submitted the SIPs and the EPA has not found them to be complete by the respective deadlines. The findings also trigger an obligation under the CAA for the EPA to promulgate a FIP no later than 2 years from the finding of failure to submit, if the state has not submitted, and the EPA has not approved, the SIP. On March 6, 2017, the Allegheny County Health Department (ACHD) submitted a draft SIP for the Allegheny County nonattainment area to the Department. The ACHD held a public hearing concerning their draft SIP on April 6, 2017, and the public comment period closed April 11, 2017. Because of significant comments and revisions to the draft SIP, ACHD opened a second public comment period which closed on June 6, 2017, and held a second public hearing on June 1, 2017. *The Department opened public comment periods for the Warren, Beaver and Indiana/Armstrong nonattainment area SIPs on July 1, July 15 and August 12, 2017, respectively, and held public hearings on August 2, August 15 and September 15, 2017, respectively. The Department anticipates submitting the four complete SIPs by early October.*

## **2008 Ozone NAAQS SIP Revisions**

On January 13, 2017, the EPA notified 15 states, including Pennsylvania, and the District of Columbia that they had failed to submit certain SIP revisions to address Clean Air Act requirements for the 2008 Ozone NAAQS. The states affected are overdue in submitting SIP revisions for either their designated nonattainment areas or their entire state as a member of the Ozone Transport Region, or both.

Five areas in Pennsylvania were identified: Allentown-Bethlehem-Easton area; Lancaster area; Philadelphia-Wilmington-Atlantic City area; Pittsburgh-Beaver Valley area and the Reading area. Pennsylvania must submit a SIP revision certifying that our current Nonattainment New Source Review (NNSR) regulation meets the requirements of the 2008 Ozone NAAQS. *The proposed NNSR certification was open for public comment from July 15 through August 18, 2017. No comments were received. The Department is preparing a SIP revision for submission to EPA.*

DEP must also finalize the Industrial Cleaning Solvents (ICS) rulemaking, implementing the last of the 2006-2008 Federal Volatile Organic Compound Control Technique Guidelines (CTGs) (see below).

## **Air Quality Rulemaking Packages**

### **Control of VOC Emissions from Industrial Cleaning Solvents**

The proposed rulemaking would establish RACT requirements for industrial cleaning solvents (ICS) as recommended in the EPA's 2006 Control Techniques Guidelines for ICS. The AQTAC, SBCAC, and CAC concurred with DEP's recommendation on February 20, April 23, and June 17, 2014, respectively, to submit the proposed ICS 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 proposed rulemaking Annex A was presented to AQTAC, CAC and SBCAC on February 11, March 15, and April 27, 2016, respectively. All three committees again concurred with DEP's recommendation to submit the proposed rulemaking to the EQB for consideration. The proposed ICS rulemaking was considered and unanimously approved by the EQB at its March 21, 2017, meeting. *The proposed rulemaking was open for public comment from June 17 through August 21, 2017. Three public hearings were held on July 18, 19, and 20, 2017, at the DEP regional offices in Norristown and Pittsburgh and at the Rachel Carson State Office Building in Harrisburg, respectively. Seven comments were received. A comment/response document will be prepared before bringing a final rulemaking back to the AQTAC.*

### **Low Reid Vapor Pressure (RVP) Gasoline Volatility Requirements Repeal**

The gasoline volatility requirements regulation 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; the 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.

On May 14, 2014, the Pennsylvania General Assembly enacted *Act 50 of 2014*, 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 a regulation repealing the low RVP regulation. AQTAC, SBCAC and CAC concurred with DEP's recommendation to submit the proposed rulemaking to the EQB for consideration, and on October 18, 2016, the EQB voted 15-5-0 on DEP's recommendation to move the proposed rulemaking forward to be published in the Pennsylvania Bulletin for public comment. In the Feb. 25, 2017, Pennsylvania Bulletin and in seven major newspapers across the Commonwealth the EQB published notice of a public comment period, which closed on May 1, 2017. On March 28, 29 and 30, 2017, the EQB held public hearings at DEP regional offices in

Pittsburgh and Norristown and at the Rachel Carson State Office Building in Harrisburg, respectively. No testimony was received at the hearings; however, the Department prepared responses to several written comments that were submitted to the EQB. Based upon comments received from the Independent Regulatory Review Commission, the Department has revised the rulemaking to conform more with Act 50. Instead of revoking the RVP requirement before receiving EPA approval for the SIP revision, the regulatory language was changed to make low RVP requirements no longer effective upon EPA's approval of the Department's SIP revision. This is a change from past practice and guidance from EPA; however, the outcome is the same. On June 15, 2017, AQTAC concurred by a vote of 12-2-1 with DEP's recommendation to submit the final-form rulemaking to the EQB for consideration. *The Department anticipates bringing this final rulemaking to the EQB later this year.*

#### Air Program Fee Schedule for Emission, Plan Approval and Operating Permit Fees

A proposed rulemaking is under development that 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. *Various options for these fees will be presented to AQTAC during the committee's September 6, 2017, webinar.*

### **Finding Pennsylvania's Solar Future**

On Nov. 2, Governor Tom Wolf announced that a statewide planning project led by the Pennsylvania Department of Environmental Protection (DEP) called "Finding Pennsylvania's Solar Future," was selected to receive \$550,000 grant from the U.S. Department of Energy. The project will help to equip Pennsylvania to produce more solar energy and increase solar-generated in-state electricity sales to at least 10 percent by 2030. The project began on January 1, 2017. *Recent work includes maintaining an active stakeholder process that helps to inform, review, and refine a plan identifying and investigating alternative future solar scenarios for Pennsylvania. During the most recent quarter, the total number of project stakeholders increased by 50% (96 new stakeholders). Our current stakeholder group of 289 reflects an adequate representation across multiple sectors such as the solar industry, academia, associations, and private citizens.*

#### *PA Solar Future Webinar and Quarterly Stakeholder Meeting:*

*On August 23 from 2:00 to 3:00pm the PA Solar Future Team hosted a webinar that included a panel of experts to explore the impacts of alternative ratemaking on solar and how this could influence PA's Solar Future. The webinar was recorded and placed on the PA Solar Future Webpage. The next stakeholder meeting will take place on September 14<sup>th</sup> at The Inn at Villanova University, Villanova, PA. The stakeholder meeting will be a full day event with registration beginning at 8:30 AM. Registration and other information are provided on the PA Solar Future Website. Presentations during the morning sessions and over lunch will be live streamed. These sessions will be recorded and posted later to the website.*

### **Pennsylvania Energy Development Authority (PEDA)**

The Pennsylvania Energy Development Authority (PEDA) is an independent public financing authority that was created in 1982 by the Pennsylvania Energy Development Authority and Emergency Powers Act and that was revitalized through an April 8, 2004, Executive Order. The authority's mission is to finance clean, advanced energy projects in Pennsylvania. Pennsylvania projects that could potentially qualify for funding from the Authority include solar energy, wind, low-impact hydropower, geothermal, biomass, landfill gas, fuel cells, integrated gasification combined cycle, waste coal, coal-mine methane, and demand management measures. The authority presently can award grants, loans, and loan guarantees. Tax-exempt and taxable bond financing for clean, advanced energy projects also are available through the Pennsylvania Economic Development Financing Authority (PEDFA).

Currently, there are 22 PEDA projects being deployed. Of those, eighteen projects have been completed and are operating and four projects are still underway. For the 22 projects, the anticipated energy savings are 13,840,945 KWh/yr, projected generation is estimated to 64,873,111 KWh/yr of alternative energy and an additional savings of 72,145 Mcf each year. Total savings/generation equals to 99,843,883 KWh/yr. The conversion of energy savings/generation to average household consumption in Pennsylvania equals to 9,600 households for a year. Projected carbon dioxide emission savings from the projects is approximately 64,399 tons each year which equals to greenhouse gas emissions savings from 13,702 typical passenger vehicles on road for a year. As projects are completed, PEDA will receive at least one, follow-up annual report which will detail alternative energy generation and energy savings.

### **2016 Alternative Fuel Incentive Grant (AFIG)**

The AFIG Program offers grant funding for clean, alternative fuel projects in Pennsylvania, and investment in Pennsylvania's energy sector. During the first AFIG 2016 submission period, a total of 30 applications were submitted via the DEP Environmental eGrants system by April 30, 2016. The award announcement for the 1<sup>st</sup> submission period occurred on September 8, 2016. DEP awarded more than \$1.6 million to 10 applicants including Pennsylvania schools and businesses for projects using alternative fuels and infrastructure. The winning projects are estimated to eliminate from use an estimated 980,000 gallons of gasoline.

Award announcements for the second submission period for the 2016 AFIG were made on Tuesday, March 7, 2017. DEP awarded more than \$1.9 million to 16 applicants including Pennsylvania schools and businesses for projects using alternative fuels and infrastructure. The winning projects are estimated to eliminate from use an estimated 1.2 million gallons of gasoline.

The application submission period for Round Three of the Alternative Fuels Incentive Grant Program closed on Friday, December 30, 2016. A total of 27 applications were submitted, including: 15 applications for vehicle retrofit and/or purchase projects, 11 applications for refueling infrastructure projects, and one application for innovative technology projects. DEP staff have made recommendations for awards. The 2017 Alternative Fuel Incentive Grant Program is currently under development.

Award announcements for the third submission period for the 2016 AFIG were made on Thursday, April 27, 2017. DEP awarded nearly \$2 million to 17 applicants including Pennsylvania schools and businesses for projects using alternative fuels and infrastructure. The winning projects are estimated to eliminate from use an estimated 650,000 gallons of gasoline annually.

The 2017 Alternative Fuel Incentive Grant Program opened in May with two submission due dates of July 14 and December 15, 2017.

### **Alternative Fuel Fleet Vehicles**

Since 2012, the Act 13 Natural Gas Energy Development Program has awarded \$20 million to 62 companies and organizations. *In total*, DEP has reimbursed grantees for the purchase or conversion of *713 heavy duty vehicles* under the Act 13 program totaling more than \$13.8 million in program funds disbursed. The *713 vehicles* supported to date with grant funds are estimated to be displacing over 8.9 million gasoline gallon equivalents per year. Over \$37.4 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 \$10.6 million to 91 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 *551 vehicles* totaling over \$3.1 million in program funds disbursed. The *551 vehicles* are estimated to be displacing over 1.7 million gasoline gallon equivalents per year. \$7.3 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 EVs and PHEVs. *DEP has provided 338 rebates since January 1, 2017, resulting in \$521,750 of support.* The program transitioned to an online electronic submission format on March 18, 2017, and revised to the rebate amounts to \$1,750 for large-sized battery EVs, \$1,000 for mid-sized battery EVs and PHEVs, and \$750 for small battery EV and PHEVs. *As of June 8, 2017, 141 rebates* are available at the \$1,750 level. Upon payment of the first 250 rebates at \$1,750 or June 30, 2017, whichever occurs first, rebate amounts offered will be reassessed and likely reduced if funds remain.

### **Green Energy Revolving Loan Fund (GELF)**

As of June 30, 2017, GELF has closed a total of *15,874,889* of loans supporting the deployment of energy efficiency and alternative energy measures in Pennsylvania. *In June, a GELF loan with Metrus Energy for the Jack M. Barrack Hebrew Academy was closed* in the amount of \$1,047,888, *work on the project is underway in the summer of 2017.* GELF currently has \$1,395,400 available for lending *and will likely be used for a project* in active underwriting, the Hale Building, *a historic building in Philadelphia undergoing a full rehab.* There is also now available over \$500,000 in revolved funding. Some of this funding may be used for eligible energy projects at Cristo Rey Philadelphia High School; analysis is underway. DEP and GELF are working to further

develop the marketing of successes of completed projects by developing outreach tools designed to attract projects which can utilize the funds revolving back in to the loan fund. *These success stories will be posted on the GELF website and links provided on the DEP site.*

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

The Climate Change 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.

*PSU has been working with Art Anderson (NREL) to organize a funded collaboration on the Hybrid CHP-Enabled Renewables project in Navy Yard Building 7R, as well as other PA State projects in which CHP + PV + Storage Microgrids are envisioned. Proposal preparations are in the process for submission to U.S. DOE and / or ARPA-E. The partners envisioned for this proposal include NETL, PA DEP, and PSU College of Engineering.*

### **Industrial Energy Efficiency Technical Assistance**

The 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. *PennTAP completed 71 energy efficiency site assessments (101% of their project goal) for the manufacturing sector at the end of the state fiscal year 2016-2017. The service was marketed to manufacturers statewide. The metal fabrication, food processing, vehicle equipment, electronics, plastics, advanced materials, wood, lumber and paper, and chemical, rubber and plastics industries were provided services. The types of assessments were for lighting, compressed air, process heating, HVAC, variable frequency drive and heat recovery. There was a large demand from industry in the northern tier of PA. PennTAP will be collecting economic and environmental benefit data once companies have the opportunity to implement the recommended measures from the assessment reports. The total recommended cost savings for the 71 companies is \$1,330,840 and the total electric and non-electric savings are 10,349,677 kWh/yr and 78,545 MMBTU/yr respectively. The total CO<sub>2</sub> emission reductions from recommended electric and NG savings are 8,768 metric tons of CO<sub>2</sub>/yr.*

*For state fiscal year 2017-2018, DEP contracted with PennTAP and Emerging Technology Applications Center (ETAC) to provide energy efficiency technical assistance, such as energy efficiency assessments, and information for small to medium sized industrial companies. PennTAP will focus on companies in the western and parts of the central part of the state and ETAC will focus on companies in the eastern and parts of the central part of the state, however, service is not limited geographically depending upon the needs of industry. PennTAP is additionally providing energy management systems trainings on ISO 50001 (the national standard for energy management systems) and DOE's new "50001 Ready" Program which is an energy management*

*system program targeted to small and medium-sized businesses. Funding is provided by the DOE's State Energy Program.*

### **Energy Assessments and Retrofits for Restaurants and Corner Stores**

*For 2016-2017, DEP contracted with the Energy Outreach and Assessment Center (EOAC) at the Philadelphia Navy Yard to design and demonstrate a scalable approach to facilitating building energy assessments that will lead to energy retrofits in small and medium sized facilities. This demonstration will focus initially on the Philadelphia PA region as a model for broader statewide applications and specifically on convenience stores and restaurants which are the most energy intensive type of commercial building (3 to 5 times higher than office buildings). The project was continued for 2017-2018.*

*This initiative will continue to draw from investments by Penn State, the U.S. Department of Energy (DOE) and the DEP in Building Operator Certification and Building Retuning Training designed to engage entry-level workers in building energy assessments.*

*The first year of the project resulted in three cohorts of students from multiple colleges and universities trained in energy assessment and proposal writing for a total of 30 students. Four students were employed in the fourth quarter of the project, with a total of 19 employed as part-time interns across the various partners including Penn State, Private Energy Partners, Philadelphia Energy Authority, and Delaware Technical College. The interns and partners were able to complete 54 assessments, generate and present 30 energy retrofit proposals for business owners, and in the first year one project was funded through the PA Small Business Assistance Grant Program. Approximately 15-20 proposals are under consideration by business owners and some intend to apply for funding now that the PA Small Business Assistance Grant Program opened again in July of 2017. Projected annual energy savings from retrofit proposals is ~32,559 kWh per store (averaging ~\$2759 per store), with the estimated impact from the multi-measure proposals projected to be twice the size of the savings from measures covered by the regional utility direct install program.*

*The second year of the project is scheduled to conduct additional assessments through more cohorts of trained student assessors, examine opportunities for streamlining implementation of projects for business owners, and identify how the project can be expanded to other communities where bridge funding and small business financing opportunities are in place to overcome the barrier of funding of energy projects these business owners often encounter.*

### **Building Construction Technology Extension Center**

*For fiscal year 2017-2018, DEP contracted with PennTAP to build upon previous Building Re-Tuning (BRT) trainings and workshops to develop video-based training materials on a variety of BRT topics and use them as part of 2-3 regional workshops. This plan will engage students and help address obstacles to implementation. Funding is provided by the DOE's State Energy Program.*

### **Energy Efficient Building Codes Outreach and Education**

*OPPEA contracted with The Pennsylvania Municipal League (PML) to administer 2009 International Energy Conservation Code trainings to code officials, contractors, developers, and other energy code professionals. The trainings were provided by the Pennsylvania Code Construction Academy and Performance Systems Development. The three residential and six commercial, in-person energy code trainings had a specific focus developed from the results of a previous U.S. Department of Energy (DOE) commissioned study of common energy code deficiencies. The intent of the presentations was to provide code professionals with tools and refined energy code information that will aid their performance in the field. The trainers also provided three energy code webinars and six circuit rider trainings that were in-person and custom tailored upon municipal request. There was a total of 176 attendees for all of the trainings. The trainers provided an*

*analysis of the evaluations they received and reported that the courses added value, the handouts were helpful, and the instructors were of high quality. Additionally, the circuit rider custom trainings were an effective way to effect real change in building department approaches to enforcement and attention to key energy code details. OPPEA staff issued an ITQ for building energy code trainings for state fiscal year 2017-2018. Funding is provided by DOE's State Energy Program.*

### **EV Everywhere**

DEP, Clean Cities, and PADOT hosted a PA EV Coalition meeting on Thursday, April 13, 2017, at the PA Turnpike Commission Headquarters in Middletown. Approximately 50 people in attended. Dave Althoff (DEP) presented possible uses of DOE State Energy Program (SEP) dollars to hire a consultant for the PA EV Coalition. Tom Bonner (PECO) provided an update on the proposed "Clean Alternative Transportation Infrastructure Networks" legislation. Kevin Miller (ChargePoint) provided a national policy trends overview. Matthew Goetz (Georgetown Climate Center) presented on a new EV Smart Fleets- fleet evaluation tool that can be used by government entities and business looking to make decisions on EV purchases. During the second half of the meeting, the PA EV Coalition nominated co-chairs to lead the three committees (EV Education & Outreach, EV Procurement, and EV Charging Infrastructure). The co-chairs will act as a steering committee to lead on planning and strategies for the Coalition to move towards a comprehensive PA EV statewide goal and implementation plan. The next PA EV Coalition meeting was held at the PA Turnpike Headquarters in Middletown on Thursday, July 27, 2017.

### **Alternative Fuels Technical Assistance (AFTA)**

The AFTA Program provides professional consulting assistance to PA municipalities, school districts, authorities, and non-profits interested in adopting alternative fuel strategies for their fleet vehicles. Eligible entities that are accepted into the program are assigned to an alternative fuels consulting firm who will evaluate the organization's fleet and operating profile. The result is a report that provides alternative fueling recommendations that consider the economic and environmental circumstances unique to that organization. AFTA was formally opened at the end of January, 2017. Since then, DEP has received seven applications for technical assistance. Six of the applications received were approved for inclusion in the program, and the contractor, Philadelphia Region Clean Cities, was given notice to proceed with their analysis of each fleet. A draft report for each project is due within 90 of assignment. The first draft report, Capital Region Water was received in May OPPEA has extended the program 90 day to insure completion of all reports within the period of performance. DEP continues to market AFTA to eligible entities in the hopes of getting an additional technical assistance projects completed by June 30. AFTA is funded through use of a limited portion of funds (\$48,000), from the Alternative Fuels Incentive Fund.

### **National Energy Efficiency Registry (NEER)**

OPPEA partnered with six states and The Climate Registry and the National Association of State Energy Officials (NASEO) to develop a strategy to help create a NEER. Tennessee is the prime recipient of a competitive grant from the Department of Energy for this project. NEER will allow states to track initiatives within their own programs as well as demonstrate progress towards energy goals and potential compliance with existing and future state and federal environmental regulations. NEER will also allow the public and private sectors to transparently track attributes associated with energy efficiency initiatives. This will help states reduce emissions cost-effectively and will support using energy efficiency investments to improve economic competitiveness and environmental quality. The final draft of the principles and operating rules were released for public comment on April 3. *Public comment period ended May 31, and the Steering and Advisory Committee is reviewing the comments. OPPEA has been working with NASEO and other NEER partners to develop a PA-specific roadmap. We will be reaching out to other state agencies and electricity industry partners to help develop the roadmap. PA's roadmapping meeting was held on Friday, August 25<sup>th</sup> at the RCSOB.*



## **2017 State Energy Program (SEP)**

*USDOE's Office of Energy Efficiency and Renewable Energy has approved Pennsylvania's 2017 SEP Plan. OPPEA will receive an additional \$1,530,360 for the final year of our 3-year grant, beginning July 1, 2017 and ending June 30, 2018, when all activities must be completed and all funding spent. SEP 2017 energy activities include technical assistance to small and medium size businesses, training for local governments and schools, support for the 2018 update to the Climate Change Action Plan, outreach on microgrids, planning support for DEP's EV Everywhere program, and energy assurance, among others. Contracting has been completed for most of these programs. The SEP Program provided resources to states and territories to increase market transformation of energy efficiency and renewable energy technologies through policies, strategies, and public-private partnerships that facilitate their adoption and implementation.*

## **Green Schools**

OPPEA staff have worked since 1999 with schools, school districts, and partner organizations to improve school facility operations, energy and environmental content of curriculum, and the overall health of the school learning environment across Pennsylvania. DEP staff serve on the Advisory Council and working task forces of the PA Green and Healthy Schools Partnership (PAGHSP), a collaborative effort formed to promote healthy and high performing places of learning across the Commonwealth that seeks to bring together a network of non-profits, governmental agencies, and others who are committed to ensuring that all schools are healthy, environmentally friendly and cost efficient places of learning. The PAGHSP selected Eco-Schools USA as the platform to promote across the Commonwealth as the best way to allow for other green initiatives already underway at PA schools (such as those with PA Department of Agriculture). The Eco-Schools program was started in 1994 by the Foundation for Environmental Education (FEE) with support by the European Commission. It was identified by the United Nations Environment Program (UNEP) as a model initiative for Education for Sustainable Development in 2003. Currently, there are over 59 countries around the world participating in the program. In December 2008, the National Wildlife Federation (NWF) was granted host status for K-12 schools in the United States by the Foundation for Environmental Education (FEE). Through school-based action teams of students, administrators, educators and community volunteers, NWF's Eco-Schools USA combines effective "green" management of the school grounds, the facilities and the curriculum; truly providing students with a unique, research and application based learning experience.

At the May 24 Envirothon, DEP staff and the PAGHSP led the teacher session introducing the Eco-Schools program and providing time for 100+ teachers to work on their Eco-Action plans. *This fall DEP will work with the PAGHSP to follow up with these teachers and assist those working on implementation of Eco-Schools. DEP will also receive assistance from PAGHSP in marketing another round of the Keystone Energy Education Program professional development workshops. This updated version of the workshop will include guidance on implementing Eco-Schools, specifically the Energy Pathway.*

**Cleanup Standards Scientific Advisory Board (CSSAB)**

*The next meeting of the CSSAB is scheduled for September 7, 2017, at 10:00 a.m. via conference call to be held from the 14<sup>th</sup> Floor Conference Room. This was originally scheduled to be a face-to-face meeting in Room 105, RCSOB, but a limited agenda and travel conflicts for some of the Board members prompted the change to a conference call. The agenda will be focused primarily on proposed amendments to the CSSAB bylaws and a discussion of how toxicity values are used to calculate the medium-specific concentrations (MSCs). A review of the June 28, 2017, CSSAB meeting minutes and updates regarding other Land Recycling Program activities will also be provided.*

**Storage Tank Advisory Committee (STAC)**

*The STAC meeting scheduled for September 5, 2017, has been cancelled. The next STAC meeting is scheduled for December 5, 2017, at 10 a.m. in Room 105, RCSOB.*

**Proposed Amendments to 25 Pa. Code, Chapter 245 (relating to Administration of the Storage Tank and Spill Prevention Program)**

DEP is proposing to amend Chapter 245, Administration of the Storage Tank and Spill Prevention Program, to strengthen the underground storage tank (UST) requirements by increasing the emphasis on properly operating and maintaining equipment. Currently, UST owners and operators are required to have spill prevention, overflow prevention, and release detection equipment in place, but are not required to periodically verify the functionality of some of that equipment. With the last comprehensive rulemaking occurring nearly 10 years ago, the program is also looking to address a number of areas of Chapter 245 that have been problematic, have lacked clarity, or simply need correction.

Comprehensive federal regulations for USTs exist at 40 CFR Part 280. These regulations were initially promulgated in 1988. On July 15, 2015, the first revisions to 40 CFR Part 280 were published in the Federal Register as final. In addition, on July 15, 2015, the U. S. Environmental Protection Agency (EPA) updated the state program approval requirements in 40 CFR Part 281. Under these changes, EPA is requiring that states revise their UST regulations and apply for initial or revised state program approval within 3 years of the effective date of the final EPA rule. The effective date of the final EPA rule was October 13, 2015 (90 days after publication in the Federal Register). Currently, Pennsylvania has state program approval. Therefore, the DEP will need to revise Chapter 245 to be no less stringent than the federal requirements and apply for revised state program approval by October 13, 2018. In states that do not have state program approval and in Indian country, the EPA regulations took effect on October 13, 2015.

DEP has worked with the Storage Tank Advisory Committee (STAC) during development of this proposed rulemaking. Initially, STAC members were provided with the opportunity to review DEP conceptual ideas and present concepts that they would like to see incorporated into Chapter 245. This occurred at the December 8, 2015, and June 7, 2016, meetings. The STAC was also afforded the opportunity to review and discuss draft proposed regulatory language at the December 6, 2016, and March 7, 2017, meetings. At the March 7, 2017, meeting, the STAC voted unanimously to recommend presenting Chapter 245 to the Environmental Quality Board (EQB) as proposed rulemaking. The proposed amendments are tentatively scheduled to be presented to the EQB on September 19, 2017.

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## **Environmental Education**

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### **Environmental Education Grants Program (EEGP)**

*The Environmental Education and Information (EE&IC) staff are working with 75 grantees to process and execute grant agreements electronically using the new, on-line e-grants system expediting the process. Staff also are reviewing final reports and processing reimbursement requests for 125 grants from the 2016 Environmental Education grant round.*

### **PA Falcon Reintroduction Program**

*Two (Red and White) of the three young peregrine falcons have dispersed. "Blue" is still with the rehabilitator. This bird will not be released due to its lack of development. It is anticipated that this bird will be an "education" bird.*

### **Pennsylvania Envirothon**

*Following their victory at the Pennsylvania High School Envirothon, the team from Penncrest High School, Media, Pa. won the National Conservation Foundation (NCF) Envirothon held at Mt. Saint Mary's University, Emmitsburg, Md. This year, high schools from 45 states, seven Canadian provinces, and two Chinese provinces participated in the NCF Envirothon at the state/provincial, regional, and international levels.*

### **Ag Progress Days**

*The EE & IC staff manned DEP's exhibit at Ag Progress Days, August 15, 16, and 17, hosted by Penn State University. Numerous DEP employees volunteered their time to man the booth. An estimated 25,000 people visited this exhibit. Another 750 children completed the emoji scavenger hunt.*

### **DEP Environmental Education Interns**

*The DEP Environmental Education staff had two interns who recently completed their internships. Lauren Brandenburg, a student from Juniata College, and Dominic Trader, from Lake Erie College, were both excellent interns, assisting with the EE Grant program, Falcon Watch and Rescue, the EE&IC Reconfiguration, Ag Progress Days, and programming.*

### **Environmental Education and Information Center (EE&IC)**

*With the recent reconfiguration of the EE & IC, which has opened the floor plan, has allowed the EE Staff to put up the "Build Green, Plant Green, and Save Green" exhibit including the emoji scavenger hunt. The EE&IC will continue to evolve as the upgrading process continues.*

### **Alternative Plugging Materials Research**

*Staff from the Bureau of Oil and Gas Planning and Program Management and industry members from the Pennsylvania Grade Crude Development Advisory Council (CDAC) legacy well subcommittee met with Dr. Andres Clarens of the University of Virginia in the Warren area to explore how his research might dovetail with legacy well plugging efforts in Pennsylvania. Dr. Clarens and his research team are currently working to develop new materials that could enhance wellbore integrity. He is specifically researching the use of biologically enhanced clays (clays) that react to reduce permeability in the presence of methane gas. On August 1<sup>st</sup>, CDAC subcommittee members met to discuss the problems that legacy wells present, review tools that are used for plugging wells, and visit an active plugging site so Dr. Clarens could consider future field applications relating to his research. CDAC subcommittee members asked Dr. Clarens to explore several research questions, including what material properties clays have that are superior to cement, how the delivery of the clays may be simpler than cement in certain cases, how clays might be delivered and work effectively in an environment where cement cannot, what risks clays might pose to oil and gas operations, and an evaluation of situations where a clay might be temporarily applied inexpensively until longer term measures can be taken at a well requiring plugging. Dr. Clarens intends to explore how his research program can be modified to consider practical applications in the context of legacy well management. It is anticipated that his first technical publication on this subject will be available this fall.*

### **Legacy Wells on Public Lands**

*Bureau of Oil and Gas Planning and Program Management and Northwest District Oil and Gas Operations staff met with students from Penn State University (PSU) and Professor Emeritus, Terry Engelder, on Wednesday, August 2<sup>nd</sup>. PSU is conducting a field survey to locate legacy oil and gas wells on public lands, and has been collecting data that will assist DEP in increasing the amount of information available in the Department's eFACTS database. This effort is part of a broader partnership between the Pennsylvania Grade Crude Development Advisory Council's (CDAC) legacy well subcommittee and DEP Oil and Gas Program staff. Partnerships between DEP and academia are important for the advancement of DEP's mission, and provide additional scientific input relating to environmental and technical challenges.*

### **DCNR and DEP Coordination of Legacy Well Management on State-Held Lands**

*Staff from DEP's Bureau of Oil and Gas Planning and Program Management met in Harrisburg on August 14<sup>th</sup> with DEP's Emergency Response Director, Eastern District Oil and Gas Operations (EDOGO) inspection and technical staff, DCNR's Bureau of Forestry personnel, DCNR and DEP counsel, and staff from EPA Region III to discuss developments relating to the Oil Spill Liability Trust Fund and progress respective to the Warrant Well Plugging Project being planned within Sproul State Forest in Keating Twp., Clinton county. The Warrant Well is an abandoned well leaking oil along Cooks Run. EDOGO staff have introduced measures to lessen the environmental impacts until the plugging contract can be bid out and executed. Due to the timing and complicated access issues in Sproul State Forest, it is anticipated that plugging activities will commence in the spring of 2018. The operation is expected to take about one month to complete. Partnership plugging projects such as this are important at a time when DEP's Orphan and Abandoned funds remain at low levels.*

### **Coal-Gas Industry-Agency Committee Meeting**

*DEP oil and gas program, mining program, Mine Safety and Health Administration (MSHA), and National Institute for Occupational Safety and Health (NIOSH) technical staff met with coal and gas industry representatives on August 16<sup>th</sup> in New Stanton as part of the Coal-Gas Committee assembled to discuss matters relating to coordination between these two industries. During the meeting, committee members reviewed comments made by industry participants on the first draft of the technical guidance document intended to direct coordination activities between both industries in situations where a longwall mining company intends to mine around unconventional gas wells. Over the next few weeks, mining subcommittee members plan to develop more focused guidance aimed at gas monitoring within active longwall mines as an additional safety measure,*

*and further explore contingencies that may be introduced to ensure that an effective floor stability assessment is completed. The committee also began to explore how coordination should occur across state borders and a regulator from West Virginia attended the meeting. Technical geology issues have arisen at the longwall mining operation where it was anticipated a pillar permit decision would be needed by October 2017, thus allowing the committee more time to finalize the guidance document. A late 2017 interim final release is anticipated. The next committee meeting is scheduled on September 13<sup>th</sup> in New Stanton.*

**Oil and Gas Workload Report**

Please see Attachment 2.

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## **Radiation Protection**

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### **Radiation Protection Advisory Committee (RPAC)**

The next RPAC meeting is scheduled for October 19, 2017, at 9:00 a.m. in the 14th Floor Conference Room, RCSOB.

### **Low-Level Waste Advisory Committee (LLWAC)**

The annual LLWAC meeting is scheduled for October 10, 2017, at 9:00 a.m. in the 14th Floor Conference Room, RCSOB.

### **Radiation Protection Rulemaking Packages**

#### **Radiation Protection Program Fees**

This rulemaking amends 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 Pennsylvania Bulletin on July 2, with a 60-day public comment period that closed Aug. 30, 2016. The draft final annex was reviewed and endorsed by the RPAC on Nov. 17, 2016. The EQB approved the final-form rulemaking at its June 20, 2017, meeting. *On Aug. 24, 2017, IRRC unanimously approved the final-form rulemaking. The rulemaking is currently moving through the final review steps with publication anticipated this Fall.*

#### **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 was unanimously approved by the EQB on Oct. 18, 2016, and published in the Pennsylvania Bulletin on May 13, 2017, with a 45-day public comment period that closed on June 26. The Bureau of Radiation Protection conducted two webinars for the regulated community, one for Chapters 215-237 and one for Chapter 240 (Radon), on May 31, 2017. *The Department received IRRC's comments on July 26, 2017, and is currently drafting the final rule.*

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## **Waste Management**

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### **Solid Waste Advisory Committee (SWAC)**

The next SWAC meeting will be held on *September 21, 2017, at 10:00 a.m. in Room 105 of the RCSOB. This is the annual joint meeting with the Recycling Fund Advisory Committee (RFAC).* The *main* purpose of the RFAC meeting is to *give the annual update on the status of the Recycling Fund, and continue the dialog about Act 101 and areas for potential revision as the Department's Act 101 Workgroup.* This will be the *second* of several meetings *at which the Workgroup will discuss Act 101.* The full agenda for the meeting *will be* available on the SWAC website at *the following link two weeks prior to the meeting:*

<http://www.dep.pa.gov/PublicParticipation/AdvisoryCommittees/WasteAdvisory/Pages/Solid-Waste-Advisory-Committee.aspx>

## **Act 101 Workgroup**

*Please see above. Subsequent updates for the Workgroup will be provided under this header.*

### **Hazardous Waste Generator Improvements Rule**

EPA published the Hazardous Waste Generator Improvements Rule in the Federal Register (FR) on Nov. 28, 2016. The rule has an effective date of May 30, 2017. Pennsylvania incorporates the federal regulations by reference under 25 Pa. Code § 260a.3. As such, the Hazardous Waste Generator Improvements Rule will be effective in Pennsylvania on May 30, 2017, as well. Information on the Final Rule may be found at <https://www.epa.gov/hwgenerators/final-rule-hazardous-waste-generator-improvements>.

This final rule includes approximately 60 changes to the hazardous waste generator regulations that clarify existing requirements, increase flexibility, and improve environmental protection. These changes also reorganize the regulations to make them easier to follow and make certain technical corrections. Some examples of the changes in the final rule include the following:

- Allowing very small quantity generators (VSQGs) to send hazardous waste to a large quantity generator (LQG) that is under the control of the same person and consolidate it there before sending it on for management at a RCRA-designated facility, provided certain conditions are met.
- Allowing a VSQG or a small quantity generator (SQG) to maintain its existing generator category in the case of an episodic event that would otherwise bump the generator into a more stringent generator regulatory category.
- Requiring periodic re-notification for SQGs every four years (SQGs only notify once under the current federal system). States with more frequent re-notifications can retain their existing requirements.
- Replacing the phrase “conditionally exempt small quantity generator” with the phrase “very small quantity generator” to be consistent with the other two generator categories—LQGs and SQGs.
- Reorganizing the hazardous waste generator regulations by moving VSQG regulations from § 261.5 into 40 CFR Part 262, where the regulations for SQGs and LQGs are located, and by moving many of the generator regulations that are currently located in other parts of the hazardous waste standards into Part 262 to replace the current lists of cross references.

On May 17, 2017, EPA’s Office of Resource Conservation and Recovery, provided training to DEP Central and Regional Office staff and EPA Region III staff regarding the Hazardous Waste Generator Improvements Rule. Approximately 80 people attended the training held at DEP’s Southcentral Regional Office.

The Department is aware that the reorganization of the hazardous waste generator regulations will cause the federal and state regulations to be out of synchronization. DEP is currently considering whether a formal rulemaking will be appropriate.

### **Dam Safety and Waterway Management 3-Year Fee Report**

DEP presented the findings of the 3-year fee report for programs under 25 Pa Code Ch. 105, which include Dam Safety and Water Obstruction and Encroachment permit activities and Submerged Lands License Agreement (SLLA) charges to the EQB at their June 20, 2017 meeting. The 3-year report is a requirement of 25 Pa Code §105.13(l). The report contained an analysis of program costs and revenues over the period including February 16, 2013 to February 12, 2016.

In sum, DEP recovered approximately 39 percent of the costs associated with administering the Dam Safety program and approximately 45 percent of the costs associated with administering the Water Obstruction and Encroachment program. DEP recovers no costs associated with administering SLLA program costs because revenues from SLLA agreements are deposited into the Commonwealth's General Fund. Forecasting into the next 3-year period, DEP expects to continue to recoup 39 percent of the costs associated with the Dam Safety program and up to 55 percent of the costs associated with the Water Obstruction and Encroachment program. *Currently Federal, State, county or municipal agencies or municipal authorities are exempted from paying the permit fees under 25 Pa. Code Chapter 105. An estimated 40 percent of the Dam Safety program costs and 45 percent of the Water Obstruction and Encroachment program costs are attributable to the fee-exempt entities.*

Because of this review, DEP is not seeking changes be made to existing permit fees under Chapter 105. However, to the extent staffing resources are insufficient to address all program responsibilities, DEP will continue to evaluate program costs and revenues, explore all options to improve cost recovery, and consider future amendments to the regulatory fee schedule as necessary. Permit fees were last increased for Dam Safety and Water Obstruction and Encroachment permits on February 16, 2013.

### **Final Technical Guidance Documents**

The Bureau of Waterways Engineering and Wetlands, Division of Wetlands, Encroachments and Training published the following three technical guidance documents as final in the Pa Bulletin on February 4, 2017 (47 Pa B 730):

- DEP ID: 310-2137-002. Title: Pennsylvania Wetland Condition Level 2 Rapid Assessment Protocol
- DEP ID: 310-2137-003. Title: Pennsylvania Riverine Condition Level 2 Rapid Assessment Protocol
- DEP ID: 310-2137-004. Title: Pennsylvania Lacustrine Condition Level 2 Rapid Assessment Protocol

These technical guidance documents were revised because of comments received from the public comment period, DEP regional staff workshops, the Water Resources Advisory Committee, and State and Federal agency meetings. Comments were received from 17 different organizations. The comment and response document accompanies the final technical guidance document and is available for public viewing on DEP's web site at <http://www.elibrary.dep.state.pa.us/dsweb/View/Collection-10981>. DEP provided field training for staff in June of 2016. Web-based training for the regulated community was provided via webinar on May 3, 2017. A recording of the webinar is available for viewing at <http://www.dep.pa.gov/DataandTools/Webinars/Pages/Water-Management.aspx>. Field training for the regulated community is being planned for Fall 2017. These technical guidance documents *became* effective July 1, 2017.

### **State Water Quality Certification for FERC projects**

The Department is proposing to implement a Policy for State Water Quality Certification Issuance for Interstate Natural Gas Transmission Pipeline Projects Regulated by the Federal Energy Regulatory Commission (FERC). The purpose of this policy is to set forth the DEP review process for these projects and to ensure compliance with State law requirements necessary to protect the quality of the waters of the Commonwealth. The draft



policy was announced in the Pennsylvania Bulletin on July 29, 2017 for public comments. The public comment period ended on August 28, 2017.

### **eDMR Registration**

On October 22, 2015, the EPA published the NPDES Electronic Reporting Rule (“eReporting Rule”) in the Federal Register. The eReporting Rule amended EPA’s NPDES regulations at 40 CFR § 122.41(l)(4)(i) to require the submission of Discharge Monitoring Reports (DMRs) electronically by December 21, 2016. DEP’s regulations require that permittees report monitoring results using a format or process established by DEP (25 Pa. Code § 92a.61(g)). Under EPA’s revised regulations, use of the eDMR system is mandatory. On September 9, 2016, DEP mailed a letter to permittees not currently using eDMR requesting that they submit the necessary registration paperwork to use DEP’s eDMR system. The deadline to submit the form and Agreement was December 21, 2016 (failure to register for use of the eDMR system constitutes a violation of 25 Pa. Code § 92a.61(g)). Since beginning to use eDMR, DEP currently has a total of 2,911 active permittees using eDMR, of which 33 of those are newly processed registrants since August 13, 2017. In addition, 2,069 new eDMR registrations are awaiting processing by DEP staff, some of which require additional information from the permittees. On April 11, 2017, DEP mailed 1,164 Notice of Violation (NOV) letters to permittees who have not mailed in completed registration paperwork or have failed to submit additional, required information as requested by DEP. *Of this number, 291 permittees have not complied by responding to the NOV.* Due to this extensive volume of registrations requiring manual input into the data system, DEP *did not meet* EPA’s target of having over 90 percent participation in the eDMR system by June 2017. *Therefore, to address this backlog, DEP has adjusted staffing levels to register permittees who have submitted completed registration documents.* DEP requests that facilities respond promptly to DEP’s information requests relating to their submitted eDMR registration applications and DEP is asking applicants to be patient while their registrations are being processed due to the extensive workload of registrations to process. DEP will notify new users by email when their registration is complete.

### **Pennsylvania Sewage Facilities Act**

*On July 20, 2017, Governor Tom Wolf signed an amendment to the Sewage Facilities Act, Act 26 of 2017. The changes to the Act affect the sewage facilities planning process for on-lot systems and on-lot system permitting. The Planning Section of the Municipal Facilities Division is currently working with legal counsel and policy staff to develop an implementation strategy for Act 26. The Sewage Advisory Committee Meeting that was scheduled for September 13, 2017 was rescheduled to early October to allow additional time for Department Staff to develop the necessary information to present to the Sewage Advisory Committee.*

### **Integrated Report**

*On July 25, 2017, DEP submitted the 2016 Draft Integrated Water Quality Monitoring and Assessment Report (Integrated Report) to EPA. The Integrated Report lists the impaired waterways in Pennsylvania. The Integrated Report lists approximately 19,900 miles of streams and waterways as impaired for at least one of their designated uses. The Integrated Report is submitted for review and approval every two years to the Environmental Protection Agency. The full report and supporting documents can be found at:*  
<http://www.dep.pa.gov/Business/Water/CleanWater/WaterQuality/Integrated%20Water%20Quality%20Report-2016/Pages/default.aspx>.

*An interactive map of Pennsylvania waterways and impairments can be found here:*

<http://www.depgis.state.pa.us/integratedreport/index.html> . *This mapping tool can identify individual stream/river segments and any applicable impairments and their causes.*

*Impaired waters can require implementation of a Total Maximum Daily Load (TMDL) if it is clear that a pollutant or pollutants are driving an impairment designation. A TMDL is one of the tools used to reduce pollutants into a waterway from nearby sources. The Integrated Report also details progress reports of previously implemented TMDLs. Some of the most common pollutant sources are acid mine drainage,*

agriculture runoff, and urban stormwater runoff. Public comment was accepted on the Integrated Report from July 30 – September 12, 2016. DEP received feedback from 21 commentators.

## **Final Rulemakings**

### **Stream Redesignations – Sobers Run, et al.**

As part of its continuing water quality management program and ongoing review of water quality standards, DEP is *finalizing* a rulemaking that includes recommended revisions to stream redesignations in Pennsylvania’s Water Quality Standards (Chapter 93). The recommended amendments 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 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 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 *will* maintain consistency between the Pennsylvania Code and the NHD Flowline. The proposed rulemaking was presented to the EQB at their April 19, 2016 meeting. The final rulemaking *was approved by* the EQB *on* August 15, 2017.

### **Stream Redesignations – Class A Stream Redesignations**

*As part of its continuing water quality management program and ongoing review of water quality standards, DEP drafted 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, §§93.9a, 93.9c, 93.9d, 93.9e, 93.9f, 93.9h, 93.9i, 93.9k, 93.9l, 93.9n, 93.9o, 93.9p, 93.9q, and 93.9t.*

*The stream redesignations in this final rulemaking were all in response to a submittal of data from the Pennsylvania Fish and Boat Commission. A surface water that has been classified a Class A wild trout stream by the Pennsylvania Fish and Boat Commission, based on species-specific biomass standards, following public notice and comment, qualifies for High Quality or HQ designation. The Class A qualifier is at Title 25; Section 93.4b. The Pennsylvania Fish and Boat Commission published notice and requested comments on the Class A designation of these streams. The Commissioners at the Pennsylvania Fish and Boat Commission approved these waters after public notice and comment.*

*All of the surface waters that are candidates for redesignation in this final rulemaking are being considered for High Quality Cold Water Fishes or HQ-CWF. This package includes 50 stream segments in 23 counties totaling 207 stream miles.*

*Additionally, the Department is recommending corrections that were discovered during its review and development of this rulemaking for some stream names or locations as they appear in the stream drainage lists at §§93.9d and 93.9k. 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 November 17, 2015 meeting. The 45-day public review period closed on April 18, 2016. The Department received 307 supportive comments. The final rulemaking was approved by the EQB at their June 20, 2017 meeting and will be effective upon publication as final rules in the Pennsylvania Bulletin.*

## **Proposed Rulemakings**

### **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 was presented to the TAC Board on July 13, 2017, and August 24, 2017.

### **Safe Drinking Water General Update and Fees**

There are three main purposes for this rulemaking. The first is to incorporate the remaining general update provisions that were separated from the proposed RTCR as directed by the EQB on April 21, 2015. These general updates are intended to:

- Clarify the source water assessment, source water protection area, and source water protection program elements and requirements.
- Revise the treatment technique requirements for pathogenic bacteria, viruses and protozoan cysts by adding specific turbidity performance requirements for membrane filtration.
- Revise the disinfection profiling and benchmarking requirements to clarify that public water systems that did not previously conduct these activities must now conduct them.
- Revise the permit requirements to clarify the components that must be included in a permit application for a new source, including a source water assessment, pre-drilling plan, evaluation of water quantity and quality, and hydrogeologic report.

- Revise the design and construction standards to require public water systems (PWS) using surface water or groundwater under the direct influence of surface water (GUDI) sources to be equipped with alarm and shutdown capabilities. These provisions would be required for plants that are not staffed continuously while the plant is in operation.
- Update the system management requirements for community water systems (CWSs) to strengthen system service and resiliency by requiring auxiliary power or an alternate provision such as finished water storage or interconnections.
- Revise the corrective action timeframes in response to a significant deficiency for PWSs using groundwater and surface water sources to be consistent.
- Delete the provision that allows a PWS to avoid the requirement for a corrective action by collecting five additional source water samples after an E. coli-positive triggered source water sample.

The second purpose is to include additional general update provisions that will:

- Establish the regulatory basis for the issuance of general permits for high volume, low risk modifications or activities to streamline the permitting process.
- Clarify that non-community water systems (NCWS) require a permit or approval from the Department of Environmental Protection (DEP) prior to construction and operation.
- Address concerns related to gaps in the monitoring, reporting and tracking of back-up water sources and entry points. As per state and federal regulations, all sources and entry points must be included in routine compliance monitoring to ensure water quality meets safe drinking water standards. Sources and entry points that do not provide water continuously are required to be monitored when used. However, monitoring requirements for back-up sources are not currently tracked, which means there are no verifiable controls in place to ensure that all sources and entry points meet safe drinking water standards.

The third purpose is to add new annual fees and amend (update) permit fees. Pennsylvania is ranked 4<sup>th</sup> in the nation in terms of the number of PWSs, with nearly 9,000 water systems across the Commonwealth. The DEP is responsible for regulating all PWSs and ensuring that safe and potable drinking water is continuously supplied to the 10.7 million customers they serve. To carry out these responsibilities, the DEP must ensure adequate funding for the Safe Drinking Water Program.

The proposed rulemaking is necessary to fulfill the DEP's fiscal responsibility to cover most, if not all, of its state program costs. Program costs are directly tied to the resources needed to meet federal and state mandates for minimum program elements and for the administration of an effective State Drinking Water Program. Failure to meet minimum program elements may result in increased risk to public health as well as the loss of primacy for the Safe Drinking Water Program.

The proposed rulemaking was presented to the Small Water Systems Technical Assistance Center (TAC) Advisory Board in November. A webinar was held in December to reach additional stakeholders. All proposed rulemaking documents and webinar materials can be found on the Department's General Update and Fees webpage at the following link: <http://tinyurl.com/109update>. The final comments were received by TAC at their January 5, 2017 meeting. The proposed rulemaking was presented to the EQB on May 17, 2017. The EQB approved the proposed rulemaking for publication in the Pa Bulletin, which *occurred on August 26, 2017*.

## Chesapeake Bay Program

### Phase III Watershed Implementation Plan (WIP)

DEP has started the development process for the Phase III WIP. The intention of this process is to develop a final plan that:

1. Is implementable to achieve the Total Maximum Daily Load (TMDL) nutrient and sediment load reduction allocations for Pennsylvania.
2. Results in local water quality improvement while restoring the Chesapeake Bay.
3. Addresses the US Environmental Protection Agency's expectations as described in their finalized "Expectations for the Phase III Watershed Implementation Plans" documentation including:
  - a. Pollutant Source Sector-specific plans for reductions.
  - b. Local area planning goals.
  - c. Consideration of climate change, Conowingo Dam and sector growth, depending on partnership resolution of these issues.
4. Addresses the additional special conditions and expectations EPA has delineated for Pennsylvania due to the Commonwealth's current "backstop" status for the agriculture and urban sectors.
5. Includes stakeholder input, public engagement and comment.

To accomplish this the Phase III WIP will build upon the principles of the Chesapeake Bay Restoration Strategy released in January 2016 to:

1. Achieve water quality improvement and protection through an effective combination of technical and financial assistance, outreach and inspection, and where needed, compliance and enforcement.
2. Focus on local water quality improvement through:
  - a. Effective targeting and prioritization of available resources
  - b. Data collection, monitoring and continuous analysis
3. Document progress and performance through effective data collection and analysis and practice verification.
4. Look for innovative technical and finance strategies to maximize available public and private sector funding.

To accomplish this task a steering committee has been formed to provide input and recommendations to the Department for the development of the Phase 3 WIP. Members include:

1. Department of Environmental Protection, Chair – Secretary Patrick McDonnell
2. Department of Agriculture – Secretary Russell Redding
3. Department of Conservation and Natural Resources – Secretary Cindy Dunn
4. State Conservation Commission – Karl Brown, Executive Secretary
5. Chesapeake Bay Commission – Representative Garth Everett, Chair
6. Susquehanna River Basin Commission – Drew Dehoff, Executive Director
7. Interstate Commission of the Potomac River Basin – Carlton Haywood, Executive Director
8. Pennsylvania Infrastructure Investment Authority – Paul Marchetti, Executive Director
9. Co-chairs of the Workgroups

The steering committee has met *four times*. The six workgroups; each chaired by a state agency representative and one to two representatives from an organization with expertise in the issues that workgroup will need to *address have been formed and the members selected*. A coordinator is also assigned to each workgroup to facilitate completion of the assignments given to each workgroup. The workgroups and co-chairs are:

- a. Local Area Goals, Priority Areas & Practices
  - Lisa Schaefer, Director of Government Relations, County Commissioners Association of Pennsylvania and Co-chair of the Chesapeake Bay Local Area Planning Target Action Team
  - Davitt Woodwell, President and CEO, Pennsylvania Environmental Council
  - Steve Taglang, Bureau of Clean Water
  - Coordinator: Kristen Wolf

- b. Stormwater
  - Felicia Dell, Director, York County Planning Commission
  - Sean Furjanic, Bureau of Clean Water
  - Coordinator: Lee Murphy, *Bureau of Clean Water*
- c. Agriculture
  - Matt Royer, Representative of the PA in the Balance Steering Committee
  - John Bell, Senior Government Affairs Counsel, Pennsylvania Farm Bureau
  - Greg Hostetter, Department of Agriculture
  - Doug Goodlander, Bureau of Clean Water
  - Coordinator: Jill Whitcomb, Bureau of Clean Water
- d. Wastewater
  - John Brosious, Deputy Executive Director, Pennsylvania Municipal Authorities Association
  - Jay Patel, Bureau of Clean Water
  - Coordinator: Brian Schlauderaff, *Bureau of Clean Water*
- e. Forestry
  - Katie Ombalski, Woods and Water Consulting, formerly with ClearWater Conservancy
  - Matthew Keefer, Department of Conservation and Natural Resources
  - Coordinator: Teddi Stark, DCNR Riparian Forest Buffer Coordinator
- f. Funding
  - Representative Garth Everett, Chair, Chesapeake Bay Commission
  - Marel King, PA Director, Chesapeake Bay Commission
  - Brion Johnson, Deputy Executive Director, PENNVEST
  - Coordinator: Nicki Kasi

Key milestones in the completion of the plan are:

- January 19, 2017 – EPA released interim final expectations for completion of revised Phase III WIPs to be developed by the states. Appendices will be added to this expectations document as decisions are made over the coming months regarding Conowingo Dam, Climate Change and the actual planning targets for each state.
- May 8, 2017 – EPA released final Pennsylvania state-specific expectations for the completion of Pennsylvania’s Phase III WIP.
- October 2017– EPA releases draft Phase III planning targets. These are revised nutrient and sediment reduction goals for each state by major basin.
- December 2018 – States must submit draft Phase III Watershed Implementation Plans to EPA for review and approval. These plans must be developed in concert with stakeholders and include a public outreach and comment process.
- March 2019 – Final Pennsylvania Phase III WIP is approved and released.

Key issues of interest to Pennsylvania now under review as part of a midpoint assessment of the TMDL by the Chesapeake Bay Program Partnership include:

- Conowingo Dam – This dam is no longer serving as a trap of nutrients and sediment. This reduction in trapping capacity is having an impact on the water quality of the Chesapeake Bay.
- Climate Change – Increases in flow and temperature by 2025 due to climate change are being analyzed as to their potential impact on future water quality and living resources habitat. Several options as to how to deal with this change in climate are being reviewed.

- Sector Allocations and Sector Growth – The wastewater systems, or point source sector, have all reached their targeted allocations. Agriculture and Urban stormwater have not. Additional work needs to be done here to reach the allocation goals and to account for population growth and change in land use. The question now becomes how much should each sector do, how should they get it done, and where in the watershed is the most impact on water quality achieved.
- Local Planning Goals – EPA included criteria for local planning goals in the interim final expectations document. These criteria were developed by the Chesapeake Bay Program Partnership Local Planning Target Task Force. The intent behind these local planning goals is to more effectively target resources and achieve success.

Incorporated into the development of the Phase III WIP may also be a re-evaluation of Pennsylvania's commitments under the 2014 Watershed Agreement. This Agreement sets goals and outcomes for the following main categories: Sustainable Fisheries; Vital Habitats; Water Quality; Toxic Contaminants; Healthy Watersheds; Stewardship; Land Conservation, Public Access; Environmental Literacy and Climate Resiliency. Some outcomes are combined into a single management strategy, resulting in a total of 29 strategies with associated two year workplans and action items. Pennsylvania developed a strategy and workplan for 25 of the 29 strategies. (The four strategies that Pennsylvania did not develop a strategy and workplan for involve areas such as blue crabs, where Pennsylvania has minimal expertise and daily involvement). In preparation for the work of the Phase III WIP, a preliminary analysis was done of the progress so far and the impact these strategies and workplans are having on the success of Pennsylvania programs. As a result, the Bay Program Partnership was informed that Pennsylvania is withdrawing from active participation in four other strategies including Healthy Watersheds, Diversity, Local Leadership and Citizen Stewardship. These will be revisited as the Phase III WIP is written to see if, through some revisions to the approach taken in these workplans, an impact to the success of the implementation of the Phase III WIP can be achieved.

A one-day Kick-Off and Listening Session *was held* June 5, 2017 at the Radisson Hotel Harrisburg in Camp Hill. *Over 240 people representing agricultural, municipal, environmental and different levels of local, state and federal government attended this session. The demographics of these attendees is as follows:*

- *Academia – 17 (+4 Facilitators from University of Virginia)*
- *Environmental Groups – 32*
- *Federal and State Legislative Offices –5*
- *Individual -- 1*
- *Industry Associations:*
  - *Agriculture – 7*
  - *Local Government, Redevelopment Authorities, Water Planning – 9*
- *Law Firms, Engineering Firms, Private Consultants, Private Industry – 41*
- *Reporters, Media – 4*
- *Local Government – 37*
- *County Government – 11*
- *County Conservation Districts – 17*
- *River Basin Commissions -- 4*
- *State Agencies:*
  - *Department of Agriculture/State Conservation Commission – 6*
  - *Department of Conservation and Natural Resources -- 12*
  - *Department of Environmental Protection – 19*
  - *Department of Transportation -- 1*
  - *Pennvest – 3*
  - *Turnpike Commission -- 2*
- *Federal Agencies:*



- *US Department of Agriculture – 10*
- *US Environmental Protection Agency -- 3*
- *US Geological Survey -- 1*

The goal for the session was to begin to solicit input and comments on the key elements that must be incorporated into the Phase III WIP in order to ensure successful implementation. A 35-day written comment period *running from 3, 2017 through July 7, 2017 was provided to solicit additional input around the following questions is now open:*

- *What key elements need to be included for this effort to be a success? What priority issues must be addressed in the WIP for you to consider the Phase 3 WIP a success?*
- *When 2025 arrives, what measurable outcome does Pennsylvania need to achieve that would make you agree that this effort was a success?*
- *Is there a particular initiative, action, partnership, or training that would aid this effort?*
- *Are there possibilities for continuing and enhancing current projects or initiatives?*

*A summary of this Listening Session and the public comment is completed and posted on the Phase 3 WIP webpage at [www.dep.pa.gov/chesapeakebay/phase3](http://www.dep.pa.gov/chesapeakebay/phase3). A summary of DEP's recommendations for topics that each workgroup should specifically consider in the development of their section of the WIP was presented to the Steering Committee at the August 24 meeting. However, this is merely a starting point, and is not necessarily a comprehensive list. It was further recommended that the workgroups review the information from all the topics to foster cross-sector collaboration and input.*

### **Chesapeake Bay Agriculture Inspection Activities**

As part of the January 2016 Chesapeake Bay Restoration Strategy, DEP and County Conservation District staff are conducting inspections of farm operations to ensure compliance with existing Pennsylvania regulatory requirements. This element of the restoration strategy is addressing pollutant reduction deficiencies by addressing the EPA goal of inspecting 10 percent of the farms or farmland in the Bay watershed annually. This increased inspection and compliance effort directed towards the agriculture sector is being accomplished using existing DEP and Conservation District staff. DEP staff completed training sessions for the Chesapeake Bay Initial Ag Inspection program in the summer of 2016. The goal is for *50 inspections to be performed by each full-time conservation district Chesapeake Bay Technician (Southcentral Regional Office to complete 300 inspections, Northcentral Regional Office 200 inspections, Northeast Regional Office 100 inspections and the Southeast Regional Office 30 inspections by the end of June, 2017). The DEP Regional Office inspection numbers include both initial and follow-up inspections.*

*As of June 30, 2017, the total number of inspections of unique agricultural operations reported by regional offices and conservation districts for the Chesapeake Bay Agriculture Inspection Program (CBAIP) was 2,080, totaling approximately 245,664 acres. There were 743 inspections performed by delegated conservation district staff through the Act 38 Nutrient Management Program, totaling an additional 147,762 acres. The total overall inspections performed through the CBAIP and the Act 38 Programs were 2,823 agricultural operations inspected, totaling 393,426 acres. As of the end of June 2017, these districts completed 1,572 inspections. Through August 18, 2017, the conservation districts have referred 39 operations to DEP for follow up enforcement action, 37 of which were located in DEP's Southcentral Region. Three of the operations were referred due to water quality violations. The other 15 were referred because these farmers failed to produce the required Manure Management Plan or Ag Erosion and Sedimentation Control Plan, or both during the initial inspection and inspection follow up process.*

To date, DEP has sent 21 Notices of Violation to the farms that were referred to the Department for non-compliance with Manure Management and/or Ag Erosion and Sedimentation Control planning obligations. *For those operations that have lapsed the time frame allotted by the NOV, Bureau of Clean Water staff have*



obtained assistance from DEP's Bureau of Investigation to serve Field Orders to 4 operations thus far as a last chance opportunity to provide the required plans prior to assessment of penalty. DEP has received administratively complete plans for 5 of the farms that received NOV's and for one farm prior to sending the NOV.

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## **Environmental Justice**

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### **Environmental Justice Listening Session Tour**

*The Office of Environmental Justice concluded a nine-stop tour of listening sessions throughout Pennsylvania, which extended from April to May. This is part of the Office's larger initiative to update its public participation policies. Citizens were encouraged to voice concerns specific to their own regions. The listening sessions were transcribed, and the Office plans to use the transcripts as a basis for the second stage of the outreach initiative, which at this time is conceived as a set of round tables.*

### **Environmental Justice Advisory Board Meeting**

*The Environmental Justice Advisory Board met on June 6. Topics included air quality monitoring, the Susquehanna Greenway Partnership, and a report from the Chesapeake Bay Program Diversity Workgroup. The Board is in the process of adding new members.*

## Attachment 1

### 2017 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.”

<b>September</b>	
5	Board of Coal Mine Safety, 10:00 a.m., Conference Room 1A and 1B, DEP Cambria Office, Ebensburg, PA
6	Air Quality Technical Advisory Committee Meeting via Webinar, 9:15 a.m., Room 105, RCSOB
7	Cleanup Standards Scientific Advisory Board Conference Call, 9:00 a.m., 14 <sup>th</sup> Floor, RCSOB
20	State Board for Certification of Sewage Enforcement Officers, 10:00 a.m., 11 <sup>th</sup> Floor Conference Room, RCSOB
20 - 22	STRONGER (State Review of Oil and Natural Gas Environmental Regulation) Annual Meeting; Washington, DC
21	Joint Meeting of the Solid Waste and Recycling Fund Advisory Committees, 10:00 a.m., Room 105, RCSOB
25	Chesapeake Bay Steering Committee Meeting, 1:00 p.m., Room 105 RCSOB
28	Small Water Systems Technical Assistance Center (TAC) Board, 9:00 a.m., 105 RCSOB
<b>October</b>	
1 - 3	IOGCC (Interstate Oil and Gas Compact Commission) Annual Meeting; Pittsburgh
4	Sewage Advisory Committee, 10:30 a.m., 105 RCSOB
10	Low-Level Waste Advisory Committee, 10:00 a.m., 14 <sup>th</sup> Floor Conference Room, RCSOB
11	Technical Advisory Committee on Diesel-Powered Equipment, 10:00 a.m., Westmoreland Room, DEP New Stanton Office, New Stanton, PA
12	Air Quality Technical Advisory Committee, 9:15 a.m., Room 105, RCSOB
15	Mining and Reclamation Advisory Board, 10:00 a.m., Room 105, RCSOB
17	State Board for Certification of Water and Wastewater Systems Operators, 10:00 a.m., 10 <sup>th</sup> Floor Conference Room, RCSOB
19	Radiation Protection Advisory Committee, 9:00 a.m., 14 <sup>th</sup> Floor Conference Room, RCSOB
24	Climate Change Advisory Committee, 10:00 a.m., Room 105, RCSOB
25	Small Business Compliance Advisory Committee, 10:00 a.m., 12 Floor Conference Room, RCSOB
26	Agricultural Advisory Board, 9:00 a.m., Susquehanna Room B, DEP South-central Regional Office, 909 Elmerton Avenue, Harrisburg
26	Small Water Systems Technical Assistance Center (TAC) Board, 9:00 a.m., 105 RCSOB

November	
1	Aggregate Advisory Board, 10:00 a.m., Susquehanna Room, DEP Southcentral Regional Office, Harrisburg, PA

**Attachment 2**

**Oil and Gas Workload Report  
(Ending August 18, 2017)**

YTD WELL PERMIT APPLICATIONS - 1/1/2017 to 8/18/2017						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	142	25	140	138	138	2
UNCONVENTIONAL	1,431	830	1,028	1,001	970	27
<b>Sub Total</b>	<b>1,573</b>	<b>855</b>	<b>1,168</b>	<b>1,139</b>	<b>1,108</b>	<b>29</b>
AUTHORIZATIONS	291	105	250	210	N/A	40
<b>Total</b>	<b>1,864</b>	<b>960</b>	<b>1,418</b>	<b>1,349</b>	<b>1,294</b>	<b>69</b>

WEEKLY WELL PERMIT APPLICATIONS - 8/12/2017 to 8/18/2017						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	0	0	9	9	9	0
UNCONVENTIONAL	52	52	16	16	16	0
<b>Sub Total</b>	<b>52</b>	<b>52</b>	<b>25</b>	<b>25</b>	<b>25</b>	<b>0</b>
AUTHORIZATIONS	6	5	2	2	N/A	0
<b>Total</b>	<b>58</b>	<b>57</b>	<b>27</b>	<b>27</b>	<b>27</b>	<b>0</b>

HISTORICAL WELL PERMIT APPLICATIONS AS OF 8/18/2017						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	197,513	197,452	196,229	190,099	1,223	102,778
UNCONVENTIONAL	24,333	23,487	23,000	18,617	487	10,599
<b>Sub Total</b>	<b>221,846</b>	<b>220,939</b>	<b>219,229</b>	<b>208,716</b>	<b>1,710</b>	<b>113,377</b>
AUTHORIZATIONS	42,694	42,280	41,877	N/A	403	18,684
<b>Total</b>	<b>264,540</b>	<b>263,219</b>	<b>261,106</b>	<b>249,871</b>	<b>2,113</b>	<b>132,061</b>

YTD INSPECTIONS - 1/1/2017 to 8/18/2017				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	8,724	6,964	1,772	171
UNCONVENTIONAL	10,005	5,566	512	77
CLIENT/SITE	3,040	0	564	130
<b>Total</b>	<b>21,769</b>	<b>12,530</b>	<b>2,848</b>	<b>378</b>

<b>WEEKLY INSPECTIONS - 8/12/2017 to 8/18/2017</b>				
	<b>INSPECTIONS</b>	<b>FACILITIES INSPECTED</b>	<b>VIOLATIONS</b>	<b>ENFORCEMENTS</b>
CONVENTIONAL	201	193	73	3
UNCONVENTIONAL	183	172	13	2
CLIENT/SITE	38	0	15	4
<b>Total</b>	<b>422</b>	<b>365</b>	<b>101</b>	<b>9</b>

<b>WELLS DRILLED</b>					
	<b>Two Years Prior 1/1/2015 to 8/18/2015</b>	<b>One Year Prior 1/1/2016 to 8/18/2016</b>	<b>Year To Date 1/1/2017 to 8/18/2017</b>	<b>Week of 8/12/2017 to 8/18/2017</b>	<b>As of 8/18/2017</b>
CONVENTIONAL	215	47	61	2	193,271
UNCONVENTIONAL	537	258	516	30	10,629
<b>Total</b>	<b>752</b>	<b>305</b>	<b>577</b>	<b>32</b>	<b>203,900</b>

This report was prepared by Neil Bakshi, Executive Policy Specialist, DEP Policy Office. For questions or requests, please email [nebakshi@pa.gov](mailto:nebakshi@pa.gov) or call (717) 772-3612.