

**I. Pending Issues**

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**Water Management**

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**Act 167 Stormwater Management Planning:**

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

**NPDES MS4 Permit (PAG-13):**

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

**State Water Plan**

**Critical Water Planning Designation Process**

All regional committees but the Delaware have held February meetings. The Delaware Committee's meeting was rescheduled to March 24<sup>th</sup> due to winter storm conditions. At these meetings, each committee reviewed the comments and testimony from the November public hearings and recommendations from DEP whether any of the watersheds under Critical Water Planning Area designation consideration no longer meet the designation criteria based on information coming from the hearings.

With the Delaware watersheds yet to be discussed, all but two of the other watersheds in other basins continue to meet the criteria and will be forwarded to the Statewide Committee for consideration. Of the two watersheds not being recommended by the regional committees, one was returned to the nominator (York/Adams Counties) for further work and the second was rejected by the Upper/Middle Susquehanna Committee as not meeting the designation criteria.

A technical subcommittee of the Statewide Committee met on March 26, 2010. An outcome of the meeting was the subcommittee vote to move forward to the Statewide committee 14 watersheds (includes groupings of smaller watersheds) recommended by the Regional Committees for designation as Critical Water Planning Areas (CWPA). Subsequent to this meeting, a steering committee of the Statewide Committee recommended that another meeting of the technical subcommittee be convened for DEP to provide an overview of the technical aspects of each of the watersheds under consideration. That meeting is set for August 6, 2010 at 9:30

am in the DEP Southcentral Regional Office, Harrisburg. More information may be found at [www.pawaterplan.dep.state.pa.us](http://www.pawaterplan.dep.state.pa.us)

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Water Resource Technical Assistance Center (WRTAC)**

DEP has contracted with the Susquehanna River Basin Commission (SRBC) to establish the Water Resource Technical Assistance Center. The establishment of the Center is a requirement of Act 220. After a request for proposal (RFP) solicitation, SRBC selected the PA Environmental Council to develop a plan to establish the Center. *The WRTAC advisory committee has met several times to review the work of the contractors selected to develop the WRTAC.* The contractors include PA Environmental Council and Eastern Research Group (ERG).

The three goals of the project are to establish a leading edge website, develop a comprehensive business plan and legal non profit incorporation including establishment of a board of directors. *As of May 2011 the website is complete and non-profit status achieved. The website is [www.savewaterpa.org](http://www.savewaterpa.org).* The advisory group is looking for volunteers to review the website and recommendations on what groups should constitute the board.

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

### **Marcellus O&G Water Management Plan Activities**

Water Use Planning staff recently met with representatives of the PA Oil and Gas Producers to discuss the water withdrawal registration and reporting under Act 220 and Chapter 110 regulations. The Division of Water Use Planning has been working internally with Bureau of Information Technology and the Oil and Gas program central and regional offices in developing Marcellus electronic water use reporting and data management systems. As applications are developed to accommodate quarterly reporting of water withdrawals by Marcellus operators, longer term solutions will be developed for overall water management plan data management and sharing of information with River Basin Commissions.

DEP's Water Use Planning (WUP) and the Bureau of Information Technology met with representatives of the Susquehanna River Basin Commission (SRBC) in late 2009 to discuss coordination of data management

information and systems, specifically in regards to water use in Marcellus gas operations. It was the consensus of that group to begin defining their respective data needs that will lead to data sharing in the future.

In addition, WUP staff continues to develop and further refine Marcellus electronic water use reporting and data management systems.

**Chesapeake Bay Program:**

**Chesapeake Bay TMDL/WIP:**

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

**PA Reduction Targets**

***Phase 5.3 Watershed Model***

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

***Million Pounds/Year***

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

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

changes in the document, which hopefully will help integrate those efforts into the work needed to support the WIP.

The Pennsylvania WIP documents are posted at:

[http://www.depweb.state.pa.us/portal/server.pt/community/chesapeake\\_bay\\_program/10513](http://www.depweb.state.pa.us/portal/server.pt/community/chesapeake_bay_program/10513) . EPA has established a website specifically for the TMDL, which can be accessed at

<http://www.epa.gov/chesapeakebaytmdl/> .

### **Phase 2**

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

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

#### *Next Steps:*

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

**Chapter 105 Regulation Revisions:** The Division of Waterways, Wetlands, and Stormwater Management is currently working to revise the Chapter 105 Dam Safety and Waterway Management regulations and are proposing new permitting fees and a new submerged land license *charges*.

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

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

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

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

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

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

**Revisions to the Delegation Agreements:** DEP staff has been working with the 102 Advisory Workgroup regarding changes to the delegation agreements and required output measures (ROMs) for the NPDES Construction Stormwater Program. ~~The group is taking a triage approach to revising the two portions of the agreements. Language related to fees and deposits into Clean Water Fund accounts by Conservation Districts are the first item to be revised. The revision is necessary to allow the funds from the NPDES Construction Program and E&S Program to be split between both the Conservation District and the Department. The workgroup agreed that the base fee would be retained by the Conservation District while the per-acre fee would be forwarded to the Department. This issue was brought before the State Conservation Commission (SCC) at their September 15 meeting for information purposes and was approved at the October conference call of the SCC. The second item to be revised will be the additional facets of the delegation agreement and the ROMs to address changes in the delegation caused by the new Chapter 102 regulations and other programmatic changes. The 102 advisory workgroup has begun the process of looking at the further changes necessary to the delegation agreement. A meeting will be held in State College on February 17 to discuss changes to the delegation agreement. Changes have been made to address changes in delegation caused by the new Chapter 102 regulations and other programmatic changes. A meeting was held in State College on February 17 to discuss changes to the delegation agreement. The Chapter 102 advisory committee will be discussing the proposed changes to the delegation agreement at an upcoming call and are proposing to present the changes to the State Conservation Commission at its July meeting for approval.~~

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

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## **Waste Management**

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### **American Recovery and Reinvestment Act (ARRA).**

**Leaking Underground Storage Tank ARRA:** Under the ARRA, \$200 million is provided for Leaking Underground Storage Tank (LUST) cleanups, nationwide. EPA has awarded a grant for \$6,163,000.00 to Pennsylvania to conduct cleanups at LUST sites where a private party is unable to perform the work or has abandoned the site. DEP is performing corrective action work under the Storage Tank laws and regulations at 70 eligible sites where properties owners have voluntarily agreed to provide DEP access. *As of January 31,*

2010, DEP contractors have completed approximately \$5.1 million worth of work and DEP expended approximately \$4.5 million. The grant term expires on September 30, 2011.

**Superfund ARRA:** Under the ARRA, \$600 million is provided to EPA for federal superfund projects. EPA has chosen to use ARRA funds at two Pennsylvania sites, the Havertown Pentachlorophenol (PCP) Site, located in Haverford Township, Delaware County and the Crossley Farms Site, located in Hereford Township, Berks County. EPA is using ARRA funds in the amount of \$3.2 million at the Havertown PCP site and \$6.478 million at the Crossley Farms site. EPA has completed the use of ARRA funds for remedial actions at the Havertown PCP site and is continuing to operate the groundwater treatment plant using Superfund monies. EPA initiated construction at the Crossley Farms site in June 2010 and continues to install the groundwater remediation system partially using ARRA funds. Pennsylvania is obligated to pay 10% of the cleanup costs at these sites according to the superfund statute and regulations (there is no exemption from this requirement under ARRA). The Commonwealth's share will come from the Hazardous Sites Cleanup Fund.

**Solid Waste Advisory Committee:** At the January 13th Solid Waste Advisory Committee meeting, the Committee discussed mandatory trash collection, recycling collection and open burning. A subcommittee was organized on illegal dumping, mandatory trash collection and open burning. Other agenda items included an overview of the Covered Device Recycling Act and the Draft Hazardous Waste Facilities Plan.

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## Land Recycling Program

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

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

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## Energy Initiatives

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

*To date; The Keystone HELP (Home Energy Loan Program) has funded a total of 172 loans valuing \$1,355,384 since inception of the program. The Geothermal Loan Program has funded a total of 37 loans*

valuing \$455,873. Keystone Help provides low-interest financing options to assist homeowners seeking to install energy efficient equipment and whole-house improvements, such as air-sealing, insulation measures and geothermal installations.

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

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

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

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

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

**Electric Vehicle Infrastructure Grant Program:** OETD opened a special round of AFIG exclusively for Electric Vehicle (EV) charging infrastructure deployment. The Alternative Fuels Incentive Grant Program EV



Infrastructure Solicitation funding opportunity opened Sept. 13 and will remain open until close of business Nov. 12, 2010. During the current fiscal year, approximately \$470,000 will be made available to fund these grants to provide incentive to organizations to install charging equipment for plug-in hybrids and other electric vehicles.

**Home Heating Rebate Program:** The Pa. Home Heating Rebate program, funded by the American Recovery and Reinvestment Act (ARRA). The program is using ARRA funding to provide rebates to Pa. residents for the professional installation of ENERGY STAR rated HVAC equipment and water heaters. All funds are currently committed in reservations or the waitlist. The program is no longer accepting customers to the waitlist. Rebates are still being paid to all qualifying customers with a reservation. If a reservation customer decides they do not want a rebate, their reservation is given to the next person on the waitlist. The PA Home Heating Equipment Rebate program is unique from most of the other state rebate programs because it creates contractor jobs. Other state rebate programs provided rebates for white goods such as refrigerators and clothes washers that did not need to be installed by a professional contractor. Additionally, the home heating equipment is manufactured in the United States and some components are made in Pennsylvania while the majority of the white goods are manufactured overseas.

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## **Mining/Reclamation/AMD Issues**

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

**Proposed Rulemaking-Coal Permit Fees:** DEP presented a proposed rulemaking package to the MRAB at the October meeting. This package included fees for coal mining permit applications. The MRAB objected to the fee amounts and recommended that the rulemaking proceed with out the fee revisions. In the meantime, BMR is working with the MRAB's Regulation, Legislative and Technical Committee (RLT) to establish a fee approach that is in line with recommendations the MRAB made at the January 2010 meeting.

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

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

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

*about 25 of the 75 permits sent to EPA as of April 2011. A preliminary draft guidance document has been prepared and sent to stakeholder for informal comments.*

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

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### **Office of Homeland Security**

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Since the Office of Homeland Security's contract to receive intelligence from a Philadelphia Firm was cancelled, in 2010, the office has undergone some restructuring. The OHS is now supervised by the Deputy Director of Operations at PEMA and the intelligence gathering for homeland security has been turned over to the Pa. State Police through PACIC.

The CI/KR Steering Committee has met infrequently since the change and the work of identifying Level 3 CI/KR has slowed due to a lack of direction from OHS. The federal DHS has accepted some portion of Pa.'s 2010 submission of Level 3 CI/KR but the Chairman of the Energy & Environmental Working Group at DEP has not yet received the list of facilities and resources accepted.

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### **Environmental Education**

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

*Rater reviews of the applications have been completed. The applications have been listed by score, high to low. When the EEGP staff receives an estimated award amount, a recommendation list will be compiled.*

**Outreach:** Environmental Education outreach activities include the following:

*None*

#### **Workshops Conferences and Board Meetings:**

*February 22 & 23      Advisory Council on Environmental Education meeting  
New Cumberland*

#### **Upcoming Outreach Events:**

*March 3 & 4              EPA Region 3 Chesapeake Bay Education Roundtable  
Rocky Gap Conference Center*

#### **Other EE Initiatives:**

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

The Director is working with other agencies and organizations to enhance career opportunities through the Governor's Science, Technology, Engineering and Math (STEM) initiative. The STEM initiative meshes well

with DEP's alternative energy technologies related programs. This initiative has been augmented by the new Greening of Pennsylvania's Labor Market initiative with ARRA funding through L&I. The October 5<sup>th</sup> Greening of PA Workshop was part of this initiative.

DEP's Director of EE is involved regularly with the Pennsylvania Center for Environmental Education (PCEE) as Board Chair. PCEE is located in Slippery Rock, PA and is funded and administered by the State System of Higher Education. The center serves as a clearing house and resource tool for formal and non-formal educators throughout the state.

**Falcon Outreach/Education:**

- *Live stream video web hosting began February 14<sup>th</sup>. The peregrines are renewing their pair bond before a worldwide web viewing audience.*
- *EE staff will seek sponsorship for A/V upgrades and web streaming improvements at the conclusion of the 2011 nesting season.*

**DEP Regulations and Policies: Proposals Open for Comment**

<b>PA Bulletin Publication Date</b>	<b>Proposal or Regulation</b>	<b>Comment Deadline</b>
<i>1/22/2011</i>	<i>Draft Technical Guidance 385-2100-002: Policy and Procedure for NPDES Permitting of Discharges of Total Dissolved Solids (TDS)</i>	<i>2/22/2011</i>

**DEP Regulations and Proposals Recently Finalized**

<b>PA Bulletin Publication Date</b>	<b>Proposals or Regulations</b>
<i>December 11, 2010</i>	<i>Beneficial Use of Coal Ash (25 Pa Code, Chs. 287, 290 and 299)</i>
<i>January 8, 2011</i>	<i>The Uniform Environmental Covenants Act regulations (25 Pa Code, Chapter 253)</i>
<i>January 8, 2011</i>	<i>Land Recycling Program regulations (25 Pa Code, Chapter 250)</i>