

October 2019 Report to the Citizens Advisory Council
(New and updated information in italics)

DEP Highlights

DEP PFAS Update

On September 21, 2018, the Governor announced several actions to address growing concerns about PFAS contamination. Through an Executive Order, the Governor established a multi-agency PFAS Action Team. The team, led by DEP, will be responsible for developing a comprehensive response to identify and eliminate the sources of PFAS contamination, address strategies to deliver safe drinking water, manage environmental contamination, explore funding for remediation efforts, and increase public education. The Commonwealth will prioritize the hiring of state toxicologists. The Governor also sent a letter to the EPA to again urge the EPA to move forward with establishing MCLs for PFOA and PFOS. DEP believes that the EPA must take a leadership role and work with other states and federal agencies to address PFAS holistically. More information can be found on DEP's PFAS website: www.dep.pa.gov/pfas.

DEP is coordinating with PennDOT, the State Fire Commissioner, the Turnpike Commission, and the Department of Veterans and Military Affairs to gather information about the use and storage of fluorinated firefighting foams. A workgroup has been created to discuss proper disposal of these foams, review federal and state requirements/authorities, and assess possible alternatives. The Bureau of Environmental Cleanup and Brownfields updated its cleanup standard for PFOA and PFOS *and anticipates bringing these regulatory changes to the EQB for consideration this fall*. These regulatory amendments are expected to be presented to the Environmental Quality Board this fall. The Bureau of Safe Drinking Water's Sampling Plan is now in effect and will occur through quarter one 2020. The occurrence data gathered from this effort will be a key asset for developing regulatory standards for certain PFAS compounds in drinking water.

PFAS samples are continuing to be collected at public water systems across the state. The first quarter sample results are expected to be posted to the PFAS webpage in October. Note that any sample result that exceeds EPA's HAL of 70 ppt for PFOS/PFOA will be addressed immediately with a request for various corrective actions, including the collection of confirmation samples within two weeks and the issuance of Tier 2 public notice if results continue to exceed the HAL. A contract for toxicology services is also in the process of being executed. Additional updates *were* provided at the September 17th CAC meeting.

Chesapeake Bay Phase 3 Watershed Implementation Plan (WIP)

The final Phase 3 WIP was submitted to the EPA and the Chesapeake Bay Program Partnership (Partnership) on August 23, 2019. The Phase 3 WIP describes how Pennsylvania intends to move forward and accelerate progress towards meeting the nutrient reduction targets established by the Partnership for the improvement of local water quality and the restoration of the Chesapeake Bay with the goal of having all practices in place by 2025. The final Phase 3 WIP includes a Comment and Response document for comments received during the public comment period from April 9 through June 7, 2019. The WIP is accessible here:

www.dep.pa.gov/chesapeakebay/phase3 Questions on the WIP or Pennsylvania's Chesapeake Bay Program can be submitted to RA-EPChesBay@pa.gov. *DEP continues to work with EPA to secure funding for WIP priority projects and minimize the plan's funding gap. A webinar on September 16 kicked off the development of the countywide action plans for the remaining Tier 2 counties of Bedford, Cumberland, Centre and Lebanon. A meeting to discuss next steps for implementation with the four pilot counties with completed countywide action plans was held on September 27, 2019, at DEP's Southcentral Regional Office.*

Regulatory Update (detailed summaries included in respective program sections)

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

- **Revision of Sulfur Limits in No. 2 and Lighter Commercial Fuel Oil:** Adopted by the EQB as proposed on April 16, 2019. Published in the Pennsylvania Bulletin on July 6, 2019, opening a 66-day public comment period. Three public hearings were held on August 6, 7, and 8, 2019, at DEP's Southwest, Southeast, and Southcentral Regional Offices, respectively. Comments and testimony provided were overwhelmingly in support of the rulemaking. *Only one unresponsive comment was received.* Public comment period closed on September 9, 2019. All comments, including testimony, can be accessed online on [eComment](#). *IRRC comments are due on October 9, 2019.*
- **Additional Requirements for Fine Particulate Matter in the Nonattainment New Source Review Program:** Published on March 16, 2019, opening a 64-day public comment period. Three public hearings were held at 1 p.m. on April 16 (DEP's Southcentral Regional Office), April 17 (DEP's Southwest Regional Office), and April 18 (DEP's Southeast Regional Office). No commenters provided verbal comment at any of the hearings. Public comment period closed on May 20, 2019. All comments can be accessed online on [eComment](#). [IRRC no comment letter](#) received on June 19, 2019. The EQB adopted this rule in its final form on August 20, 2019. *This rule is on IRRC's October 17, 2019 public meeting agenda.*

Public Comment Periods

Proposals Open for Public Comment

- Certification of Pennsylvania's Existing Emissions Statement (Closes 11/8/2019)
- Proposed State Implementation Plan Revision for Regional Haze; Best Available Retrofit Technology (BART) (Closes 10/31/2019)
- Draft 2019 Reclamation Fee Fiscal Year Report (Closes 10/15/2019)
- Environmental Assessment Approval for PENNVEST Funding Consideration (Closes 10/14/2019)
- Nutrient Credit Trading Program – Mass Certification: Significant Sewage Point Source Discharges in the Chesapeake Bay Watershed with Cap Loads (Closes 10/7/2019)

Recently Closed Comment Periods

- Draft TGD: Site Suitability and Alternatives Analysis Guidelines for New Land Development Proposing Onlot Sewage Disposal (Closed 9/30/2019)
- Draft TGD: Microbiology Incubation Units (Closed 9/23/2019)
- Draft TGD: Guidelines for Sample Collection, Receipt, and Handling (Closed 9/23/2019)
- Nutrient Credit Trading Program – Certification Amendment Requests: Lycoming County Conservation District (Closed 9/23/2019)

- Draft PAG-02 NPDES General Permit for Stormwater Discharges Associated with Construction Activities (Closed 9/16/2019)
- Draft TGD: Storage Tank Modification and Maintenance Issues (Closed 9/9/2019)
- Draft TGD: Verification of Emergency Containment Structures for Aboveground Storage Tanks (Closed 9/9/2019)
- Draft TGD: Underground Storage Tank Class A and Class B Operator Training Courses (Closed 9/9/2019)
- Proposed Rulemaking: Revision of the Maximum Allowable Sulfur Content Limit for No. 2 and Lighter Commercial Fuel Oil (Closed 9/9/2019)

Communications Monthly Press Releases

Press Releases Issued

- August 2** – ADVISORY – LUZERNE COUNTY – MONDAY – Wolf Administration to Tour Proposed Nanticoke Recreation Site and Discuss How Restore Pennsylvania Proposal Could Help Rehabilitate Old Industrial Sites
- August 5** – Wolf Administration Outlines Benefits of Restore Pennsylvania for Proposed Recreational Complex in Luzerne County
- August 5** – DEP Issues a Code Orange Air Quality Action Day Forecast for Southeastern Counties on Aug. 6, 2019
- August 9** – ADVISORY – NORTHAMPTON COUNTY – MONDAY – DEP to Host Public Meeting Regarding Proposed Heat Recovery Center
- August 15** – Wolf Administration Announces Funding Available to Help Farmers and Communities Improve Water Quality in Chesapeake Bay Watershed
- August 20** – DEP Terminates Some Permit Review and Inspection Authority Delegated to Beaver County Conservation District
- August 22** – Wolf Administration’s “Innovations Challenge” Invites Students to Develop Technologies, Solutions to Combat Roadway Litter
- August 27** – DEP Announces State Plan to Improve Water Quality in the Chesapeake Bay Watershed
- August 27** – ADVISORY – ROCHESTER – WEDNESDAY – DEP Secretary to Visit Pool Doctor HSCA Site, Discuss Benefits of Restore Pennsylvania
- August 28** – Wolf Administration Provides Update on Pool Doctor Site, Highlights Need for Restore PA for Brownfield Cleanups
- August 29** – DEP Issues Sunoco \$319,000 in Penalties for Mariner East 2 Pipeline Construction Violations
- September 6** – DEP Enters Agreement with PWSA for Critical Water Infrastructure Upgrades
- September 11** – DEP Orders Sunoco to Cover Exposed Pipelines Identified Across the State
- September 16** – DEP to Host Public Hearing Tri-County Landfill Permit Application
- September 17** – Pennsylvania Reports First Human Case of West Nile Virus in 2019
- September 18** – DEP Opens Investigation Near Erie Coke Following Passive Air Monitoring Sampling Results

September 19 – DEP to Host Public Hearing regarding Proposed Windmill Project in Carbon County

September 19 – ADVISORY – MANSFIELD – MONDAY – Wolf Administration to View Stream Site, Host Open House to Outline How Restore Pennsylvania Can Address Stream and Flooding Needs

September 20 – Wolf Administration Denounces Trump Administration’s Rollback of Critical Auto Emissions Standards

September 23 – Wolf Administration Hosts Open House, Views Stream Site to Outline How Restore Pennsylvania Can Address Stream and Flooding Needs

September 23 – DEP to Conduct Mosquito Control Operations in Erie County Following Confirmed Populations of Mosquitoes with Eastern Equine Encephalitis

September 23 – DEP to Conduct Mosquito Control Operations in Carbon County Following Confirmed Populations of Mosquitoes with Eastern Equine Encephalitis

Active and Abandoned Mine Operations

Rulemakings

OSM Program Consistency

This rulemaking would amend Pennsylvania’s coal mining regulations to achieve consistency with federal requirements. On April 6, 2017, the Mining and Reclamation Advisory Board (MRAB) recommended that the rulemaking should proceed to the EQB as proposed. The EQB considered and adopted the proposed rulemaking at its May 16, 2018, meeting. The rule was published in the Pennsylvania Bulletin on October 27, 2018, opening a 30-day public comment period. The public comment period closed on November 26, 2018. IRRC comments were received on December 24, 2018. The final rulemaking was reviewed with the MRAB at the April 2019 meeting where the MRAB members recommended that the Department proceed in the final rulemaking process. The anticipated EQB meeting for finalizing these regulations is in the 4th quarter of 2019.

Water Supply Replacement

This proposed rulemaking (25 Pa. Code Chapters 87 and 88) would update the regulations for water supply replacement for coal mining to achieve consistency with federal requirements and provide additional clarity. The MRAB’s Regulatory, Legislative and Technical Committee met on April 19, 2018, to discuss the preliminary draft of proposed changes. The draft was discussed at the MRAB meeting of July 19, 2018. At their October 25, 2018, meeting, the MRAB recommended that the rulemaking proceed into the formal process. The EQB considered and approved proceeding with the rulemaking as proposed at their June 18, 2019, meeting. BMP is responding to the OGC Tolling Memo. Publication of the draft is anticipated for the 4th quarter of 2019.

Guidance Document Revisions

The Bureau of Mining Programs is systematically reviewing the library of Technical Guidance Documents (TGDs) to identify which documents require changes. This process is ongoing. For details, see the Department’s Non-Regulatory Agenda. Notably, the TGD relating to Liners (563-2112-656) requires substantial reworking to reflect its applicability to capping of coal refuse disposal sites, and the TGD relating to Surface Water Protection – Underground Bituminous Coal Mining Operations (563-2000-655) will require a workgroup with industry representatives to draft the necessary revisions. Civil Penalties Assessment (562-4180-306) was published as draft in the 2nd quarter of 2019, but additional discussions are anticipated with coal industry representatives and the MRAB prior to proceeding with the final version. Alkaline Addition for Surface Coal Mines (563-2112-217) was published as draft in May and is being finalized for publication in the 1st quarter of 2020.

Act 54 Effects of Underground Mining Report

The Bureau of Mining Programs has received the 5th report from the University of Pittsburgh as required by the

Bituminous Mine Subsidence and Land Conservation Act (Act 54) of 1994. BMP is reviewing the report, noting recommendations for consideration. The report will be delivered to the Governor, the General Assembly, the Secretary, and the CAC. Anticipated delivery to the CAC is during the 4th quarter of 2019.

2019 Surface Mining Control and Reclamation Act (SMCRA) Amendments

HR 4248 - Surface Mining Control and Reclamation Act (SMCRA) Amendments of 2019 was introduced in the US House of Representatives on September 9, 2019. The primary sponsor of the bill is Congressman Matt Cartwright (D-PA-8) with several other PA Congressmen signed on as co-sponsors including: Representative Glenn Thompson (R-PA-15), Representative Michael Doyle (D-PA-18), Representative Mike Kelly (R-PA-16), Representative Daniel Meuser (R-PA-9), and Representative Conor Lamb (D-PA-17).

The bill extends the abandoned mine land fee (AML fee) collection authority outlined under Title IV of SMCRA on current coal mine production at the same rate (\$0.28 for surface mined coal; \$0.12 for deep mined coal; and \$0.08 for lignite) for an additional 15 years to September 30, 2036. The current fee authorization is set to expire on September 30, 2021.

The bill allows state and tribal AML programs to formally establish AML Emergency Programs under their approved reclamation plans and requires the federal Office of Surface Mining Reclamation and Enforcement (OSMRE) to reimburse the states/tribes for the costs of addressing those AML Emergencies. The funding for the reimbursements would come from the federal share of the AML Trust Fund. The bill will also reimburse states for AML fees that were sequestered since Fiscal Year 2013. (For PA, nearly \$32 million has been sequestered since FY 2013).

Since Pennsylvania has the largest remaining inventory of unaddressed abandoned mine land features in the country and over 5,500 miles of streams impaired by acid mine drainage, this bill would ensure continued funding for addressing legacy coal mine hazards, treating and/or abating abandoned mine drainage, and addressing AML Emergencies.

Air Quality

2010 Sulfur Dioxide (SO₂) NAAQS Attainment Demonstration SIP Revisions

DEP submitted to EPA the required SIP revisions for Beaver and Allegheny Counties on October 2, 2017, and for Indiana/Armstrong County on October 11, 2017. Completeness letters for these SIPs were received from EPA on October 5 and 13, 2017, respectively.

EPA published its intent to approve the Indiana/Armstrong SIP on July 13, 2018, with the public comment period closing on August 13, 2018. EPA received seven comments. On October 5, 2018, EPA published its intent to approve the Beaver County SIP; the public comment period closed on November 5. EPA received comments from one commenter.

On September 4, 2019, EPA proposed a consent decree establishing deadlines for EPA to act in response to complaints filed by the Center for Biological Diversity, Center for Environmental Health and the Sierra Club. The proposed consent decree deadlines for EPA's approval or disapproval are April 30, 2020, for the Allegheny and Beaver nonattainment area SIP submittals and October 30, 2020, for the Indiana SIP submittal. EPA's action on the proposed consent decree is open for a 30-day comment period.

2012 Fine Particulate Matter (PM_{2.5}) NAAQS SIP Revisions

On January 23 and February 11, 2019, DEP submitted to EPA Maintenance Plan SIP revisions and Redesignation Requests for the Delaware County and Lebanon County 2012 annual PM_{2.5} NAAQS nonattainment areas. On July 16, 2019, EPA proposed approval of these SIP revisions. The public comment period closed on August 15, 2019, and one comment was received.

Driving PA Forward Grants and Rebates

- The Onroad Rebate Program is currently closed and will reopen in early 2020 with approximately \$6 million available for funding. The Driving PA Forward website will announce approved voucher redemptions on an ongoing basis as replacement projects are completed.
- The \$6.4 million Class 8 Truck and Transit Bus Grant Program remains open for applications until 4:00 p.m. on September 23, 2019. Award recipients from the first round of funding have been announced and are posted on the Driving PA Forward Grant and Rebate Awards web page.
- The \$3 million DC Fast Charging and Hydrogen Fueling Grant Program remains open for applications until 4:00 p.m. on October 11, 2019. Award recipients from the first round of funding have been announced and are posted on the Driving PA Forward Grant and Rebate Awards web page.
- The \$3 million Level 2 EV Charging Rebate Program remains open. The application submission period is continuous until December 31, 2019, or until funds are exhausted on a first-come, first-served basis.
- The \$2.6 million FY2018 PA State Clean Diesel Grant Program is currently closed. Award recipients have been announced and are posted on the Driving PA Forward Grant and Rebate Awards web page. The PA State Clean Diesel Grant Program is expected to reopen in late 2019 or early 2020.
- The Ocean-Going Vessel Shorepower Grant Program opened for applications on June 12, 2019. Under this new grant program, \$3 million will be available for calendar years 2019-2020 for the purchase and installation of eligible dock-mounted, containerized, or barge-mounted marine shore power systems at eligible ports in Pennsylvania. The application deadline is 4:00 p.m. on October 30, 2019.
- The Electric Cargo Handling Grant Program opened for applications on June 21, 2019. Under this new grant program, \$3 million will be available for calendar years 2019-2020 for the repower or replacement of eligible diesel-powered forklifts, airport ground support equipment, and port cargo handling equipment to all-electric versions. The application deadline is 4:00 p.m. on November 15, 2019.

Businesses, nonprofits, government agencies, and other organizations are eligible to apply for all programs. More information is available at www.dep.pa.gov/DrivingPAForward.

Air Quality Rulemakings

Air Quality Fees

The Clean Air Fund constitutes approximately 60% of the Air Quality Program's budget and is comprised of two accounts: Major Emission Facilities (Title V), and Mobile and Area Facilities (Non-Title V). The Non-Title V account is anticipated to hit a zero balance sometime in FY 2019-20 and the Title V account will reach a zero balance sometime in FY 2023-24.

The proposed rulemaking will affect approximately 500 Title V facilities and 2,100 non-Title V facilities permitted by DEP. The proposed rulemaking will also impact the owners/operators of approximately 5,000 asbestos projects per year. Total additional revenue from the rulemaking is expected to be approximately \$14 million per year.

The draft proposed fee rulemaking was presented to the Air Quality Technical Advisory Committee (AQTAC), the CAC and the Small Business Compliance Assistance Committee (SBCAC) on June 14, July 17, and July 25, 2018, respectively. The committees concurred with the Department's recommendation to present the proposed rulemaking to the EQB. The CAC had a few suggested changes but also concurred with moving the proposal to the EQB. The proposed rulemaking was approved unanimously by the EQB on December 18, 2018. Public comment opened on April 13, 2019, with three scheduled public hearings: DEP SWRO May 13, DEP SERO May 15 and DEP SCRO May 16. The public and the Independent Regulatory Review Commission (IRRC) comment periods closed on June 17 and July 17, 2019, respectively. Twenty-seven unique comments were received, and the Department is preparing a Comment and Response document. *DEP anticipates outlining the comments received at AQTAC, SBCAC and the CAC PRO Committee on October 17, 23 and 28, respectively,*

and then bringing the draft final-form rulemaking Annex A before the advisory committees before the end of 2019.

Revision of Sulfur Limits in No. 2 and Lighter Commercial Fuel Oil

The proposed rulemaking would reduce the maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil, generally sold for and used in residential and commercial oil heat burners and furnaces, from the current limit of 500 parts per million (ppm) of sulfur to 15 ppm. Emissions of SO₂ contribute to the formation of regional haze, which degrades visibility in many American cities and scenic areas, and PM_{2.5}. Philadelphia and the surrounding states have already lowered their maximum allowable sulfur content to 15 ppm. The draft proposed rulemaking Annex A was presented to the SBCAC, AQTAC, and CAC in 2018. DEP presented the proposed rulemaking to the EQB on April 16, 2019, and it was approved unanimously. The EQB published this proposed rulemaking for comment on July 6, 2019, and public hearings were held on August 6, 7, and 8, 2019, at the Southwest, Southeast and Southcentral Regional Offices of DEP. The public comment closed on September 9, 2019. *DEP received 22 supporting comments and one opposing comment. DEP will be presenting the draft final-form rulemaking Annex A to AQTAC, SBCAC and the CAC PRO Committee on October 17, 23 and 28, respectively.*

Additional Requirements for Fine Particulate Matter in the Nonattainment New Source Review Program

This proposed rulemaking amends DEP's New Source Review regulations to incorporate Federal requirements issued by EPA on August 24, 2016, for the regulation of volatile organic compounds (VOC) and ammonia as precursors in the formation of particulate matter less than and equal to 2.5 micrometers in diameter (PM_{2.5}). (see 2012 PM_{2.5} NAAQS SIP Revisions above)

On April 6, 2018, EPA published a finding of failure stating that Pennsylvania failed to submit the needed SIP revisions. This finding started 18- and 24-month periods during which Pennsylvania must either submit complete SIP revisions or become subject to mandatory sanctions. This finding also established a 24-month deadline by which EPA must either approve a SIP or finalize a Federal implementation plan that addresses the necessary revisions. The expiration date for the 18-month EPA sanction clock is November 7, 2019, and the 24-month EPA sanction clock expires on May 7, 2020.

The Department presented the draft proposed Annex A to the SBCAC, the AQTAC, the CAC Policy and Regulatory Oversight Committee, and the CAC during the summer of 2018. The proposed rulemaking was approved unanimously by the EQB on December 18, 2018. The public comment period opened on March 16, 2019, and hearings were held on April 16, 17 and 18, 2019, in SCRO, SWRO and SERO, respectively. The public and the IRRC comment periods closed on May 20 and June 20, 2019, respectively. A single public comment of support was received. IRRC submitted a letter of no comment on June 19, 2019. If the Department delivers the final-form regulation without revisions, and the House and Senate Committees do not take any action, the final-form regulation will be deemed approved by IRRC. No revisions were made to the draft final-form rulemaking Annex A. The Department presented the draft final-form Annex A to the AQTAC, the CAC Policy and Regulatory Oversight Committee, and the CAC on August 15, 16 and 20, 2019, respectively. The final-form rulemaking was adopted unanimously by the EQB on August 20, 2019.

Control of Existing Sources of Emissions from the Oil and Natural Gas Industry

On October 27, 2016, EPA published Control Techniques Guidelines (CTG) for the Oil and Natural Gas Industry. On December 13, 2018, the Department presented Preliminary Draft Proposed RACT Regulations for the Oil and Natural Gas Industry to AQTAC. The proposed rulemaking would establish RACT requirements for VOCs from existing oil and natural gas production facilities, compressor stations, processing plants, and transmission stations. The proposed control measures would also reduce methane emissions as a co-benefit. DEP presented the draft proposed rulemaking Annex A to AQTAC, SBCAC and the CAC PRO subcommittee on April 11, April 17 and May 7, 2019, respectively. On June 18, 2019, the CAC concurred with moving the

proposed rulemaking to the EQB and the Department anticipates presenting it to the EQB in the fourth quarter of 2019.

Stage II Vapor Recovery Revision

With the advent of onboard vehicle vapor recovery systems, Stage II vapor recovery at the gasoline pump has become redundant and, in some cases, counterproductive. The Department presented Preliminary Draft Proposed Amendments to the Stage II Vapor Recovery Regulations to AQTAC on December 13, 2018. The proposal requires decommissioning of vacuum-assisted vapor recovery at the pump in the 5-county Philadelphia and 7-county Pittsburgh-Beaver Valley areas. However, it would add requirements for annual leak testing, low-permeation hoses, and dripless nozzles. DEP presented the draft proposed rulemaking Annex A to AQTAC, SBCAC and the CAC PRO subcommittee on April 11, April 17 and May 7, 2019, respectively. The CAC concurred on May 22, 2019, with forwarding the proposed rulemaking to the EQB. DEP anticipates bringing the proposed rulemaking before the EQB in the *first quarter of 2020*.

Conditional Approval of RACT regulation

On May 9, 2019, EPA published conditional approval of Pennsylvania's Reasonably Available Control Technology (RACT II) State Implementation Plan (SIP) revision. The SIP revision was submitted to EPA on May 16, 2016, to meet RACT requirements under the both 1997 and 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) for major sources. EPA approved most of the SIP revision while conditionally approving certain provisions based on DEP's commitment to submit all remaining case-by-case RACT SIP revisions no later than May 9, 2020. On July 8, 2019, the Sierra Club and Earthjustice filed a petition in the US Court of Appeals for the Third Circuit challenging EPA's Conditional Approval. The Sierra Club claims: the proposed emission limits for coal-fired boilers equipped with selective catalytic reduction control devices are too lax; the rule allows unsupported temperature-based exemptions; and the lack of temperature reporting requirements defeat agency and citizen determinations of compliance with RACT.

Sierra Club issues Intent to Sue EPA Over Good Neighbor Provisions of Clean Air Act

On July 11, 2019, EPA Region 3 received an Intent to Sue notice from the Sierra Club for its alleged failure to find that certain states and territories have not submitted "good neighbor" SIP revisions with respect to the 2015 ozone NAAQS. Pennsylvania is one of 25 states named in the Intent to Sue, which also include Maine, Maryland, Rhode Island, Virginia and Vermont. BAQ is continuing to work with EPA Region 3 on a timeline for the required SIP revision.

OTC Notice on Public Comment Period and Public Hearing

On August 16, 2019, the Ozone Transport Commission (OTC) held a public hearing and solicited public comment regarding the potential need for daily NOx limits at coal-fired electricity generating units (EGUs) in Pennsylvania. While the applicable facilities are in compliance with recent EPA-approved RACT II regulations addressing NOx emissions from major sources including EGUs, a petition brought forward by Maryland contends these control measures are needed to bring areas in the Ozone Transport Region (OTR) into attainment with 2008 and 2015 ozone standards.

DEP testified and submitted written comments. In addition to DEP's comments, there were eight commenters in opposition to the petition. The basis for the opposition included:

- Pennsylvania coal plants are operating their NOx controls in accordance with what is technically feasible.
- The vast majority of areas in the OTR are meeting the NAAQS.
- Maryland's technical analysis has errors and omission.
- EPA has already determined that the units in the CAA section 184(c) petition have made the required cost-effective reductions available under the cross-state air pollution rule update.
- EPA has already denied and is proposing to deny CAA section 126 petitions concerning the same facilities.

Seven commenters supported the petition. The basis for support was:

- Pennsylvania coal plants were either not running their controls or are not optimizing their controls.
- Pennsylvania's NOx emission standards are too lax.

Now that the public comment period is closed the OTC subcommittee will evaluate the comments and make a recommendation to the Commission members.

Energy Programs Office

Climate Change

On April 29, Governor Wolf released the final Climate Action Plan (CAP), along with our Climate Story Map. He also made the announcement that PA was officially joining the US Climate Alliance. DEP's Energy Programs Office has postponed its August 27 Climate Change Advisory Committee meeting until October 1, 2019. Topics for discussion will include an update on DEP climate outreach and cap and trade programs.

Greenhouse Gas Cap and Trade Petition Analysis

DEP received a Greenhouse Gas Cap and Trade Petition in November of 2018 that included a potential regulation designed to create an economy-wide cap and trade system for greenhouse gas emissions. The Petition was resubmitted in February for consideration at the April 16th EQB meeting. At that meeting, the EQB accepted the Petition for review by DEP. The Energy Programs Office and the Bureau of Air Quality submitted a Request for Qualifications for a contractor to assist with a detailed analysis of the regulation and its potential implementation through a comprehensive report. Included in this report will be an analysis of the program structure, overall economy-wide impacts if adopted, and specific impacts by sector. *DEP has awarded the contract to ICF Inc. LLC and conducted an initial kickoff meeting.*

DEP Clean Energy Program Plan

The Energy Programs Office submitted a Request for Qualifications for a contractor to develop a comprehensive report to be entitled DEP's Clean Energy Program Plan. The report is intended to be a near-term planning document to inform current and future DEP energy program planning activities regarding energy production and use activities in Pennsylvania. This plan will assist in achieving Pennsylvania's long-term environmental protection goals including: leading by example, supporting in-state clean energy production resources and goals as well as achieving Pennsylvania's climate goals. *One contractor has responded to the bid. The bid document has been reviewed and determined to be responsive. The Energy Programs Office is now awaiting the successful execution of the Purchase Order and will then schedule a project kickoff meeting within a few weeks.*

Pennsylvania Energy Development Authority (PEDA)

DEP held a PEDA Board Meeting on September 18th in Room 105 of the Rachel Carson State Office Building. This general business meeting provided the PEDA Board of Directors with an opportunity to get caught-up on the current financial and program status of the authority and review the outcomes from the 2014 awarded projects. The meeting also included a review of an updated draft of the Energy Development Plan, which was last updated in 2014. PEDA board members engaged in a discussion regarding future uses of the Energy Development Fund and the Growing Greener funds available to PEDA.

Industrial Energy Efficiency Technical Assistance

The 2015 Climate Action Plan (CAP) and the 2018 CAP update contain work plans that call for significantly increasing the number of energy assessments for the manufacturing sector. The current Pennsylvania State Energy Plan (SEP) proposal directly coincides with the CAP recommendations. For state fiscal year 2019-20, DEP contracted with the Pennsylvania Technical Assistance Program at the Pennsylvania State University (PennTAP) and the Emerging Technology Applications Center (ETAC) to provide energy efficiency technical

assistance targeting the Industrial sector of energy consumers. *PennTAP completed 4 site assessments (13% of goal) and ETAC completed 2 site assessments (17% of goal) to date for various companies throughout Pennsylvania representing the building and construction, agricultural, metal fabrication, and chemical, rubber and plastics industries.*

Local Climate Action Assistance Program

DEP's Energy Programs Office *is partnering with ICLEI – Local Governments for Sustainability to guide college students in producing greenhouse gas inventories and climate action plans for twenty local governments in PA. ICLEI will be providing technical assistance & training via webinars. The first webinar was held on September 5th, and the second one was conducted on September 23rd. The data collection process for the inventories is currently underway. Participating local governments include Erie & Chester Counties, Centre Region Council of Governments, and the Cities of York & Reading.*

Performance Excellence in Electricity Renewal (PEER) Assessments

On September 25th, DEP's Energy Programs Office, in conjunction with their contractor, Green Business Certification Inc, will host a webinar on the PEER assessment and certification program. PEER measures and evaluates the resiliency of power systems at college campuses, water/wastewater treatment plants, rural electric cooperatives, municipal utilities, hospitals, emergency management headquarters, major electric utilities, and/or transit systems. Following the webinar, an in-person workshop will be held in the fall to dive deeper into the PEER program. Three – five entities will then be selected to receive technical assistance from GBCI, so they can systematically work through the PEER scorecard & earn certification.

The Role of Energy Efficiency in Community Resilience

The Pennsylvania Municipal League is developing outreach materials such as videos and webinars aimed at local policy makers and other officials on the role of energy efficiency and community resilience. The outreach materials will be incorporated in the Sustainable Pennsylvania Communities program. The first video of the four-part series is due 9/30 and EPO is currently reviewing the script with PML.

Building Energy Code Trainings

DEP has *recently* contracted with the Pennsylvania Municipal League (PML) and Performance Systems Development (PSD) to provide building code officials, contractors, design professionals and builders with training on the 2015 International Energy Conservation Code (IECC) for residential and commercial construction projects in the upcoming months. A series of workshops, webinars and specialized (circuit rider) trainings have been planned. *PML and PSD are currently preparing outreach and training materials.*

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. The 2019 Alternative Fuels Incentive Grant Program (AFIG) is now accepting applications through the DCED Electronic Single Application (ESA) system. Approximately \$5 million in grants is available for school districts, municipal authorities, political subdivisions, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in the Commonwealth. The program will be open for applications throughout 2019. The first application acceptance period ended on July 12. *DEP has reviewed these applications and has developed recommendations for funding for executive staff review. An announcement on the awardees is anticipated for early fall.*

EV Everywhere

A Drive Electric PA Coalition meeting event is scheduled to be held on October 23rd in Harrisburg. A Ride and Drive event is being planned to take place on Commonwealth Avenue in front of the Capital building from 10 AM until 2PM. A kickoff ceremony is being scheduled with brief remarks from members of the Coalition. The DEPA Coalition will have a final stakeholder meeting for 2019 on Thursday, November 21, 2019 (10AM – 2PM) at the Pennsylvania Turnpike Commission Headquarters on 700 S. Eisenhower Blvd., Middletown, PA

17057. Details on the upcoming meetings, including agendas and any presentations, will be posted on DEP's website here: <https://www.dep.pa.gov/Business/Energy/OfficeofPollutionPrevention/State-Energy-Plan/Pages/Drive-Electric-PA-Coalition.aspx> .

Agricultural Energy Use Analysis

In an effort to assist Pennsylvania's agricultural producers with saving energy, on August 14th EPO released a request for quote in order to hire a consulting firm to perform an analysis of energy use on farms in Pennsylvania. The consultant will also be tasked with providing recommendations for energy efficiency programming in Pennsylvania. Four proposals were received and evaluated, and a consultant should be selected by early October.

Environmental Cleanup and Brownfields

Storage Tank Advisory Committee (STAC)

The next STAC meeting is scheduled for December 4, 2019. The meeting will begin at 10:00 a.m. in Room 105 in RCSOB, 400 Market Street, Harrisburg, PA.

Cleanup Standards Scientific Advisory Board (CSSAB)

The next CSSAB meeting is scheduled for October 29, 2019, at 9:30 a.m. in Room 105 in RCSOB, 400 Market Street, Harrisburg, PA. *This meeting may be changed to a conference call.*

Proposed Rulemaking, 25 Pa. Code, Chapter 250 (relating to Administration of Land Recycling Program)

The Land Recycling Program is developing a proposed rulemaking to update Statewide health standard medium-specific concentrations (MSCs) listed in Appendix A of Chapter 250. Additional changes to the regulations are needed to clarify regulatory language, update outdated information, and to make other corrections. The Department presented draft regulatory language and MSC tables to the CSSAB at the June 12, 2019, meeting. The CSSAB tabled a vote of concurrence on the proposed rulemaking language until a few remaining issues are resolved. These remaining issues have been addressed and will be discussed with the CSSAB at the next meeting on October 29, 2019.

Land Recycling Program Technical Guidance Manual (TGM) Addendums

The final revised Land Recycling Program TGM was published on January 19, 2019. Additional information regarding two remedial technologies will be added to the TGM as addendums. The first addendum is "The Use of Caps as Engineering Controls," which is proposed to be an appendix to Section II of the TGM and will help inform remediators and regional office staff of recommended best practices for caps. This proposed TGM addendum was discussed at the February 13, 2019, CSSAB meeting. A workgroup comprising CSSAB members and their staff reviewed the proposed addendum and provided recommendations for revisions. The revised proposed capping guidance addendum was provided to the CSSAB at the June 12, 2019, meeting. Additional revisions and comments provided by the CSSAB and Regional Offices have been incorporated. The final draft document is ready to be routed for internal review and approval for publication for public comment. The second TGM addendum will provide guidance on the use of vertical soil mixing as a remediation technology to address historic pesticide contamination on agricultural lands. *This proposed guidance addendum is expected to be provided to the CSSAB for discussion at the first CSSAB meeting of 2020.*

Environmental Education

DEP Environmental Education Grants Program

The Environmental Education Grant Program was established by the Environmental Education Act of 1993, which mandates that five percent of all pollution fines and penalties collected annually by the Department of

Environmental Protection be set aside for environmental education. Since the inception of the environmental education grant program, DEP has awarded more than \$11.4 million in grants to support environmental education efforts throughout Pennsylvania. This grant program was designed to promote Environmental Education principles that encourage the public to promote a healthy environment, foster an understanding of the natural world's functions, and promote an understanding of the necessity for environmental protection and sound resource management.

The 2020 DEP Environmental Education Grant round is scheduled to open on October 31, 2019. Grants will be available at three different levels. Mini-grants will be awarded for regional projects up to \$3,000. For 2020, General Grants will be offered at two levels: General Grants I for regional or statewide projects will be funded up to \$25,000 and General Grants II will fund projects from \$25,000 to \$85,000 and are earmarked for statewide projects that have a national reach and serve Environmental Justice communities.

PA Falcon Reintroduction Program

Three of the four young falcons that were banded in 2019 were also outfitted by the Pennsylvania Game Commission with Motus nanotags. The fittings occurred during Falcon Watch and Rescue when the DEP Environmental Education and Information Center (EE&IC) staff rescued three of the juveniles. Once activated, the Motus transmitter will transmit data on the dispersal of these falcons through the integration of radio transmitters that are part the Motus system. Motus' goal is to combine dozens of individual research projects into a massive, collaborative, hemispheric network of VHF nanotag receiver stations, allowing researchers to track the movement of flying animals too small to support traditional satellite or GPS telemetry. All participants use a single shared radio frequency, shared infrastructure, a shared database and (within reason) shared results. Movement tracks are presented on the Motus website for public education in a way that does not jeopardize the publications or research interests of the individual cooperators. *These young falcons dispersed in August, which is typical for the RCSOB nest site. This office is looking forward to seeing the Motus data and will publicize it through the DEP FalconCam.*

Update from the PA Watershed Education Task Force

The Stroud Center, PDE, DCNR and DEP continue to cooperate on this task force to provide additional educational opportunities for Meaningful Watershed Educational Experiences (MWEE) training. *MWEE Ambassador Training will be offered at four locations through the end of 2019 and into 2020.*

Outreach efforts are currently being directed to the PA Association of Environmental Educators (PAEE). The task force will be collaborating on presentations at the 2020 PAEE conference. Topics for these two seminars will include MWEEs as a framework for the development of stormwater projects and Integrated Pest Management (IPM) for school buildings.

Weathering the Storm Stormwater Workshops

A robust schedule of stormwater workshops is currently being developed for *the spring and summer of 2020*. The objective is to facilitate municipalities, especially MS4 communities, to collaborate with local school districts in the implementation of stormwater BMPs. The MWEE framework will be used to direct these projects. In addition, participants will be informed of the funding opportunities available through the DEP Environmental Education grant program *and the Pennsylvania Local Government Implementation Grants. Eligible applicants include local governments and entities supporting local government implementation in Pennsylvania, including non-profit 501(c) organizations and academic institutions.*

Envirothon

The PA Envirothon is gearing up for the current school year in preparation for the county competitions followed by the state competition to be held at Susquehanna University and Camp Mount Luther on May 19 & 20, 2020. The 2020 international NCF-Envirothon competition will be hosted in Lincoln, Nebraska, at the University of Nebraska from July 26 – August 1, where students will be tested on the 2020 topic: "Water Resources Management: Local Control and Local Solutions.

Environmental Justice

DEP's EE&IC and the Environmental Justice (EJ) office have been collaborating on efforts to further environmental education in EJ areas. As part of this effort, the 2020 DEP Environmental Education Grant program prioritizes water and/or climate change, along with projects that deliver programs to Environmental Justice communities.

Air Quality Flag Program

The U. S. Environmental Protection Agency and PA DEP invite Pennsylvania schools to fly an Air Quality Flag. Children and teens, especially those who are active outdoors or those who have asthma, are one of the demographics that are most greatly impacted by poor air quality. By becoming a part of the [Air Quality Flag Program](#), schools across the country hang or raise a flag every day alerting the students of the quality of the air they breathe. The color of the flag matches the color of the Air Quality Index.

In April 2018, DEP SERO partnered with Norristown School District to present a pilot program during Air Quality Awareness Week. The first educational program was presented to around 240 third graders in 12 classes in 3 Norristown elementary schools. In 2019, 575 third graders in 23 classes in 5 Norristown elementary schools participated.

2020 Radon Poster Contest

DEP's Environmental Education and Information Center is aiding DEP's Bureau of Radiation Protection in the promotion of the 2020 Radon Poster Contest for students. Students ages 9-14 years as of November 30 are encouraged to combine science and art by creating an educational poster that shows the physical aspects of radon, the harmful effects of indoor radon gas, or the importance of testing for radon in the home. DEP will submit Pennsylvania's first-place poster to the 2020 National Radon Poster Contest, sponsored by the Conference of Radiation Control Program Directors.

Oil and Gas

Oil and Gas Fee Rulemaking

On May 16, 2018, the Office of Oil and Gas Management presented the proposed Unconventional Well Permit Application Fee rulemaking to the Environmental Quality Board (EQB). The proposed rulemaking increases the current well permit application fees from \$5,000 for a nonvertical unconventional well and \$4,200 for a vertical unconventional well, to \$12,500 for all unconventional well permit applications. The permit fees for conventional wells remain unchanged. EQB adopted the proposed rulemaking with two opposing votes. The Office of Attorney General completed its review on June 26, 2018. The proposed rulemaking was published in the Pennsylvania Bulletin on July 14, 2018 and the comment period closed on August 13, 2018. DEP received comments from IRRC on September 13. DEP is currently preparing a Comment and Response Document and final revisions to the rulemaking. *DEP plans to advance the final rulemaking to EQB by the end of 2019.*

Erosion and Sediment Control General Permit (ESCGP-3) Prioritized Review Workgroup Meeting

On August 20, 2019, Office of Oil and Gas Management staff convened the first in a series of meetings to commence the ESCGP-3 Prioritized Review Workgroup. In addition to Office of Oil and Gas Management staff, attendees included Bureau of Clean Water Ch. 102 Program, Office of Chief Counsel and DCNR Bureau of Forestry staff, as well as several professionals representing industry trade organizations, resource advocacy groups and environmental consulting firms.

Innovative approaches through design and implementation of environmentally enhanced Best Management Practices (BMPs) and superior construction practices reduce environmental impacts from oil and gas operations. To incentivize these technologies and practices, the Department plans to replace the Expedited

Review process with a voluntary Prioritized Review option for projects that must obtain an ESCGP-3. Permit applications submitted as Prioritized Review will be given a score based on the types of BMPs and environmentally superior construction practices proposed for a project. Projects that score well will be given priority to be reviewed prior to projects that do not propose environmentally superior BMPs and construction practices. The goal of the initial meeting was to utilize the expertise of workgroup members to establish a suite of BMPs and construction practices to be included in the program.

The workgroup will continue to expand the suite of BMPs and construction practices available for projects submitted for Prioritized Review. Future meetings will also concentrate on developing a process to score applications.

Oil and Gas Technical Advisory Board Meeting

On September 19, 2019, DEP convened a regular meeting of the Oil and Gas Technical Advisory Board (TAB) in the Rachel Carson State Office Building, Room 105. In July 2019, Governor Wolf re-appointed four TAB members and appointed a new TAB member (Jeffrey Walentosky, P.G.) to serve for four years. According to the TAB Bylaws, TAB appointed a chairperson (David Yoxheimer, P.G.) to serve for two years. Topics discussed during the TAB meeting included: an update of the Erosion and Sediment Control General Permit, Coal-Gas Coordination Committee, well log submissions, unconventional permit application fee, and various technical guidance documents that are under development. TAB discussed the timing of the next regularly scheduled meeting of the board and decided to reschedule the next meeting originally scheduled for November 6, 2019 to December 18, 2019 to allow more time for potential meeting agenda topics to emerge.

Oil and Gas Technical Advisory Board (TAB) - Crude Development Advisory Council (CDAC) Plugging Workgroup Meeting

On August 29, Office of Oil and Gas Management (OOGM) technical, inspection, and management staff assembled with TAB, CDAC members, and other industry representatives to discuss oil and gas well plugging topics. The purpose of the workgroup is to clarify plugging regulations, provide consistent requirements across regulations/statutes, and to attempt to identify acceptable cost-saving practices which will still provide adequate protection of human health, public safety, and the environment.

Pennsylvania Grade Crude Development Advisory Council - Meeting Rescheduled (CDAC)

The meeting of CDAC that was scheduled for September 26, 2019, has been rescheduled to November 12, 2019. The meeting was rescheduled due to a conflict with the Governor's Energy Committee, on which ten CDAC members participate. The CDAC meeting location and time are to be determined. The Department of Community and Economic Development provides administrative support to the council and will assist with the meeting logistics.

Oil and Gas Workload Report

Please see Attachment 2.

Radiation Protection

Radiation Protection Rulemakings

Chapter 227

The Radiation Protection Act directs DEP to develop and conduct comprehensive programs for the registration, licensing, control, management, regulation and inspection of radiation generating devices (RGD) and users of such devices. The areas in need of review and update relate to non-medical X-ray equipment. There have been important advances in technology and use of X-rays and other ionizing radiation particles for industrial radiography, non-contact level monitoring, foreign body detection, chemical purification, melting, welding, polymerization, sterilization, and security screening. The proposed package is expected to be an action item at

the October 10, 2019, Radiation Protection Advisory Committee (RPAC) meeting, followed by EQB consideration in late 2019.

New Compliance & Enforcement Guidance Document

The Radiation Protection program is drafting a new Radiation Protection Compliance & Enforcement Guidance document. This document will provide guidelines for staff on how to implement the provisions relating to enforcement actions contained in DEP's policies and procedures. The purpose of this guidance is to ensure that all staff use similar formats when addressing similar violations across DEP offices. It describes the documents available for compliance and enforcement actions, and it establishes guidelines on how they should be applied. The draft guidance document is expected to be an agenda item at the October 10, 2019, RPAC meeting and is tentatively scheduled to be published with a public comment period in late 2019.

Waste Management

MAX Environmental Technologies, Inc. Delisting Petitions – Bulger Facility and Yukon Facility

On May 2, 2019, DEP received two petitions from MAX Environmental Technologies, Inc. (MAX) to delist certain hazardous waste at their Bulger and Yukon facilities. DEP reviewed the petitions in accordance with the Environmental Quality Board's Petition Policy in 25 Pa. Code Chapter 23 and determined the petitions meet the conditions in Section 23.2 for further review. The Department notified MAX on June 3, that the petitions would be submitted to the Environmental Quality Board (EQB) for consideration at its next meeting. At the EQB meeting held on Tuesday, June 18, DEP summarized the petitions for the EQB and recommended that the EQB accept the petitions for further study. The EQB adopted a motion to accept the petitions. DEP is in the process of evaluating the petitions. Upon conclusion of that review, DEP will prepare a report evaluating the petitions, including a recommendation on each petition. At the August 20 EQB meeting, DEP provided an update to the EQB that additional time would be necessary to properly evaluate the petitions and prepare a report. DEP will keep the Board updated on progress toward completion of the evaluation and report.

Elcon Recycling Services, LLC (Falls Township, Bucks County)

DEP's Southeast Regional Office Waste Management Program issued a Notice of Intent to Deny to Elcon Recycling Services, LLC (Elcon) for its Phase II Part B commercial hazardous waste treatment and storage facility application. After completing a 10-month technical review of materials submitted by the company, DEP found a number of outstanding deficiencies that remain unaddressed to DEP's satisfaction.

A Notice of Intent to Deny is not a final or appealable action by the DEP. It is a draft decision, open to the public for comment and review. The applicant may comment on the notice and submit materials to address the deficiencies cited by DEP. The comment period opened on June 1 with a publication in the *Pennsylvania Bulletin* and closed on July 15. The applicant submitted comments and provided responses to the Notice of Intent to Deny within the comment period. All comments received during the 45-day comment period, from the public and the applicant, will be reviewed and addressed in a public document.

DEP is continuing its review of two additional applications from Elcon for air quality and stormwater.

A copy of the hazardous waste application and deficiencies noted by DEP, as well as correspondence on the project, opportunities for public participation, and additional applications under review can be found at www.dep.pa.gov/elcon.

Substantive Revisions to DEP's Management of Fill Policy

Pennsylvania's waste regulations, which were adopted in 1988, state that uncontaminated soil, rock, stone, gravel, unused brick or block, and concrete can be used to level or bring an area to grade without obtaining a permit for the beneficial use of waste. DEP frequently refers to these materials as "clean fill."

To support the regulations, DEP created the Management of Fill Policy to clarify when and how fill can be used in Pennsylvania without the need for a waste permit. The current effective version of the Policy is dated August 7, 2010. Major components of this Policy rely on the Act 2 Statewide health standards, which were revised in 2011 and again in 2016, necessitating a revision to the Policy. Staff in the Bureau of Waste Management worked diligently to hear the concerns of stakeholders and published a substantive revision for public comment on November 10, 2018.

The draft revisions proposed by DEP include: incorporating the Chapter 250 standards by reference so that the concentration limits in the policy are continually aligned with Chapter 250; improving the mechanism for determining whether the presence of a contaminant is due to background conditions; clarifying the requirements for developing a sampling plan for in-place material; and clarifying definitions and terms not defined by the policy.

DEP accepted public comment on the proposed changes through January 8, 2019 and intends to finalize the policy in the *fourth* quarter of 2019.

Substantive Revisions to DEP’s Guidance Document on Radioactivity Monitoring at Solid Waste Processing and Disposal Facilities

On June 6, staff from DEP presented the Solid Waste Advisory Committee (SWAC) draft proposed substantive revisions to the technical guidance document that assists the regulated community with the development of Radiation Protection Action Plans as required in regulation. The primary revisions amend the policy to include guidance for the oil and gas industry in response to new provisions in Chapter 78a requiring unconventional oil and gas operators to comply with the document. Additionally, outdated and redundant information is being removed; guidance is being provided for non-solid waste recycler operations; guidance on environmental modeling is being improved; and radiation protection standards are being compiled in one place for subject facilities. DEP plans to publish the document for a 30-day public comment period in the *fourth quarter* of 2019.

Solid Waste Advisory Committee (SWAC)

The regular SWAC meeting was held jointly with the Recycling Fund Advisory Committee (RFAC) on Thursday, September 12. DEP staff provided updates on agency/Bureau of Waste Management (BWM) staffing and ePermitting; presented draft language for a final-omitted rulemaking incorporating by reference the federal Hazardous Waste Generator Improvements Rule into the Pennsylvania hazardous waste regulations; and an overview of a proposed new recycling grant program for food waste. The next regular SWAC meeting will be held on Thursday, December 5, in Room 105 of the Rachel Carson Building. Additional information is available on the [SWAC website](#).

Recycling Fund Advisory Committee (RFAC)

RFAC was re-established as a separate committee in accordance with statute at the June 6 SWAC-RFAC meeting. RFAC adopted its own bylaws at the same meeting. The annual meeting at which RFAC *reviewed and made recommendation on the expenditures of the Recycling Fund was held jointly with SWAC on Thursday, September 12. BWM staff reviewed the previous fiscal year’s expenditures of the Recycling Fund and presented the Fund’s Spending Plan for RFAC recommendation. RFAC accepted a motion to concur with the Spending Plan as presented with a 16 to 1 majority vote.* New bylaws and additional information are available on the [SWAC website](#).

Water Programs

e-Permitting for Waterways Obstruction and Encroachment General Permits (Chapter 105 GPs)

The Chapter 105 e-Permitting application continues to improve with the *latest* version released on September 18, 2019. This version provides an “instant access” to the General Permit registration forms. In the past, this

was a two-step process. The Bureau of Waterways Engineering and Wetlands (Bureau) staff remain actively engaged with applicants, consultants, delegated county conservation districts, regional office staff and IT support regarding processes and technical issues for Chapter 105 General Permit e-permitting. User manuals have been updated and further enhancements are planned. Additional information about the Chapter 105 e-Permitting system, including background information, recorded webinar and training materials, and user guides is available on the Bureau webpage at

<https://www.dep.pa.gov/Business/Water/Waterways/Pages/ePermitting.aspx>.

Manganese Rulemaking

Bureau of Clean Water will propose a rulemaking to revise the water quality standards for manganese. This proposed rulemaking will consist of two main recommendations to the Environmental Quality Board: (1) to move the point of compliance of the current potable water supply criterion for manganese to the point of existing or planned surface potable water supply withdrawal, as required by 2017 Act 40 § 6; and (2) to implement a new threshold human health criterion for manganese as a toxic substance to protect against the known toxic effects of manganese. This rulemaking was discussed at the July 25, 2019 Water Resources Advisory Committee (WRAC) meeting and the WRAC voted to acknowledge the statutory requirement for the first part of the proposed rulemaking and to support the second part of the proposed rulemaking to protect against the risks to public health potentially created by the first part of the proposed rulemaking.

PAG-02

On August 17, 2019, DEP published the availability of a draft National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activities (PAG-02) for reissuance. The PAG-02 General Permit is intended to provide NPDES permit coverage to persons discharging stormwater associated with construction activities to surface waters of this Commonwealth in satisfaction of State NPDES permit requirements. This draft PAG-02 General Permit would apply to eligible projects proposing an earth disturbance activity that involves 1 acre or more of earth disturbance, or an earth disturbance on any portion, part, or during any stage of a larger common plan of development or sale that involves 1 acre or more of earth disturbance. If a project requires NPDES permit coverage but is ineligible for PAG-02 coverage, an applicant may apply for an individual NPDES permit. DEP *accepted* comments through Monday, September 16, 2019. Questions regarding the draft PAG-02 can be directed to Sean Furjanic at sefurjanic@pa.gov or (717) 787-2137.

PAG-01

On September 28, 2019, DEP published the availability of a draft National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Small Construction Activities (PAG-01). PAG-01 is intended to provide NPDES permit coverage to persons discharging stormwater associated with small construction activities to surface waters of the Commonwealth. PAG-01 would apply to eligible projects that propose less than five (5) acres of earth disturbance and will have impervious surface areas no greater than 30,000 square feet within the area of disturbance and no greater than 12% of the project site area. A project may be eligible for PAG-01 coverage if stormwater and non-stormwater discharges will conform to the requirements of the General Permit, technical criteria are met, and the prohibitions identified in the General Permit do not apply. DEP will be accepting comments through October 28, 2019. Questions regarding the draft PAG-01 can be directed to Sean Furjanic at sefurjanic@pa.gov or (717) 787-2137.

Water Resources Advisory Committee Meeting

The next Water Resources Advisory Committee (WRAC) meeting is re-scheduled for October 30, 2019.

Agricultural Advisory Board Meeting

The next Agricultural Advisory Board meeting is re-scheduled for November 7, 2019.

Water Quality Permit Fees

DEP proposed a rulemaking that would increase fees for Water Quality Management (WQM) permit applications and National Pollutant Discharge Elimination System (NPDES) permit applications and annual fees. This proposed rulemaking would impact municipalities, industries and farmers that hold NPDES permits. The proposed regulations were published in the PA Bulletin March 30, 2019 and the public comment period closed on May 14, 2019. DEP received comments from 91 individuals/organizations and letters signed by 67 members of the General Assembly. *The final-form rulemaking is in development.*

Integrated Report

DEP received comments on the draft 2018 Pennsylvania Integrated Water Quality Monitoring and Assessment Report (Integrated Report) and the Susquehanna/Juniata Rivers aquatic life assessment report. The Integrated Report is required by EPA and Sections 303(d) and 305(b) of the Federal Clean Water Act. The Integrated Report includes narrative descriptions of the various control and restoration programs DEP manages, water quality trends, and the complete status of Pennsylvania waters. This Integrated Report is the first fully digital interactive Integrated Report. It will be useful as it is user friendly and readily accessible to both water quality professionals and the public. The public comment period closed June 4, 2019. Comments will be addressed, and a comment response document will be posted to DEP's website. The final Integrated Report DEP will also be posted to the website and submitted to EPA for review and approval.

Small Water Systems Technical Assistance Center Advisory Committee Meeting

DEP's Small Water Systems Technical Assistance Center (TAC) met on August 8, 2019. The regularly scheduled meeting included the following agenda items: Updates on unregulated contaminants and health advisories, review and discussion of revisions to four technical guidance documents relating to laboratory reporting instructions, and review and discussion of revisions to a technical guidance document related to community water system design standards. The next TAC meeting is scheduled for November 14, 2019.

SDWINS e-inspection App Development

Bureau of Safe Drinking Water (BSDW) staff continue to work with the Conservation and Environment Delivery Center (CEDC) on the development of an e-inspection iPad application called SDWINS. Version 1.2 production release occurred on June 20, 2019. This production release enhanced the existing App that was released in October 2018. The update resolved various bugs, changed the email process and added a field sample information form to the inspection process. The next production release is scheduled for August 2019, which will include additional enhancements to increase the efficiency of SDW field inspectors.

State Board for Certification of Water and Wastewater Systems Operators Meeting

The State Board for Certification of Water and Wastewater Systems Operators (OpCert) met on August 7, 2019. This regularly scheduled meeting included review of requests for new licenses, upgraded licenses, as well as reciprocity requests from operators in neighboring states. The OpCert Board meets every other month throughout the year. There has been a recent increase in the applications for new operators received and reviewed by the OpCert Board. At their June 2019 meeting, the Board approved 143 new licensed operators within Pennsylvania. The Board also upgraded the licenses for 73 other operators, thereby enabling them to operate more complex and/or larger treatment facilities throughout the state. More than 100 new operator applications have already been received for the Board's review at their August meeting. Statewide there are approximately 8,500 licensed water and wastewater operators.

Lake Erie Elevation Levels

Lake elevation levels along the entire shoreline of Lake Erie (in PA, NY, OH and MI) continue to increase. Great Lakes elevations have been recorded since 1918, and the elevation levels for May, June and July 2019 broke record high Lake Erie elevation levels set back in 1985-1987. High Lake Erie elevations, when coupled with sustained winds, can cause damage to public and private properties along the Lake Erie shoreline in the form of accelerated coastal erosion, accelerated bluff recession, and flooding. Bluff areas were already

saturated from high precipitation rates in the Spring of 2019. High lake elevations make the coastal area in Erie County highly vulnerable to loss of land, homes, structures, access areas, steps, roads, and other resources. Presque Isle State Park is currently being affected as walking trails have been flooded, floating docks at boat ramps are at a much higher elevation creating possible safety issues, and Misery Bay waters are well above a concrete retention wall surrounding the Perry Monument. Seasonally, Lake Erie elevations are highest in June and July, but may begin to drop slightly in months after that.

Lake Erie Harmful Algal Blooms (HABs)

The National Oceanic and Atmospheric Administration (NOAA) and research partners predicted that the Western Basin of Lake Erie (Toledo/Sandusky, OH area) will experience a harmful algal bloom (HAB) of cyanobacteria this summer that is larger than the mild bloom in 2018. This year's bloom is expected to measure greater than a 7 on the severity index. The severity index is based on a bloom's biomass – the amount of its harmful algae – over a sustained period. The largest blooms, 2011 and 2015, were 10 and 10.5, respectively. Pennsylvania DEP utilizes federal Great Lakes Restoration Initiative (GLRI) funds to allow partner non-profit Regional Science Consortium at Presque Isle to monitor beaches and public access areas for HAB conditions along Lake Erie. Widespread systemic HAB conditions such as those experienced in the Western Basin of Lake Erie are not anticipated to affect any Pennsylvania Lake Erie waters in 2019.

Coastal Zone Management Grant Solicitation

The grant round for the Coastal Zone Management grants was opened on August 19, 2019, and will close on October 15, 2019.

Interstate Commission Meetings

The Department will attend the following commissions third quarter meetings. All commissions address cooperative and coordinated water resources management of interstate waters:

Ohio River Valley Water Sanitation Commission (ORSANCO), Richmond, VA – October 8-10

Environmental Justice

Environmental Justice Advisory Board

EJAB last convened on Tuesday, August 13, 2019, at the Urban Erie Community Development Corporation in Erie. The meeting included DEP, OEJ, and member updates and presentations from internal and external partners. The meeting also highlighted organizations and initiatives occurring in Erie. The next EJAB meeting will occur via conference call on Tuesday, October 8, 2019, from 9:00 – 11:00 am.

EJAB members recently formed a Subcommittee on Environmental Justice and Environmental Health, which will be working to assist OEJ and DEP around issues involving environmental justice and environmental health, particularly those issues involving people in EJ Areas. In addition, EJAB members started planning an Environmental Justice symposium to honor John Waffenschmidt, a long time EJAB member who passed away in 2018.

Community and Stakeholder Engagement

Public Meetings & Stakeholder Engagement

OEJ will engage in several community organization and funder meetings throughout October including Anthracite Region for Progress, *Black Environmental Collective*, *Chester Environmental Partnership*, Eastwick Lower Darby Creek Area Community Advisory Group (CAG), BoRit CAG, and others.

OEJ staff will participate in meetings with various workgroups and committees including American Planning Association Pennsylvania Chapter, *Delaware Valley Smart Growth Alliance*, *Healthy Communities in PA*,

Pennsylvania Interagency Health Equity Team, Capital Region Water Community Ambassadors, *Geisinger Medicine Take Back Coalition*, Transportation and Climate Initiative, and others.

Roundtables

A roundtable meeting in the Lehigh Valley is being scheduled for fall 2019. These events invite approximately 20-25 stakeholders from the community to discuss pertinent environmental justice issues and find potential solutions between DEP and other state and community partners.

OEJ is continuing to lead follow up discussions with Shamokin government officials, community leaders and DEP staff around work identified in the Shamokin roundtable, which was held in October 2018. The work includes planning around an EPA Small Communities Assistance Grant and brownfields education.

Strategy and Planning

Policy Review Process

OEJ drafted a Comment-Response document for the EJ Public Participation Policy. The Comment and Response document and revised policy have been reviewed by the DEP Internal Work Group and will be reviewed by additional DEP personnel prior to release. OEJ anticipates final release of the EJ Public Participation Policy in *fall 2019*.

OEJ Initiatives

College Underserved Community Partnership Program (CUPP)

OEJ, EPA, Misericordia University, and Nanticoke City representatives are implementing a CUPP project in Luzerne County. CUPP is a program facilitated by EPA for connecting Universities with underserved communities. The project would be led by the University, with DEP assisting to provide them with contacts in the community assistance highlighting community environmental and economic development needs.

Workforce Development Initiative

OEJ is developing a workforce development initiative to create a pipeline to drinking water and wastewater operator careers. These jobs are in demand, secure and provide sustainable wages with a minimum education requirement of a high school diploma for entry in the field. OEJ is collaborating with Delaware County Community College and William Penn School District in eastern Delaware County to pilot the program.

Environmental Education

DEP's Environmental Education Center, OEJ and PA Department of Education (PDE) are partnering to establish initiatives that will infuse EJ principles in PDE training around environmental education for students, educators and municipal staff. *DEP's Environmental Education Center, OEJ and PDE hosted an environmental education workshop for the City of Harrisburg's Environmental Teen Corps (ETC) program in summer 2019 and will continue to work with Harrisburg ETC and offer a train-the-trainer workshop in spring 2020.*

OEJ will be presenting at a symposium organized by PDE entitled Moving the Needle: Promoting Equity with Systemically Integrated Environmental Education at the North American Association for Environmental Education in Lexington, KY on October 17, 2019.

Attachment 1

2019 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.”

October	
1	Climate Change Advisory Committee (CCAC) Meeting, 10 a.m., RCSOB Room 105, Harrisburg
4	Low Level Radioactive Waste Advisory Committee (LLWAC) Meeting, 9 a.m., RCSOB Room 105, Harrisburg
8	Environmental Justice Advisory Board (EJAB) Conference Call, 9 a.m., RCSOB 16 th Floor Delaware Room, Harrisburg
9	Technical Advisory Committee on Diesel-Powered Equipment, 10 a.m., Westmoreland Room of DEP New Stanton Office, 131 Broadview Road, New Stanton, PA
9	State Board for Certification of Water and Wastewater Operators Meeting, 10 a.m., RCSOB 10 th Floor Conference Room, Harrisburg
9 – 10	Underground Gas Storage (UGS) Operators Technical Workgroup, Pennsylvania Farm Show Complex and Expo Center, Harrisburg
10	Radiation Protection Advisory Committee (RPAC) Meeting, 9 a.m., RCSOB 14 th Floor Conference Room, Harrisburg
15	Environmental Quality Board Meeting, 9 a.m., RCSOB Room 105, Harrisburg
15	Citizens Advisory Council (CAC) Meeting, 10 a.m., RCSOB Room 105, Harrisburg
17	Air Quality Technical Advisory Committee (AQTAC) Meeting, 9:15 a.m., RCSOB Room 105, Harrisburg
23	Small Business Compliance Advisory Committee (SBCAC) Meeting, 10 a.m., RCSOB 12 th Floor Conference Room, Harrisburg
24	Mining and Reclamation Advisory Board Meeting, 10 a.m., RCSOB Room 105, Harrisburg
29	Cleanup Standards Scientific Advisory Board (CSSAB) Meeting, 9:30 a.m., RCSOB Room 105, Harrisburg
30	Water Resources Advisory Committee (WRAC) Meeting, 9:30 a.m., RCSOB Room 105, Harrisburg
November	
6	Oil and Gas Technical Advisory Board Meeting, 10 a.m., RCSOB Room 105, Harrisburg
6	Aggregate Advisory Board Quarterly Meeting, 10 a.m., RCSOB 10 th Floor Conference Room, Harrisburg
7	DEP Agricultural Advisory Board Meeting, 9:30 a.m., DEP Southcentral Regional Office, Susquehanna B Conference Room, 909 Elmerton Avenue, Harrisburg
14	Small Water Systems Technical Assistance Center (TAC) Board Meeting, 9 a.m., RCSOB Room 105, Harrisburg
19	Environmental Justice Advisory Board (EJAB) Meeting, 8:30 a.m., RCSOB 16 th Floor Delaware Room, Harrisburg
19	Environmental Quality Board (EQB) Meeting, 9 a.m., RCSOB Room 105, Harrisburg

Attachment 2
Oil and Gas Workload Report
(As of September 13, 2019)

YTD WELL PERMIT APPLICATIONS - 1/1/2019 to 9/13/2019						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	171	5	196	193	188	3
UNCONVENTIONAL	1,014	110	1,086	1,064	980	22
Sub Total	1,185	115	1,282	1,257	1,168	25
AUTHORIZATIONS	826	92	908	824	N/A	84
Total	2,011	207	2,190	2,081	1,891	109

WEEKLY WELL PERMIT APPLICATIONS - 9/7/2019 to 9/13/2019						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	0	0	0	0	0	0
UNCONVENTIONAL	25	25	18	17	17	1
Sub Total	25	25	18	17	17	1
AUTHORIZATIONS	21	10	15	15	N/A	0
Total	46	35	33	32	33	1

HISTORICAL WELL PERMIT APPLICATIONS AS OF 9/13/2019						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	198,022	198,013	196,761	190,558	1,252	101,362
UNCONVENTIONAL	27,651	27,528	26,961	21,164	567	12,109
Sub Total	225,673	225,541	223,722	211,722	1,819	113,471
AUTHORIZATIONS	44,691	44,594	43,737	42,505	857	19,114
Total	270,364	270,135	267,459	254,227	2,676	132,585

YTD INSPECTIONS - 1/1/2019 to 9/13/2019				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	8,392	6,300	1,229	107
UNCONVENTIONAL	13,897	7,170	544	80
CLIENT/SITE	3,129	1	1,914	165
Total	25,418	13,471	3,687	352

WEEKLY INSPECTIONS - 9/7/2019 to 9/13/2019				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	172	154	21	5
UNCONVENTIONAL	333	331	5	3
CLIENT/SITE	35	1	4	2
Total	540	486	30	10

WELLS DRILLED					
	Two Years Prior 1/1/2017 to 9/13/2017	One Year Prior 1/1/2018 to 9/13/2018	Year To Date 1/1/2019 to 9/13/2019	Week of 9/7/2019 to 9/13/2019	As of 9/13/2019
CONVENTIONAL	65	86	123	7	201,699
UNCONVENTIONAL	540	537	473	24	12,180
Total	605	623	596	31	213,879

This report was prepared by Kate Cole, Executive Policy Specialist, DEP Policy Office. For questions or requests, please email kacole@pa.gov.