

April 2015 Report to the Citizens Advisory Council
(new and updated information in italics)

DEP Highlights

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

DEP presented the proposed Chapter 78, Subchapter C regulations to the EQB on August 27, 2013, who adopted the proposal for public comment. The 90-day public comment period closed on March 14, 2014, and about 24,000 comments were received electronically and in hard copy. Of those comments, over 1,100 represented “individual” comments and the balance were submitted to DEP as form letters. IRRC submitted a 19-page comment letter to DEP on April 14, formally closing the comment period.

DEP will consider all comments received as it proceeds with the development of the final rulemaking. DEP presented a summary of the comments received at the June 26 Oil and Gas Technical Advisory Board (TAB) meeting. Video of the meeting is available on the DEP YouTube Channel and the webinar is available on DEP’s webinar page.

Act 126 of 2014 (relating to omnibus Fiscal Code amendments) was signed by the Governor on July 10 and contained the following provision:

Section 1741.1-E. Environmental Quality Board.

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

As a result of this statutory change, the DEP determined that the Subchapter C rulemaking process could continue, but that the regulations would be completely bifurcated on final rulemaking. The regulatory provisions applicable to conventional wells will be retained in the existing Chapter 78 and a new regulatory Chapter 78A will be created that is applicable to unconventional wells. No regulatory language outside of the scope of the proposed rulemaking will be altered as a result of this change (for example, the well drilling, operation and plugging requirements contained in Chapter 78, Subchapter D will be included, as appropriate, in both the conventional and unconventional Chapters).

On September 25, DEP presented the two individual chapters of the bifurcated proposed rulemaking to the members of TAB and discussed the pertinent aspects proposed rulemaking. The TAB meeting was conducted via a Webinar in order to provide a greater opportunity for public participation and the webinar is available on DEP’s webinar page. The TAB accepted public comments and the Department responded as appropriate. The bifurcated rulemaking represents a first step toward placing the proposed regulatory language into a form that can be further adjusted to address public comments. A discussion of the changes made as a result of the public comment period will take place at the TAB meeting scheduled for March 20; the TAB meeting that was

originally scheduled for March 5, was rescheduled to March 20. DEP intends to utilize the Advanced Notice of Final Rulemaking process to take additional public comment on the draft changes included in the final rulemaking.

DEP presented an overview of the proposed rulemaking to TAB and the Conventional Oil and Gas Advisory Committee (COGAC) on March 20 and March 26, respectively.

On Saturday, April 4, DEP published notice of an Advance Notice of Final Rulemaking (ANFR) for revisions to the “Environmental Protection Performance Standards at Oil and Gas Well Sites” rulemaking in the Pennsylvania Bulletin, opening an additional 30-day public comment period.

On Friday, April 3, the ANFR notice was made available on the Pennsylvania Bulletin website and the ANFR document was made available on DEP’s Oil and Gas Rulemaking web page.

Implementation of Act 162 of 2014

The Pennsylvania Clean Streams Law was amended by the General Assembly as HB 1565 and was signed into law on October 22, 2014, as Act 162 of 2014. Act 162 is limited to and addresses buffer requirements in Pennsylvania regulations found in 25 Pa. Code Chapter 102 (relating to erosion and sediment control). The amendment pertains to Individual National Pollutant Discharge Elimination System (NPDES) Permit applications for Stormwater Discharges Associated with Construction Activities administered by the Department. Act 162 became effective on December 21, 2014.

*Two additional technical guidance documents, “Riparian Buffer, Riparian Forest Buffer Equivalency Demonstration and “Riparian Buffer, Riparian Forest Buffer Offsetting” were published in the Pennsylvania Bulletin for public comment on March 21st (45 Pa.B. 1450). The public comment period on these documents will end on May 20th. DEP conducted four webinars (two for each guidance document) on March 10th and 11th. Webinar materials are available on DEP’s website at:
http://www.portal.state.pa.us/portal/server.pt/community/webinars/21506/water_management/1615456.*

Federal Regulations

Recently Submitted DEP Comments

National Ambient Air Quality Standards for Ozone – On December 17, 2014, the U.S. Environmental Protection Agency (EPA) published in the Federal Register a proposed rule, National Ambient Air Quality Standards for Ozone, to revise the primary and secondary national ambient air quality ozone (O3) standards to provide requisite protection of public health and welfare, respectively. EPA is proposing to revise the primary standard to a level within the range of 0.065 to 0.070 parts per million (ppm), and to revise the secondary standard to within the range of 0.065 to 0.070 ppm, which air quality analyses indicate would provide air quality, in terms of 3-year average W126 index values, at or below a range of 13-17 ppm-hours. EPA proposes to make corresponding revisions in data handling conventions for O3 and conforming changes to the Air Quality Index; to revise regulations for the prevention of significant deterioration (PSD) program to add a transition provision for certain applications; and to propose schedules and convey information related to implementing any revised standards. EPA is also proposing changes to the O3 monitoring seasons, the Federal Reference Method for monitoring O3 in the ambient air, Federal Equivalent Method procedures for testing, and the Photochemical Assessment Monitoring Stations network.

DEP submitted comments to EPA on March 17. DEP’s comments support the proposed indicator, averaging time, and form elements of the health-based ozone standard. DEP stated that the level of the primary ozone standard should be based on sound science and supported EPA’s Clean Air Science Advisory Committee recommendations for the form and level of the secondary ozone standard. DEP recommended that EPA set the

health-based ozone standard at or below 70 parts per billion. DEP also stated that EPA should propose its implementation rule and associated guidance at the same time it promulgates the revised ozone standard, and the final rule and guidance should be issued expeditiously. DEP stated that EPA should adopt new regulations and policies that reduce emissions that contribute to background ozone concentrations.

Endangered and Threatened Wildlife and Plants: Listing the Northern Long-eared Bat – The U.S. Fish and Wildlife Service (USFWS) proposed to create a species-specific rule under authority of section 4(d) of the Endangered Species Act of 1973, as amended (Act), that provides measures that are necessary and advisable to provide for the conservation of the northern long-eared bat (*Myotis septentrionalis*), should it be determined this species warrants listing as a threatened species under the Act.

The proposed species-specific 4(d) rule prohibits purposeful take of northern long-eared bats throughout its range except in instances of removal of northern long-eared bats from human dwellings and authorized capture and handling of northern long-eared bat by individuals permitted to conduct these same activities for other listed bats. In areas not affected by white nose syndrome (WNS), a disease currently affecting many U.S. bat populations, all incidental take resulting from any otherwise lawful activity will be excepted from prohibition. In areas affected by WNS, all incidental take prohibitions apply except that take attributable to forest management practices, maintenance and limited expansion of transportation and utility rights-of-way, removal of trees and brush to maintain prairie habitat, and limited tree removal projects shall be excepted from the take prohibition, provided these activities protect known maternity roosts and hibernacula. Further, removal of hazardous trees for the protection of human life or property shall be excepted from the take prohibition.

DEP submitted comments to USFWS on March 17. The comments convey that the activities the Bureau of Abandoned Mine Reclamation (Bureau) implements through the Title IV Abandoned Mine Lands (AML) program under the Federal Surface Mining Control and Reclamation Act (SMCRA) should be included in and covered by the 4(d) rule (which would exempt take from activities such as forest management practices, other land management practices, and limited tree removal projects, provided these activities protect known maternity roosts and hibernacula), if the USFWS decides to implement it concurrently with their final determination. The Bureau currently implements avoidance and impact minimization measures for bats and Threatened and Endangered Species during project development and construction of AML projects. These projects are essential for remediating public health and safety environmental hazards caused by pre-law coal mining.

Regulations Planned for DEP Comment

Nothing to report.

Regulatory Update (detailed summaries included in respective program sections)

Draft Proposed Rulemakings

- Control of VOC Emissions from Industrial Cleaning Solvents (25 Pa. Code Chapters 121 and 129) – Planned for EQB consideration in 2015.
- Control of VOC Emissions from Automobile and Light Duty Truck Assembly Surface Coating Processes (25 Pa. Code Chapters 121 and 129) – *Scheduled* for EQB consideration *at its April 21 meeting*.
- Revised Total Coliform Rule (25 Pa. Code Chapter 109) – *Scheduled* for EQB consideration *at its April 21 meeting*.
- Radiological Health (25 Pa. Code Chapters 215-230 and 240) – Planned for EQB consideration in 2015.
- Radiation Protection Program Fees (25 Pa. Code Chapter 215) – Planned for EQB consideration in 2015.
- Unsuitable for Mining; Big Run and Willholm Run Watersheds (25 Pa. Code, Chapter 86) – Planned for EQB consideration in late 2015/early 2016

- Environmental Laboratory Accreditation Fee Amendments (25 Pa. Code, Chapter 252) – Planned for EQB consideration in late 2015/early 2016.

Proposed Rulemakings

- Control of VOC Emissions from Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Surface Coating Processes and Pleasure Craft Surface Coatings (25 Pa. Code Chapter 129) – Adopted as proposed by the EQB at its October 21, 2014 meeting. Publication of the proposal in the Pennsylvania Bulletin anticipated for the second quarter of 2015.
- Security Rule for Radioactive Material (25 Pa. Code Chapter 215) – Adopted as proposed by the EQB at its October 21, 2014 meeting. *Published in the Pennsylvania Bulletin on March 21, opening the 30-day public comment period.*
- Environmental Protection Performance Standards at Oil and Gas Well Sites (25 Pa. Code Chapter 78) – Regulation has been split into two parts: Chapter 78 applies to conventional wells and Chapter 78A applies to unconventional wells. Advanced Notice of Final Rulemaking (ANFR) was developed for this rule. ANFR language *discussed* at the March 20, Oil and Gas Technical Advisory Board (TAB) meeting and the March 26, Conventional Oil and Gas Advisory Committee (COGAC) meeting. ANFR *published in April 4, Pennsylvania Bulletin*, opening 30-day public comment period.

Draft Final Rulemakings

- Administration of Land Recycling Program (25 Pa. Code Chapter 250) – A draft final-form Annex was presented to the Certification Standards Scientific Advisory Board (CSSAB) at its December 17, 2014 meeting. *Tentatively planned for EQB consideration at its May 20 meeting.*
- Additional RACT Requirements for Major Sources of NO_x and VOCs (25 Pa. Code Chapters 121 and 129) – Public comment period closed June 30, 2014. IRRC comments received July 30, 2014; program is drafting the comment/response document and the final rulemaking package. A draft final-form Annex was presented to the Air Quality Technical Advisory Committee (AQTAC) for consideration at a special meeting held November 7, 2014, and to the Small Business Citizens Advisory Council (SBCAC) on January 28. *The draft final-form Annex will again be discussed with AQTAC at its next meeting on April 16.*
- Standards for Surface Facilities (25 Pa. Code Chapter 208) – Public comment period closed on September 2, 2014. IRRC comments received October 2, 2014; the final rulemaking package is under review. Planned for consideration by the Board of Coal Mine Safety *at its June 23 meeting.*
- Control of VOC Emissions from Fiberglass Boat Manufacturing Materials (25 Pa. Code Chapter 129) – Public comment period closed September 22, 2014. Three hearings held August 19 (Pittsburgh), August 20 (Norristown), and August 21, 2014 (Harrisburg). IRRC comments received October 22, 2014; program is drafting the comment-response document and final rulemaking package. A draft final-form Annex was presented to the Air Quality Technical Advisory Committee (AQTAC) for consideration at a special meeting held November 7, 2014, and to the Small Business Citizens Advisory Council (SBCAC) on January 28, 2015. *Tentatively planned for EQB consideration at its May 20 meeting.*
- Land Reclamation Financial Guarantees and Bioenergy Crop Bonding (25 Pa. Code Chapters 77, 86-90 and 211) – Adopted as proposed by the EQB at its July 15, 2014 meeting. Published in the *Pennsylvania Bulletin* on October 25, 2014, opening the 30-day comment period. Public comment period closed on November 24, 2014. Final rulemaking package is being developed. A draft final-form Annex was presented to the Mining and Reclamation Advisory Board (MRAB) at its January 22, 2015 meeting. *Scheduled for EQB consideration at its April 21 meeting.*

Final Form Rulemakings

- None to report.

Petitions

- Hosensack Creek Watershed – Petition received February 4, 2015. Notification of receipt of petition sent to petitioner February 5, 2015. Determination of petition’s administrative completeness *sent March 13*. Several letters in support of this petition have been received. *Petition is scheduled for consideration by the EQB at its April 21 meeting.*
- Browns Creek Watershed – Petition received December 17, 2014. Notification of receipt sent to petitioner December 18, 2014. Determination of petition’s administrative completeness sent January 16, 2015. *Petition is scheduled for consideration by the EQB at its April 21 meeting.*
- Stony Run Watershed – Accepted for study by EQB at its February 18, 2014 meeting; notice of acceptance of petition for further study published in May 3, 2014 edition of the *Pennsylvania Bulletin*. Currently under evaluation.
- Clearfield Creek Watershed (Three Petitions: Killbuck Run, Wyerough Run, and Beaverdam Run) – Approved for further evaluation by the EQB at its May 21, 2014 meeting. Currently under evaluation.
- Beaver Creek – Accepted for study by EQB at its August 19, 2014 meeting; notice of acceptance of petition for further study published in August 30, 2014 edition of the *Pennsylvania Bulletin*. Currently under evaluation. Letter in support of Redesignation received January 27, 2015, from the Delaware Riverkeeper Network.
- Upper Paradise Creek – Accepted for study by EQB at its August 19, 2014 meeting; notice of acceptance of petition for further study published in August 30, 2014 edition of the *Pennsylvania Bulletin*. Currently under evaluation.

Proposals Open for Public Comment

- *Draft NPDES General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines (PAG-10) (Opened 3/21/2015, Closes 4/20/2015)*
- *Riparian Buffer or Riparian Forest Buffer Equivalency Demonstration (DEP ID: 310-2135-002) (Opened 3/21/2015, Closes 5/20/2015)*
- *Riparian Buffer or Riparian Forest Buffer Offsetting (DEP ID: 310-2135-003) (Opened 3/21/2015, Closes 5/20/2015)*
- *Pennsylvania’s Capability Enhancement Strategy (DEP ID: 383-0400-114) (Opened 4/4/2015, Closes 5/4/2015)*
- *Advanced Notice of Final Rulemaking (25 Pa. Code Chapters 78 and 78a, Environmental Protection Performance Standards at Oil and Gas Well Sites) (Opened 4/4/2015, Closes 5/19/2015)*

Recently Closed Comment Periods (March/April 2015)

- *Removal of Sites from the Pennsylvania Priority List of Hazardous Sites for Remedial Response – Baghurst Alley Site and Chem Fab (Opened 2/14/15, Closed 3/16/15)*
- *Acid Mine Drainage Set-Aside Program: Program Implementation Guidelines (DEP ID: 370-5500-001) (Opened 2/21/15, Closed 3/23/15)*
- *Federal Consistency under the Coastal Zone Management Act (Opened 2/28/15, Closed 3/16/15)*
- *Interstate Pollution Transport Reduction – Proposed 2015 Ozone Season NO_x Emission Limits for Non-Electric Generating Units (Opened 3/21/2015; Closed 4/5/2015)*

Legislative Update

DEP Budget Hearings

- *The House Appropriations Committee held its Budget Hearing for DEP on Wednesday, March 11, 2015.*
- *The Senate Appropriations Committee held its Budget Hearing for DEP on Wednesday, March 25, 2015.*

House Environmental Resources and Energy Committee Public Hearing

The House Environmental Resources and Energy Committee will hold a public hearing on Wednesday, April 22, 2015, at 9 a.m. in Room 205 of the Ryan Office Building to hear testimony on Ch. 78 and Ch. 78a: Environmental Protection Performance Standards at Oil and Gas Well Sites.

Monthly Press Releases

- March 2** – *DEP to Begin Online Live Video Stream of Harrisburg Falcons March 2
DEP Accepting Applications for Pennsylvania State Clean Diesel Grants
DEP Schedules Public Hearing on Tullytown Landfill’s Solid Waste Permit Renewal Application*
- March 3** – *Governor’s Budget Invests in Energy Development, Conservation of State Environmental and Recreational Resources*
- March 5** – *DEP Extends Comment Period for Keystone Landfill permit application*
- March 6** – *MEDIA ADVISORY: Invitation to Media Webinar on Revised Rulemaking Proposal for Environmental Protection Standards at Oil and Gas Well Sites*
- March 9** – *DEP Releases Revised Rulemaking Proposal for Environmental Protection Performance Standards at Oil and Gas Well Sites
DEP Issues Orange Air Quality Action Day Forecast for March 10 for the Susquehanna Valley and Philadelphia Area*
- March 11** – *DEP Announces the Members of the Oil and Gas Technical Advisory Board (TAB)*
- March 12** – *Pennsylvania Celebrates National Groundwater Awareness Week*
- March 16** – *DEP and Local Police Search for Private Testing Firm’s Missing Nuclear Gauge*
- March 17** – *Departments of Environmental Protection and Agriculture Respond to EPA Assessment of Pennsylvania’s Animal Agriculture Program*
- March 18** – *DEP Acts to Clean Up Contaminated Sludge at Indiana County Coal Refuse Disposal Site
DEP Announces Regional Keystone Energy Education Program Workshop in West Chester*
- March 23** – *Pennsylvania DEP Announces the Members of the Conventional Oil and Gas Advisory Committee (COGAC)
DEP Opens Comment Period for Proposed Technical Guidance Documents on Riparian Buffers*
- March 24** – *DEP Declares Drought Watch for 27 Pennsylvania Counties*
- March 30** – *DEP to Hold Question-and-Answer Session and Public Hearing on the First Environmental Permit for Proposed Shell Cracker Plant
DEP Extends Alcosan Customer Municipality Consent Orders for 18 Months to Pursue Green Infrastructure, Flow Reduction Plans
MEDIA ADVISORY: DEP Hosts Public Hearing on Air Quality Permit Application for Perdue Grain and Oil Seed Facility*

Active and Abandoned Mine Operations

Act 54 Report Review

The Bureau of Mining Programs is working with the California District Mining Office to systematically review the Act 54 report. This process will involve review of the report and the comments relating to the report. The goal is to compile and evaluate all of the recommendations and identify action items.

Noncoal and Coal Mining Fees

The 3-year reports for noncoal mining fees in Chapter 77 and coal mining fees in Chapter 86 are due in October and November of this year. The draft three-year report for noncoal has been routed in anticipation of being presented to the EQB in May. The draft report for coal mining fees will be reviewed with the Mining and Reclamation Advisory Board (MRAB).

Proposed Rulemaking – Land Reclamation Financial Guarantees and Bioenergy Crop Bonding

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

Approval to initiate the rulemaking process was received in April 2013. An initial draft of the rulemaking was prepared to review with the MRAB and a series of meetings with the Regulation, Legislative and Technical committee of the MRAB were held. The proposed rule was reviewed by the MRAB on October 24, 2013. The MRAB recommended that DEP proceed to EQB with the rulemaking package. The proposed rulemaking was approved by EQB at its July 15, 2014 meeting and published for comment in the October 25, 2014 edition of the *Pennsylvania Bulletin*. Comments were received from three public commenters and the Independent Regulatory Review Commission. Minor revisions to the proposed rulemaking will be required as a result of the comments. Draft final regulatory language was presented to the MRAB at its January 22 meeting. The MRAB recommended that the Department pursue the final rulemaking as quickly as possible. The rulemaking is on the agenda for the April EQB meeting.

Other Coal Mining Program Rulemakings

Preliminary discussion is underway for rulemaking packages relating to surface coal mining water supply replacement, remining and water quality, and general coal mining program improvements. Staff met with the MRAB's Regulation, Legislative and Technical Committee on November 25, 2014 to discuss the coal mining program improvements rulemaking. The MRAB committee expressed the concern that it may be premature to proceed, specifically relating to the definition of surface mining activities, since there is litigation related to this underway in the federal system. The proposed remining rulemaking was reviewed by the MRAB at their meeting on October 23, 2014. The MRAB recommended that DEP proceed with the rulemaking process for the remining regulations. The remining rulemaking is tentatively scheduled to be presented at the May EQB meeting. The water supply replacement rulemaking will be deferred until the remining and program improvement packages are completed due to priorities identified by MRAB.

NPDES Permitting for Mine Sites

The Mining Program continues to work with EPA to implement NPDES permitting and compliance improvements. The focus has shifted from developing tools (e.g. TGD, SOP, Permit Document and Inspection Report) to deploying the tools. EPA is working with the Mining Program to identify the parameters of further interaction between the agencies. A two-year work plan has been drafted. A checklist that would eventually provide an alternative to submission of draft permits is under discussion; some progress has been made in identifying the content of the checklist, but a final draft has not yet been prepared. Monthly calls with EPA to discuss program issues have been reinstated. A number of workgroups are being established to address on-going issues. One of the workgroups will be evaluating the best way to integrate remining in TMDL watersheds. *EPA has recently identified an example of a draft permit and fact sheet that provided them with the information they needed in a very clear and concise manner.*

Guidance Document Revisions

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

Use of Reclamation Fill at Active Noncoal Sites (563-2000-301): This TGD describes the process of and conditions in which DEP may permit the use of certain fill materials (deemed “Reclamation Fill”) obtained from an off-site source in the reclamation plan of an active noncoal mine site. It was originally published as final at the end of 2013. The PA Aggregates and Concrete Association (PACA) pointed out some discrepancies after this final publication. The Mining Program actively engaged PACA to address their concerns, *resulting* in a major revision to the guidance. This revision was published in the *Pennsylvania Bulletin* on December 27, 2014 and DEP accepted comments on the revision until January 26. This guidance will replace the existing qualifications for reclamation fill to be consistent with the environmental clean-up standards of Chapter 250. As a result of the comments minor revisions will be made to the guidance.

Guidelines for the Beneficial Use of Coal Ash at Coal Mines (563-2112-228): This guidance explains new requirements for the beneficial use of coal ash under the provisions of Chapter 290, including clarification of the implementation of new requirements in the areas of water monitoring, ash quality monitoring and certification of coal ash sources. Revisions to this TGD were published in the *Pennsylvania Bulletin* on December 13, 2014; the comment period closed on January 13. Comments were received from one commenter. No substantial changes will result from the comments.

Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities (563-2112-115): This guidance provides direction in establishing effluent limits for NPDES permits associated with mining activities to ensure timely and compliant point source permitting. It was revised in consultation with US EPA. The revisions were published in the *Pennsylvania Bulletin* on December 27, 2014 and DEP accepted comments until January 26. No changes are necessary as a result of the comments.

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

In addition, the Engineering Manual for mining has been revised with input from PACA and the Pennsylvania Coal Alliance. It is anticipated that the Engineering manual will be published for comment in *May*.

Board of Coal Mine Safety (BCMS)

Proposed Rulemaking: Standards for Surface Facilities – This proposed rulemaking will allow for the implementation of existing federal regulations that broadly relate to the surface work areas of underground

bituminous coal mines and govern surface installations, thermal dryers, safeguards for mechanical equipment, electrical equipment, trailing cables, grounding, surface high-voltage distribution, low- and medium-voltage alternating currents, ground control, fire protection, maps, personnel hoisting, wire ropes, trolley wires and trolley feeder wires, and slope and shaft sinking. As a result, the existing federal regulations will become independently enforceable by the Commonwealth. Adopting these proposed regulations will ensure that surface operations at underground bituminous coal mine sites are safely conducted and maintained. Although underground bituminous coal mine operators are already required to comply with these regulations, implementing this proposed rulemaking will provide DEP with the independent authority to enforce the federal requirements. This will result in improved efficiency and enhanced autonomy for the Commonwealth. The rulemaking was adopted by the BCMS at its June 10, 2014, meeting. It was published for comment in the August 2 *Pennsylvania Bulletin*. No public comments were received. Two comments were received from IRRC on October 2, 2014, asking for language clarification. DEP legal staff addressed these points and the final regulation package is completed. The final rulemaking will be voted on by the Board at the June 23 meeting.

Air Quality

Climate Change Advisory Committee

The Climate Change Advisory Committee (CCAC) met in Harrisburg on March 18th. During the meeting, the CCAC endorsed the work plan for Oil Conservation and Fuel Switching. Discussions continued on the following work plans: Semi-Truck Freight Transportation, Energy Codes, Energy Efficiency Financing, High Performance Buildings and Urban Forestry. A presentation on DEP's Coastal Resources Management Program's Chesapeake Bay Climate Change Draft Management strategy was provided. The next CCAC meeting is scheduled for April 21.

Air Quality Technical Advisory Committee

The Air Quality Technical Advisory Committee (AQTAC) did not meet in March. The next AQTAC meeting is scheduled for April 16th in Room 105 of the Rachel Carson Building.

Air Quality Rulemaking Packages

Control of VOC Emissions from Fiberglass Boat Manufacturing Materials –The proposed rulemaking for fiberglass boat manufacturing materials would establish RACT as recommended in the applicable EPA Control Technique Guidelines (CTG) document. The EQB approved the proposed rulemaking for public comment at its May 21, 2014 meeting. The proposed rulemaking was published in the *Pennsylvania Bulletin* on July 19, 2014 (44 Pa.B. 4502). The public comment period closed September 22, 2014. The IRRC comment period closed October 22, 2014. On November 7, 2014, the AQTAC voted to support the Department's recommendation to forward the draft final-form Annex to the EQB for consideration. The draft final-form Annex was discussed with members of the CAC Policy and Regulatory Oversight Committee on December 15, 2014. On January 28, the Small Business Compliance Advisory Committee voted to support the Department's recommendation to forward the draft final-form Annex to the EQB for consideration. A follow-up conference call with CAC's Policy and Regulatory Oversight Committee was held on February 20. *The CAC endorsed the regulation during the March 17 meeting. It is anticipated that the EQB will consider the final-form rulemaking at the May 20 meeting.*

Control of VOC Emissions from Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Coating Processes and Pleasure Craft Surface Coatings – At the AQTAC meeting on February 20, 2014, the committee unanimously concurred with DEP's recommendation to submit the proposed Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Coating Processes and Pleasure Craft Surface Coatings rulemaking to the EQB for consideration. The proposed rulemaking would establish RACT as recommended in EPA Control Technique Guideline (CTG) documents. On March 18, 2014, the CAC concurred with DEP's recommendation to forward the proposed rulemaking to the EQB. The Small Business

Compliance Advisory Committee (SBCAC) was briefed on the proposed rulemaking on April 23, 2014. The SBCAC voted unanimously to concur with DEP's recommendation to forward the proposed rulemaking to the EQB for consideration with a recommendation that the department consider flexibility for small businesses during the development of the proposed rulemaking. The EQB approved the proposed rulemaking for public review and comment at its October 21, 2014 meeting. Publication of the proposal in the *Pennsylvania Bulletin*, opening the public comment period, is anticipated for the second quarter of 2015.

Control of VOC Emissions from Industrial Cleaning Solvents – At its February 20, 2014 meeting, the AQTAC concurred with DEP's recommendation to submit the proposed Control of VOC Emissions from Industrial Cleaning Solvents rulemaking to the EQB for consideration. The proposed rulemaking would establish RACT requirements for industrial cleaning solvents as recommended in the EPA CTG documents. The SBCAC was briefed on the proposed rulemaking on April 23, 2014. The SBCAC voted unanimously to concur with DEP's recommendation to forward the proposed rulemaking to the EQB for consideration with a recommendation that the department consider flexibility for small businesses during the development of the proposed rulemaking. The CAC Policy and Regulatory Oversight Committee discussed this rulemaking during a conference call on May 6, 2014. On the recommendation of the Policy and Regulatory Oversight Committee, on June 17, 2014, the CAC concurred with DEP's recommendation to forward the proposed rulemaking to the EQB. It is anticipated that the EQB will consider the proposed rulemaking in 2015.

Additional RACT Requirements for Major Sources of NO_x and VOCs – The proposed Reasonably Available Control Technology (RACT) rulemaking was approved by the EQB on November 19, 2013, and published for public comment in the *Pennsylvania Bulletin* (44 Pa.B. 2392) on April 19, 2014. Three public hearings were held May 27, 28 and 29, 2014. The public comment period closed on June 30, 2014. IRRC comments were received July 30, 2014. The total number of commentators is 134, including IRRC. By a vote of 11 to 5, the AQTAC voted to move to the EQB for consideration the RACT requirements at its November 7, 2014 meeting. The draft final-form Annex was discussed with the CAC Policy and Regulatory Oversight Committee on December 15, 2014, and the SBCAC on January 28, 2015. A follow-up conference call with the CAC's Policy and Regulatory Oversight Committee was held on February 20, 2015; the Committee voted unanimously to recommend EQB consideration of the RACT regulation by the full CAC on March 17, 2015. *CAC tabled action on this proposal at the March 17 meeting. The draft final-form Annex will again be discussed with AQTAC at its April 16 meeting.*

Control of VOC Emissions from Automobile and Light-Duty Truck Assembly Coating Operations and Heavier Vehicle Coating Operations – At its April 3, 2014 meeting, the AQTAC concurred with DEP's recommendation to submit the draft proposed rulemaking to EQB for consideration. The proposed rulemaking would establish RACT as recommended in EPA's CTG. The CAC's Policy and Regulatory Oversight Committee discussed this rulemaking with staff during a conference call on May 6, 2014. On the recommendation of the Policy and Regulatory Oversight Committee, the CAC concurred with DEP's recommendation to forward the proposed rulemaking to the EQB on June 17, 2014.

Implementation of the PM_{2.5} National Ambient Air Quality Standards

EPA's Designations for the 2012 National Ambient Air Quality Standard – On December 14, 2012, the EPA promulgated a new annual fine particulate matter (PM_{2.5}) National Ambient Air Quality Standard (NAAQS), lowering the annual PM_{2.5} standard from 15 to 12 micrograms per cubic meter. DEP submitted Pennsylvania's designation recommendations to EPA in December 2013 and revised its recommendations on July 30, 2014, based on certified 2011-2013 monitoring data. Pennsylvania's PM_{2.5} designation recommendations included the following nonattainment areas: Cambria, Delaware, Lebanon and Northampton Counties—a partial county nonattainment area was recommended for the Liberty-Clairton Area (City of Clairton and the Boroughs of Glassport, Liberty, Lincoln and Port View). The other areas of the Commonwealth were recommended as “unclassifiable/attainment” areas.

On August 19, 2014, EPA notified Governor Corbett of proposed modifications to Pennsylvania's designation recommendations for the 2012 annual PM2.5 NAAQS. EPA intends to designate the following areas as nonattainment areas: Allegheny County, Cambria County and portions of Indiana County (Center, East and West Wheatfield Townships, the boroughs of Armagh and Homer City); Delaware, Lebanon, Lehigh and Northampton Counties. EPA intends to designate the remainder of the Commonwealth as "unclassifiable/attainment" based on 2011-2013 air monitoring data. On August 29, 2014, EPA announced in the Federal Register a 30-day public comment period on EPA's intended area designations for the 2012 PM2.5 NAAQS, to close September 29, 2014; this comment period is solely for the general public. DEP submitted comments on October 28 2014, recommending that EPA's proposed Lehigh and Northampton nonattainment area designation be revised to apply solely to Northampton County as originally proposed by DEP in December 2013 and that EPA's proposed nonattainment designation for all of Allegheny County be revised to establish a partial-county nonattainment area for the Liberty-Clairton Area and an attainment designation for the other municipalities in the county. On December 18, 2014, EPA advised Governor Corbett of the final designations for the 2012 PM2.5 NAAQS, which are consistent with EPA's proposed designations. The designations will become effective April 15, 2015. Based on preliminary 2012-2014 ambient PM2.5 monitoring data, several nonattainment areas including the Cambria (including portions of Indiana County), Lehigh and Northampton nonattainment areas are monitoring attainment of the 2012 PM2.5 standard. On February 18, 2015, DEP submitted documentation to EPA certifying the ambient monitoring data and requesting the designations for these counties be changed to attainment. *On March 31, the EPA Administrator signed for publication in the Federal Register, a final rule concerning attainment designations for Cambria (including portions of Indiana County), Lehigh and Northampton Counties, based on 2012-2014 ambient PM2.5 monitoring data. Therefore, the final nonattainment areas in Pennsylvania for the 2012 annual PM2.5 standard will only include Allegheny, Delaware and Lebanon Counties. Attainment demonstrations will be due to EPA as revisions to the State Implementation Plan within 18 months after the effective date of the designations.*

Proposed Delegation of Authority for Hospital and Medical Waste Incinerators

On November 1, 2014, the Department published a notice to request delegation of authority to implement the Federal Hospital/Medical/Infectious Waste Incinerators (HMIWI) Plan (44 Pa.B. 6997). Section 129 of the Clean Air Act (CAA) required the EPA to establish performance standards for HMIWI under section 111 of the CAA. On September 15, 1997, the EPA promulgated New Source Performance Standards (NSPS) for "new" HMIWI units and Emission Guidelines (EG) for "existing" HMIWI units and updated the standards on October 6, 2009, and April 4, 2011. Under section 129 of the CAA, states must submit to the EPA a plan to implement and enforce the requirements of the EGs. EGs, promulgated under section 111(d) of the CAA, establish criteria for state and local agencies to develop control strategies for "existing" HMIWI units. Subpart HHH of 40 CFR Part 62 (relating to Federal plan requirements for hospital/medical/infectious waste incinerators constructed on or before December 1, 2008) was promulgated at 78 FR 28066 (May 13, 2013). The Department is proposing to request delegation of authority to implement the HMIWI Federal Plan. The public comment period closed on December 15, 2014. No comments were received on the delegation request. *The final delegation request was submitted to EPA on March 10.*

Energy Initiatives

Pennsylvania Energy Development Authority (PEDA)

PEDA continues to finalize grant contracts with the 28 awardees announced at the October 2014 PEDA Board meeting. Nearly one-half of the projects have begun. It is expected that the final awards will be executed into grant agreement in April. One project, Advanced Technologies and Land Services, requested to surrender their grant award. Outreach to both ex-officio Board members and appointed Board members will occur in April to determine both participation and a date for a 2015 board meeting. It is expected that the annual PEDA board meeting will be held in May to elect officers, designate a chairperson and discuss activities for calendar year 2015. An additional award to replace the surrendered award may also be considered at the board meeting.

Alternative Fuel Fleet Vehicles

On January 14, \$7.3 million in Act 13 funding was awarded to 18 companies, organizations and partnerships making the switch to natural gas for their heavy-duty fleet vehicles. DEP is currently executing grant agreement contracts with the awardees. The first two rounds of Act 13 funding awarded a total \$14.4 million to 43 companies and organizations. So far, DEP has reimbursed grantees for the purchase or conversion of 99 heavy duty vehicles totaling more than \$2.2 million in program funds disbursed. The 99 vehicles are estimated to be displacing over 1.25 million gasoline gallon equivalents per year. Additionally, the Alternative Fuel Incentive Grant Program has been providing grant support for light and medium duty natural gas vehicles as well as propane and electric fleet vehicles of any size. So far, DEP has reimbursed grantees for the purchase or conversion of 113 vehicles totaling more than \$630,000 in program funds disbursed. The 113 vehicles are estimated to be displacing approximately 278,000 gasoline gallon equivalents per year.

Alternative Fuel Vehicle Rebate Program

On December 31, 2013, the alternative fuel vehicle rebate program began offering rebates for EVs and PHEVs at \$2,000. This commitment of 500 rebates at \$2,000 resulted in another \$1 million pledged to support alternative fueled vehicles purchased and registered by Pennsylvania residents. On December 29, 2014, DEP announced that funding remained and the program would be extended. As of March 18, 2015, 62 rebates at \$2,000 remain. The \$2,000 rebate level will remain available until June 30, 2015, or until 500 rebates are issued, whichever occurs first. The program and the rebate amounts offered are currently being assessed so that if continued the availability of the rebates would be constant.

Green Energy Loan Fund

The Green Energy Loan Fund (GELF) is a third-party managed revolving loan fund supporting energy efficiency and renewable energy projects. GELF was capitalized in 2010 with \$12 million of ARRA funds. Since 2010, GELF has provided funds for 10 projects utilizing a total of \$12.3 million in energy loan funds. To date, 7 projects have been completed with one project fully repaying the loan. The 10th project utilized funds from the repaid loan completing the first revolution of the loan program. The total project budget for the 10 projects undertaken has exceeded \$250 million, resulting in significant projects deployed in Pennsylvania. Several projects are currently being underwritten and may be candidates for the use of available funding. *DEP is working with the GELF contractor to add approximately \$1.1 million in additional Federal funding to the program from the Fiscal Year 2014 State Energy Program (SEP) allocation. DEP is planning a site visit on April 24 to conduct an onsite review of GELF's project files as well as review the quarterly report due April 15.*

Promoting an Energy Efficient Work Force

Building Operator Certification (BOC) Training: Building Operator Certification (BOC) is a national, competency-based training program that empowers facilities personnel with the job skills and knowledge to transform workplaces into more comfortable and energy-efficient spaces. A variety of building management topics including lighting systems, heating ventilation & air conditioning (HVAC), indoor air quality, sustainability, and energy conservation are addressed. State Energy Program (SEP) funds are being used to pay for the BOC tuition of twenty-eight facility managers from K-12 schools, local governments, and state agencies. One BOC class for SEP-funded facility managers in Mechanicsburg wrapped up in February. *A second BOC class for SEP-funded facility managers was completed at the Good Hope Fire Station in Mechanicsburg on March 4.* Another BOC class with several SEP-funded participants continued in March in Williamsport. That class will end on May 14.

BOC/BRT Class at Penn State University: Throughout the fall semester 2014, a course entitled Building Retuning Design for Energy Efficiency Leadership was offered for the first time to 8 undergraduate and graduate students at Penn State's University Park campus. This course, focused on energy efficient building operations, was based on the training materials from Building Operator Certification (BOC) and Building Retuning (BRT) programs, which had previously only been offered to facility managers of K-12 schools and

local/state government agencies throughout the Commonwealth. As part of the course, students conducted walk-downs of 5 on-campus buildings, during which they identified low-to-no cost measures for saving energy, and then wrote follow-up reports. Bill Paletski from PennTAP served as the course instructor. The course instruction and curriculum development were paid for with SEP funds. Three of the students will be continuing on in an independent study course in the spring 2015 semester, which began on January 12. During this semester, the students will conduct walk-downs of five buildings, including: two on-campus, College Township, State College Area School District, and DEP Cambria office. SEP funds will pay for the instruction of this independent study course and further curriculum development during the spring semester.

Industrial Energy Efficiency Assistance

DEP contracts with the Pennsylvania State University's Technical Assistance Program (PennTAP) to help Pennsylvania companies improve their competitiveness by providing technical assistance and information. Funding is provided by EPA's Pollution Prevention Incentives for States and DOE's State Energy Program.

The Pennsylvania Strategic Energy Management Showcase is scheduled for April 7 at the Penn Stater Conference Center Hotel in State College. Approximately 64 industrial manufacturing companies and electric utilities are registered. The purpose of the showcase is to highlight the value and benefits of implementing ISO 5001, the standard for energy management systems. Hayley Book will be representing DEP as a speaker. Representatives from the Department of Energy (DOE) will also be speaking about the DOE Superior Energy Performance program. Facilities certified to Superior Energy Performance® (SEP™) are leaders in energy management and productivity improvement by meeting the ISO 50001 standard and, have improved their energy performance up to 25% over three years or up to 40% over 10 years.

Energy Efficient Building Codes Training

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

The Pennsylvania Construction Codes Academy held commercial energy plan review and inspection trainings in March in Centre and Montgomery Counties with approximately 100 code professionals in attendance. The majority of the attendees are code officials and a few contractors and builders.

Environmental Cleanup and Brownfields

Cleanup Standards Scientific Advisory Board

The next Cleanup Standards Scientific Advisory Board meeting is scheduled for April 22, at 9:00 a.m. in Room 105 of the Rachel Carson State Office Building.

Storage Tank Advisory Committee

The Storage Tank Advisory Committee (STAC) held its first meeting of calendar year 2015 on March 3. The primary purpose of the meeting was to provide the STAC with the opportunity to communicate their position with regard to the draft final Land Recycling Program (Chapter 250) rulemaking. A quorum was present at the meeting and, following review and discussion of the draft final Chapter 250 regulations, the STAC voted to unanimously approve the rulemaking as written for presentation to the Environmental Quality Board as final rulemaking, with the exception of the proposed MTBE value in Table 1, Appendix A. The sense of the STAC was that it didn't support using EPA's drinking water advisory as the groundwater medium-specific

concentration (MSC) for MTBE. Instead, the MSC should have been calculated using specific health-based criteria as is done for other groundwater MSCs without a Maximum Contaminant Level or Health Advisory Level.

The STAC membership list was also reviewed; 14 of the 16 positions are filled. Currently, a local government member and the active commercial farm owner/operator seats are vacant. Steve Harman, Director, Bureau of Special Funds, Department of Insurance, and Executive Director, Underground Storage Tank Indemnification Board (USTIB), attended to provide an update with regards to the Underground Storage Tank Indemnification Fund. DEP staff reported on the status of the Federal underground storage tank (UST) regulations and “Guidelines for the Evaluation of UST Cathodic Protection Systems” draft technical guidance, compliance with UST operator training requirements, UST significant operational compliance rates, extension approvals for temporarily out-of-service USTs, the allocation requests received at the December 2014 USTIB meeting, and Land Recycling Program activities to include a discussion of the draft final Chapter 250 rulemaking and revisions to the Vapor Intrusion Guidance.

Lastly, election of officers was held. John Arnold, Chairperson, and Judy Brackin, Vice-Chairperson, were re-elected to two-year terms. The STAC is scheduled to meet again on June 2.

Environmental Education

Environmental Education Grants Program (EEGP)

DEP’s Environmental Education and Information Center (EEIC) awards grants to colleges and universities, K-12 schools, county conservation districts, businesses and non-profit organizations, municipalities to do professional development, curriculum integration, hands-on lessons as well as covering costs associated with a variety of environmental education topics. This program is funded through a portion of fines and penalties collected by DEP. The 2015 grant round opened October 6, 2014 and closed December 19, 2014. There were 180 applications approved and accepted by the program; the total requested amount was just under \$500,000. All of the applications have been reviewed and scored. EEIC staff will begin compiling applications from high to low score. EE Fund balance review will indicate the number of applications that may be awarded.

DEP at Home Exhibit

DEP at Home is an interactive, educational exhibit that promotes energy efficiency, alternative transportation technologies, including electric (EV) and compressed natural gas (CNG) vehicles.

The 20 x 30 foot exhibit features a garage with graphics depicting a Tesla EV and Ford Truck CNG vehicle. The garage was new for 2014 and features a real CNG van and Electric car (Nissan Leaf) with refueling/recharging hardware. In most venues, a CNG and or electric vehicle is on site for visitors to examine and even connect/Plug in to become familiar with the alternative transportation technologies of the 21st century.

Because of the modular design of the exhibit, many different themes can be integrated. For the Capitol Complex exhibit, the theme will be Clean Watersheds, Clean Water, featuring a rain barrel, permeable pavers, green wall, green roof, integrated pest management, native plants, household hazardous waste disposal and trout in the classroom. Live brook trout will be the centerpiece of the exhibit.

Remaining Show Schedule for 2015:

- Erie Home & Garden Expo – March 19-22; Erie
- Phillie Red Goes Green event – around Earth Day (date TBD); Philadelphia
- Capitol Complex – April 27- May 1 (Earth Week); Harrisburg Capitol Complex

- *Sustainable Energy Fund's annual EnergyPath Conference & Expo – July 23-24; University of Scranton*
- *Ag Progress Days – August 18-20; PSU Ag Research Grounds, Rock Springs (near State College)*

Keystone Energy Education Program (KEEP)

KEEP focuses on teaching about and tracking energy efficiency in school buildings and homes. Interested schools may attend workshops as a “building team.” Each building team may include any or all of the following:

- Teachers in grades 4-8
- School administrator or designee
- Building maintenance or facility manager or designee

Workshop participants learn about and explore energy conservation, efficiency, energy basics, student energy teams, benchmarking the school building using the free Energy Star Portfolio Manager program and more. Three workshops are scheduled for the following dates and locations:

- April 7, 2015 Westtown School, 975 Westtown Road, West Chester, PA (Register by March 31, 2015). To register, visit: <https://eventbrite.com/event/15097895211/>
- May 12, 2015 Harmony House at The Macoskey Center, Slippery Rock University, 247 Harmony Road, Slippery Rock, PA (Register by May 5, 2015). To register, visit: <https://eventbrite.com/event/15100213144/>
- June 17, 2015 Ferguson Township Elementary School, 215 W Pine St, Pine Grove Mills, PA (Register by June 10, 2015). To register, visit: <https://eventbrite.com/event/15097830016/>

PA Falcon Cam Program

The live stream webcast began March 2. The female laid eggs on March 14, 16, 19 and 21. The female will do most of the incubation, and the male will increase his hunting efforts to provide food for both of them.

Oil and Gas

Mechanical Integrity Assessment Program

To ensure well construction materials are functioning as intended over the life of a gas well, Pennsylvania's Oil and Gas Regulations include requirements for regular inspections of the well components accessible to the surface. Specifically, operators are required to conduct quarterly inspections to ensure all operating wells are in compliance with well construction and operating standards described in the regulations. During 2013, DEP developed the Mechanical Integrity Assessment an inspection form and instructions along with supporting guidance. The Office of Oil and Gas Management subsequently conducted multiple training sessions throughout the state, with over 300 operators in attendance. The quarterly inspection program began in the fourth quarter of 2013. The deadline for the first annual inspection report, consisting of quarterly inspection data for the 2014 calendar year, was February 15, 2015. The Department is currently reviewing inspection report data *and plans to release a report that summarizes the information that was submitted during this reporting period.*

Production Reporting

On October 22, 2014, the General Assembly passed the Unconventional Well Report Act (Act) that requires operators of unconventional wells to supply monthly gas production data to DEP. Prior to this legislative amendment, production data was reported to DEP on a semi-annual basis every February and August. The new statutory requirement took effect in the beginning of 2015, with January's production data being due by

midnight on March 31. All subsequent months' production data will be due 45 days after the end of the month of production. The February 2015 monthly production report is due no later than April 14, 2015. The Act did not affect the frequency of production reporting for operators of conventional wells; therefore, conventional well operators will continue to report their production data on an annual basis.

Production data is self-reported electronically to DEP by operators. DEP conducts limited data verification of reported data mainly to ensure that data is submitted timely as required and that no gross errors are identified. DEP conducts compliance oversight of operators who fail to comply with these reporting requirements. As of the March 31 deadline, 80 percent of operators reported their production for the month of January. The 59 operators that met the deadline represent 99.5 percent of all unconventional natural gas wells in Pennsylvania. A total of 15 unconventional operators failed to meet the reporting deadline. DEP has sent Notices of Violation (NOVs) to those operators that were out of compliance.

Oil and Gas Workload Report

Please see Attachment 2.

Radiation Protection

Radiation Protection Advisory Committee (RPAC)

RPAC met on April 2 at 9 a.m. in the 14th floor conference room of the Rachel Carson State Office Building. The meeting was dedicated to final discussions and *solicitation* of a recommendation from the Committee on the Radiological Health rulemaking package (see below).

Radiation Protection Rulemaking Packages

Security Rule for Radioactive Material – This rulemaking incorporates by reference selected regulations from Title 10, Chapter I, of the U.S. Nuclear Regulatory Commission (NRC) Code of Federal Regulations (CFR) relating to radiation protection and control of radioactive materials. Recently NRC implemented new security-related regulations, known as 10 CFR Part 37, which Pennsylvania is required to adopt by March, 2016. The purpose of this amendment is to reference the new Part 37, except for those subsections which only apply to the NRC. The rulemaking was recommended as proposed for presentation to EQB by the Radiation Protection Advisory Committee (RPAC) at its June 2014 meeting. The EQB accepted the proposed rulemaking at its October 21, 2014, meeting. *It was published in the Pennsylvania Bulletin on March 21, opening a 30-day public comment period ending April 20.*

Radiation Protection Program Fees – This rulemaking amends Chapters 218 and 240 relating to fees. DEP must review the adequacy of established fees every three years. Current fee review indicates the need for a fee increase in two program areas. The Radiation Protection Program found the fees for Radioactive Materials and Decommissioning Program and Radon Program are insufficient to cover program costs. This information was presented to the EQB at its August 2014 meeting in a 3-year Fee Report. Specific fee amounts and regulatory language is still under development. The rulemaking was last discussed with RPAC at its October 2014 meeting *and is anticipated for EQB consideration as a proposed rulemaking this summer.*

Radiological Health – This draft proposed rulemaking will amend 25 Pa. Code Chapters 215-240 to update Computed Tomography and Fluoroscopic regulations; to address new x-ray technology that is not addressed in current regulations; and to include comprehensive updates to the radon regulations to incorporate procedures and protocols that are not addressed in the current regulations. Additional items of clarification are 45-day reporting and application requirements, specifying the number of mitigation firm employees, and numerous changes and additions to the definitions section. This rulemaking has been discussed *at length* with RPAC in 2014 and *at the April 2, 2015, meeting; DEP will seek the Committee's final recommendation on the package at RPAC's June 4 meeting.*

Waste Management

Solid Waste Advisory Committee (SWAC)

The SWAC met on April 2, at 10 a.m. in Room 105 of the RCSOB. DEP staff provided an update on the implementation of the Covered Device Recycling Act, and Bob Bylone of the Pennsylvania Recycling Markets Center provided a national and international perspective concerning recycling of electronic waste materials. DEP staff also explained the use of the “Re-TRAC” program, which is a customized database that tracks the types and amounts of recyclable materials collected in Pennsylvania on an annual basis. County recycling coordinators enter the data, which is used by the Department to fulfill specific requirements of Act 101, the Municipal Waste Planning, Recycling and Waste Reduction Act. David Allard, Director of the Bureau of Radiation Protection, provided a summary of the TENORM Study Report, including the types of media sampled and the radionuclide concentrations found in the samples, and outlined the recommendations for future actions contained in the Report.

The next SWAC meeting is scheduled for June 4, at 10 a.m. in Room 105 of the RCSOB.

Water Management

Chesapeake Bay Program

Pennsylvania continues work supporting the development of management strategies for the Chesapeake Bay Watershed Agreement outcomes that it has been working on with Chesapeake Bay Program (CBP) partners. Strategy drafts *have been released* for a public comment period March 16th through April 30th, with work on the strategies continuing into the spring in preparation for Management Board, Principal Staff Committee, and then Executive Council approval in late July. The CBP has posted each draft management strategy on its website, and continues to provide online avenues for individuals, watershed organizations, community groups and other interested parties to stay informed about what is being done, what needs to be done and have the opportunity to offer their input in these plans for supporting thriving landscapes and clean waters throughout the region. The online resources can be viewed on the CBP website at www.chesapeakebay.net.

Nutrient Trading Program

DEP has been working diligently, both internally and with EPA, on a number of enhancements to the Nutrient Trading Program. A meeting of the Nutrient Trading Stakeholder Workgroup was held Monday, March 2nd, at 1 p.m. in Room 105 of the RCSOB to share the plan to move forward with the implementation of these program modifications. Many of these modifications are designed to address the EPA objections to the issuance of NPDES point source discharge permit renewals within the Chesapeake Bay watershed for wastewater treatment systems that started last April. EPA cited the need to discuss and resolve issues with the definition of the non-point source agricultural baseline as the reason for the objections. *Minor modifications to the original proposal submitted to EPA were made based on input from the Stakeholder Workgroup. EPA is now reviewing the latest proposal and proposed revised permit language.*

NPDES Permitting

The master NPDES General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines (PAG-10) expired on December 20, 2014. The Department administratively extended the currently issued authorizations until December 2015 on November 15, 2014 (44 Pa.B. 7242); however, new authorizations for this general permit cannot be entertained until a new master general permit is issued by the Department. A draft of the new general permit was published in the Pennsylvania Bulletin on March 21, 2015, for public comment (45 Pa.B. 1454).

Sewage Sludge

The master authorizations for the Beneficial Use of Sewage Sludge (aka Bio-solids) PAG-07, PAG-08 and PAG-09 expired in April 2, 2014, and were administratively extended until April 2, 2015. Draft permits currently are being developed. DEP issued another 1- year administrative extension to April 2, 2016, to allow sufficient time for the public participation process.

Proposed Rulemaking: Revised Total Coliform Rule

The Bureau of Safe Drinking Water will be presenting the proposed Revised Total Coliform Rule to the EQB at its April 21st meeting. The purpose of the proposed Chapter 109 rulemaking package is to incorporate necessary federal requirements needed to obtain primacy, to provide for the increased protection of public health, and to promote healthy and sustainable communities. The proposal does the following:

- *Strengthens public health protection by ensuring the integrity of drinking water distribution systems and monitoring for the presence of microbial contamination.*
- *Establishes a Maximum Contaminant Level (MCL) for E.coli.*
- *Creates a treatment technique for coliforms that requires public water supplies (PWSs) to assess their system and correct any problems that have been identified.*
- *Strengthens existing requirements, including source water assessments, filtration standards and distribution system disinfectant residual requirements.*

The proposed rulemaking package will also be discussed at the April 30 Small Water Systems Technical Assistance Center (TAC) Board meeting.

Attachment 1

2015 Events Calendar

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

April	
2	Radiation Protection Advisory Committee; 9 a.m., 14 th floor Conference Room, RCSOB
2	Solid Waste Advisory Committee; 10 a.m., Room 105, RCSOB
15	Agricultural Advisory Board; 9 a.m., Susquehanna Room A, SCRO
15	State Board for Certification of Water and Wastewater Systems Operators; 10 a.m., 10 th floor Conference Room, RCSOB
15	Technical Advisory Committee on Diesel-Powered Equipment; 10 a.m., Fayette Room, New Stanton Office
16	Air Quality Technical Advisory Committee; 9:15 a.m., Room 105, RCSOB
21	Climate Change Advisory Committee; 10 a.m., 12 th floor Conference Room, RCSOB
21	Environmental Quality Board; 9 a.m., Room 105, RCSOB
22	Cleanup Standards Scientific Advisory Board; 9 a.m., Room 105, RCSOB
22	Small Business Compliance Advisory Committee; 10 a.m., 12 th floor Conference Room, RCSOB
23	Mining and Reclamation Advisory Board; 10 a.m., 16 th Floor Delaware Room, RCSOB
23	<i>Oil and Gas Technical Advisory Board; 10 a.m., Room 105, RCSOB</i>
30	Small Water Systems Technical Assistance Center Board; 9 a.m., Room 105, RCSOB
May	
6	Mine Families First Response & Communications Advisory Council; 10 a.m., Fayette Room, New Stanton Office
13	<i>Aggregate Advisory Board; 10 a.m., 6th Floor Conference Room, RCSOB</i>
19	Environmental Justice Advisory Board; 8:30 a.m., Delaware Room, RCSOB
20	Environmental Quality Board; 9 a.m., Room 105, RCSOB
28	Certification Program Advisory Committee; 9 a.m., Room 105, RCSOB
June	
2	Storage Tank Advisory Committee; 10 a.m., Room 105, RCSOB
3	Coastal Zone Advisory Committee; 9:30 a.m., 10 th floor Conference Room, RCSOB
4	Radiation Protection Advisory Committee; 9 a.m., 14 th floor Conference Room, RCSOB
4	Solid Waste Advisory Committee; 10 a.m., Room 105, RCSOB
11	Air Quality Technical Advisory Committee; 9:15 a.m., Room 105, RCSOB
16	Environmental Quality Board; 9 a.m., Room 105, RCSOB
17	State Board for Certification of Water and Wastewater Systems Operators; 10 a.m., 10 th floor Conference Room, RCSOB
18	Agricultural Advisory Board; 9 a.m., Susquehanna Room A, SCRO
23	<i>Board of Coal Mine Safety; 10 a.m., Cambria Office, Ebensburg</i>
24	Laboratory Accreditation Advisory Committee; 9 a.m., Bureau of Laboratories, Harrisburg
24	State Board for Certification of Sewage Enforcement Officers; 10 a.m., Conference

	Room 11B, RCSOB
29	Small Water Systems Technical Assistance Center Board; 9 a.m., Room 105, RCSOB
July	
8	Technical Advisory Committee on Diesel-Powered Equipment; 10 a.m., Westmoreland Room, New Stanton Office
9	Mining and Reclamation Advisory Board; 10 a.m., Room 105, RCSOB
21	Environmental Quality Board; 9 a.m., Room 105, RCSOB
22	Certification Program Advisory Committee; 9 a.m., 14 th Floor Conference Room, RCSOB
22	Small Business Compliance Advisory Committee; 10 a.m., 12 th floor Conference Room, RCSOB
August	
4	Environmental Justice Advisory Board; 8:30 a.m., Delaware Room, RCSOB
6	Air Quality Technical Advisory Committee; 9:15 a.m., Room 105, RCSOB
12	State Board for Certification of Water and Wastewater Systems Operators; 10 a.m., 10th floor Conference Room, RCSOB
12	Water Resources Advisory Committee; 9:30 a.m., Room 105, RCSOB
18	Climate Change Advisory Committee; 10 a.m., 12 th floor Conference Room, RCSOB
18	Environmental Quality Board; 9 a.m., Room 105, RCSOB
19	Agricultural Advisory Board; 9 a.m., Susquehanna Room A, SCRO
25	<i>Oil and Gas Technical Advisory Board; 10 a.m., Room 105, RCSOB</i>
26	Cleanup Standards Scientific Advisory Board; 9 a.m., Room 105, RCSOB
September	
1	Storage Tank Advisory Committee; 10 a.m., Room 105, RCSOB
8	Board of Coal Mine Safety; 10 a.m., Cambria Office, Ebensburg
15	Environmental Quality Board, 9 a.m., Room 105, RCSOB
17	Small Water Systems Technical Assistance Center Board, 9 a.m., Room 105, RCSOB
22	Sewage Advisory Committee; 10:30 a.m., Room 105, RCSOB
23	State Board for Certification of Sewage Enforcement Officers; 10 a.m., Conference Room 11B, RCSOB
24	Radiation Protection Advisory Committee; 9 a.m., 14 th floor Conference Room, RCSOB
24	Solid Waste Advisory Committee/Recycling Fund Advisory Committee; 10 a.m., Room 105, RCSOB
30	Laboratory Accreditation Advisory Committee; 9 a.m., Bureau of Laboratories Building, Harrisburg
October	
2	Climate Change Advisory Committee; 10 a.m., 12 th floor Conference Room, RCSOB
2	Low-Level Waste Advisory Committee; 10 a.m., Room 105, RCSOB
8	Air Quality Technical Advisory Committee; 9:15 a.m., Room 105, RCSOB
14	Technical Advisory Committee on Diesel-Powered Equipment; 10 a.m., Westmoreland Room, New Stanton Office
20	Environmental Quality Board, 9 a.m., Room 105, RCSOB
21	Agricultural Advisory Board; 9 a.m., Susquehanna Room A, SCRO
22	Mining and Reclamation Advisory Board; 10 a.m., Room 105, RCSOB
27	<i>Oil and Gas Technical Advisory Board; 10 a.m., Room 105, RCSOB</i>
28	Small Business Compliance Advisory Committee; 10 a.m., 12 th floor Conference Room, RCSOB

29	State Board for Certification of Water and Wastewater Systems Operators, 10 a.m., 10 th floor Conference Room, RCSOB
November	
5	Environmental Justice Advisory Board; 8:30 a.m., Delaware Room, RCSOB
17	Environmental Quality Board, 9 a.m., Room 105, RCSOB
December	
2	Laboratory Accreditation Advisory Committee; 9 a.m., Bureau of Laboratories Building, Harrisburg
4	Climate Change Advisory Committee; 10 a.m., Room 105, RCSOB
8	Board of Coal Mine Safety; 10 a.m., Cambria Office, Ebensburg
8	Storage Tank Advisory Committee; 10 a.m., Room 105, RCSOB
10	Air Quality Technical Advisory Committee; 9:15 a.m., Room 105, RCSOB
10	State Board for Certification of Water and Wastewater Systems Operators, 10 a.m., 10 th floor Conference Room, RCSOB
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16	Agricultural Advisory Board; 9 a.m., Susquehanna Room A, SCRO
16	Cleanup Standards Scientific Advisory Board, 9 a.m., Room 105, RCSOB
16	State Board for Certification of Sewage Enforcement Officers; 10 a.m., Conference Room 11B, RCSOB
17	Small Water Systems Technical Assistance Center Board, 9 a.m., Room 105, RCSOB

Attachment 2

Oil and Gas Workload Report – Week Ending 3/27/2015

YTD WELL PERMIT APPLICATIONS - 1/1/2015 to 3/27/2015						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	138	16	189	187	187	2
UNCONVENTIONAL	250	179	600	590	589	10
Sub Total	658	195	789	777	776	12
AUTHORIZATIONS	148	91	79	75	N/A	4
Total	806	286	868	852	848	16

WEEKLY WELL PERMIT APPLICATIONS - 1/10/2015 to 3/27/2015						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	12	3	23	23	23	0
UNCONVENTIONAL	14	9	28	27	27	1
Sub Total	26	12	51	50	50	1
AUTHORIZATIONS	8	8	5	5	N/A	0
Total	34	20	56	55	55	1

HISTORICAL WELL PERMIT APPLICATIONS AS OF 3/27/2015						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	196,935	196,907	195,691	189,732	1,216	106,253
UNCONVENTIONAL	19,793	19,581	19,183	16,089	398	10,090
Sub Total	216,728	216,488	214,874	205,821	1,614	116,343
AUTHORIZATIONS	40,895	40,745	40,485	N/A	260	18,598
Total	257,623	257,233	255,359	245,965	1,874	134,941

YTD INSPECTIONS - 1/1/2015 to 3/27/2015				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	2,120	1,658	151	47
UNCONVENTIONAL	2,933	1,903	71	27
CLIENT/SITE	613	0	115	49
Total	5,666	3,561	337	123

WEEKLY INSPECTIONS - 3/21/2015 to 3/27/2015				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	177	163	20	4
UNCONVENTIONAL	274	260	6	4
CLIENT/SITE	45	0	19	6
Total	496	423	45	14

WELLS DRILLED					
	Two Years Prior 1/1/2013 to 3/27/2013	One Year Prior 1/1/2014 to 3/27/2014	Year To Date 1/1/2015 to 3/27/2015	Week of 3/21/2015 to 3/27/2015	As of 3/27/2015
CONVENTIONAL	238	185	93	7	195,002
UNCONVENTIONAL	281	304	216	37	9,046
Total	519	489	309	44	204,048

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