



# PA Environment Digest

*An Update on  
Environmental  
Issues in  
Pennsylvania*

**Edited By David E. Hess, Holston & Crisci**

**October 25, 2004**

## **Focus on November 2 Election**

The House adjourned this week joining the Senate in concentrating on the election. Half the Senate and all of the House is up for reelection.

They will both come back to voting session on November 8 to finish work on legislation to implement the \$250 million water and sewer funding bond issue passed in the Spring, develop a larger environmental spending initiative through the Green Ribbon Commission, and legislation setting advanced energy portfolio standards and to authorize \$10 million in funding for the Energy Development Authority.

**Current Voting Session Schedule: House** – Nov. 8, 9, 10, 16, 17, 22, 23, 24, 30;  
**Senate** – Nov. 8, 9, 10, 15, 16, 17, 22, 23 ; General Assembly adjourns November 30.

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*It All Comes Back to You*

## On the Hill

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### House Passes Chesapeake Bay Education Bill, Expands Main Street Program

The House this week unanimously passed [House Bill 2775](#) (Zug-R-Lebanon) creating a special grant program within the Department of Education for schools interested in teaching indoor and outdoor watershed education programs. The bill now moves to the Senate for consideration.

The Chesapeake Bay Foundation (CBF) applauded the House action.

"We encourage all members of Pennsylvania's Senate to support this effort to ensure that Pennsylvania students and teachers directly experience the vast resources of the Bay watershed, from the small creek running behind the school to local rivers to the marshes and rich environments of the Bay itself," said CBF's Pennsylvania Executive Director Matt Ehrhart. "The Chesapeake Bay Watershed Education Program Act is an excellent step toward meeting Chesapeake 2000's stewardship and community engagement goals."

"Research has shown that students are more motivated and focused when their lessons are related to their local environment," said CBF's Pennsylvania education program manager, Kami Watson. "The connections that are made through outdoor experience are powerful. There is nothing like seeing the face of a child touching a fish for the first time, or seeing their first eagle, or watching the wings of a dragonfly unfold. That sense of awe is priceless."

The House also passed [House Bill 2796](#) (Hickernell-R-Lancaster) that expands the Main Street Program downtown revitalization initiative to allow for the improvement and promotion of residential properties.

Hickernell credited Main Street Mount Joy, a downtown revitalization organization in the legislative district he represents, with bringing these proposals and their merit to his attention.

The House Urban Affairs Committee also met and reported out [House Bill 970](#) (Reed-R-Indiana) amending the Downtown Relocation Act revising the definition of "downtown."

### House Environmental Committee Acts on Oil & Gas, Infrastructure Security Bills

The House Environmental Resources & Energy Committee this week reported out two of the bills on its agenda, but took no action on [House Bill 1077](#) (Scrimenti-D-Erie) establishing a low-interest loan program for coastal erosion.

===== FYI =====



Season of the Bat



*If All Comes Back to You*



Fall is for Composting!

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[House Bill 2861](#) (Rubley-R-Chester) providing for funding security measures for water and wastewater facilities was reported out after changes were made to the definition of security. PennVEST, the agency providing the funding, said it already had the authority to fund security upgrades for water and wastewater systems.

[House Bill 2804](#) (Hutchinson-R-Venango) amending the Coal & Gas Coordination Act related to minimum clearance distance between gas wells was reported out without changes.

### Joint Conservation Committee Hearing PA Hardwoods Council Report

The [Joint Air and Water Pollution Control and Conservation Committee](#) chaired by Rep. Hutchinson (R-Venango) heard a status report on the activities of the [Pennsylvania Hardwoods Development Council](#) at its meeting this week.

The Council was formed in 1988 within the Department of Agriculture to expand and promote the hardwood industry. It has four goals: Promote Access to Timber Resources of Private and Public Lands; Promote Public Knowledge of the Forest Products Industry in Pennsylvania; Promote and Expand Manufacturing of Value-Added Products and Innovations; and Develop Domestic and International Markets for Value-Added Products.

Pennsylvania exported over \$763 million in hardwood logs, lumber, furniture and paper in 2003. The forest products industry employs almost 90,000 Pennsylvanians with revenues exceeding \$5.5 billion annually. Pennsylvania produces the largest volume of hardwood in the United States including maple, black cherry and oak, with black cherry the most valuable.

The Council offered a positive assessment of the forest products industry in Pennsylvania, but cautioned there is competition from other states and problems like deer overpopulation, soil acidity, interfering plants and it is increasingly difficult with timber procurement.

The Council also said other issues facing the hardwoods industry include access to timber resources—69 percent of forest land in Pennsylvania is owned by private owners, the cost for health and workers' compensation insurance and the overseas competition, especially in the furniture industry.

Chairman Hutchinson said the next meeting of the Joint Committee would be November 22 to hear a presentation on Pennsylvania's Land Recycling Program from the Department of Environmental Protection.

### Quick Updates

**Green School Buildings:** The House Education Committee approved [House Bill 1914](#) (Leach-D-Montgomery) that allows school districts to exclude the additional cost involved in the building construction of a school that meets the Leadership in Energy and Environmental Design standards as published by the United States Green Building Council from the limits set by the Department of Education for school construction or renovation.

**Emissions Inspection:** The House Transportation Committee reported out [House Bill 2696](#) (Reichley-R-Berks) that would require the posting of signs showing the cost of an emissions inspection after amending it to be consistent with existing signage requirements in PennDOT regulations.

**Agricultural Security Areas:** The House Agriculture Committee took action on two bills relating to farmland preservation-- [House Bill 2608](#) (Reichley-R-Berks) amending the Agricultural Area Security Law further providing for purchase of agricultural conservation easements was reported out with no changes; [House Bill 2801](#) (Hershey-R-Chester) Amends the Agricultural Area Security Law further providing for definitions, limiting local regulations and for the purchase of agricultural conservation easements. The bill was amended to include commercial equine operations as eligible under the program and to take out changes related to conservation easements.

**GIS Strategic Planning:** The House Intergovernmental Affairs met and reported out [House Resolution 882](#) (McIlhinney-R-Chester) urging the Administration to establish a GIS strategic planning, effort after amending the resolution to include specific local government groups.

### **Bills Introduced**

**Global Climate Change:** Rep. Vitalil (D-Delaware) introduced [House Bill 2905](#) requiring the Department of Environmental Protection to report on global warming impacts, outline economic opportunities presented by climate change, conduct an inventory of greenhouse gases and develop a plan of action for dealing with the issue. The bill was referred to the House Environmental Resources and Energy Committee.

**Infrastructure Task Force:** Rep. Hutchinson (R-Venango) introduced [House Resolution 904](#) to establish a task force to study issues concerning sewage management and treatment at publicly owned treatment facilities and systems throughout Pennsylvania.

### **In Other News**

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#### **America Recycles Day – November 15 – *It All Comes Back to You!***

November 15 is America Recycles Day, a great time to not only celebrate the success of recycling in Pennsylvania, but to look around your home, office, business or farm to see what else you could be recycling.

This year's theme *It All Comes Back To You* emphasizes how recycling can't work unless you recycle and buy recycled products.

Sixteen years ago Pennsylvania became the largest state to adopt a mandatory curbside recycling program in the country. Since then over 9 million people in nearly 1,600 communities have started recycling, three times more than were mandated.



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Recycling also means jobs. More than 81,322 jobs can be connected to recycling in one way or another in over 3,247 companies with payrolls of over \$2.9 billion.

You can take the pledge to recycle and be rewarded for it! [Fill out a recycling pledge card](#) on or before America Recycles Day November 15 and you can win a Ford Escape Hybrid. Kids can win a Trek Model 4300 bike.

You can also [print out and mail in pledge cards](#) to Amy Farkas, Pennsylvania State America Recycles Day Coordinator, from the [Pennsylvania Organization for Recycling Professionals](#).

Rep. Argall (R-Schuylkill), Rep. George (D-Clearfield) and dozens of other House members introduced [House Resolution 906](#) to officially designate November 15 as American Recycles Day in Pennsylvania.

Nationally, America Recycles Day, Inc. is coordinated by a non-profit organization supported by the [U. S. Environmental Protection Agency](#), Alcan Corporation, [100% Recycled Paperboard Alliance](#), Ford Motor Company, Staples, Inc., [American Beverage Association](#) and the [Recycle America Alliance](#).

Learn more about how you can recycle at home, at the office, in your business or on your farm by going to [Pennsylvania's Recycling Page](#).

### **Fitzpatrick Wins James McGirr Kelly Award from Water Companies**

Terrance J. Fitzpatrick, former Chairman of the Pennsylvania Public Utility Commission, was given the James McGirr Kelly Award by the Pennsylvania Chapter of the National Association of Water Companies this week for his work promoting safe drinking water in Pennsylvania. The Kelly Award is the highest honor given out by the Pennsylvania Chapter.

Previous award winners include former PUC chairman John Quain, Governors Tom Ridge, Robert Casey and Dick Thornburgh, Sen. Ray Musto (D-Luzerne), Sen. David J. Brightbill (R-Lebanon), Fred Marrocco, long-time head of DEP's Safe Drinking Water Program, and former DEP Secretaries, David Hess, Dr. Cliff Jones and Dr. Maurice Goddard.

Fitzpatrick also served on the Environmental Hearing Board and as counsel to the Senate Environmental Resources and Energy Committee as well as in private law practice.

### **Dam Removal, Stream Restoration on Wyomissing Creek, Grant Apps Due**

Federal officials, local leaders and community partners in Reading this week celebrated a successful effort to restore more than a quarter mile of Wyomissing Creek and surrounding habitat.

The project, supported by a \$50,000 grant from [NOAA's Community-based Restoration program](#), included the removal of two derelict dams blocking the creek and the restoration of natural habitat. In addition, visitors to the Reading Museum will now enjoy improved park infrastructure, enhanced educational opportunities and a rejuvenated natural area for outdoor recreation.

Since 1996, NOAA has provided over \$33 million for nearly 900 projects



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around the nation through the Community-based Restoration Program (CRP) for projects like dam removal, fish passage improvements, and coastal wetland restoration.

The NOAA Community-based Restoration Program now has open application periods for grants that could benefit Pennsylvania watershed groups—

[North American Rivers Habitat Restoration Partnership](#) grant applications are due November 12.

[Trout Unlimited Embrace-A-Stream Program](#) applications due December 20.

### **TMDL for Wyomissing Creek, Berks County Open for Comment**

The Department of Environmental Protection will accept comments on the proposed sediment TMDL developed for a Wyomissing Creek watershed in southcentral Berks County. Current use impairments are due to siltation from urban and residential runoff and storm sewers. Comments are due November 22.

The proposed [TMDL is available online](#). For more information contact Joseph Hepp at [jhepp@state.pa.us](mailto:jhepp@state.pa.us).

### **Urban Forest Project Grant Opportunity**

The [National Urban and Community Forestry Advisory Council](#) has announced a request for pre-proposals for its 2005 Challenge Cost-share Grant Program. The program, funded by USDA Forest Service's Urban and Community Forestry Program, supports urban and community forestry projects that have national or widespread significance in their impact or application. Approximately \$1 million in grant funds will be awarded through the 2005 program. All grants must be matched at least equally with non-federal source funds. Pre-proposals must be received by November 2 and will be reviewed by January 14.

For information contact Suzanne M. del Villar, Executive Assistant, National Urban and Community Forestry Advisory Council, phone: 909-585-9268 or Email: [sdelvillar@fs.fed.us](mailto:sdelvillar@fs.fed.us). (courtesy [Watershed Alliance of York](#))

### **EPA Recognizes Sylvin Technologies for Reducing Waste**

EPA Regional Administrator Donald S. Welsh recognized [Sylvin Technologies, Inc.](#) for being the first business located in Lancaster County to enroll in the [Voluntary National Partnership for Environmental Priorities Program](#).

The program challenges businesses and manufacturers to become more environmentally aware and to adopt a resource conservation ethic that results in less waste, more recycling, and more environmentally sound products. As a new partner, Sylvin has committed to the gradual elimination of lead used to manufacture PVC compounds by providing customers with lead-free alternatives.

### **Arcadia University Joins Energy Star Program**

Arcadia University, of Glenside, Pa. has committed to join the [ENERGY STAR Program](#) to protect and improve its 665,661 square foot facilities, which includes 28 buildings.

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As an ENERGY STAR Partner, Arcadia agrees to measure, track, and benchmark its energy performance and educate their staff, as well as the public about their partnership and achievements with ENERGY STAR. Arcadia will also host other colleges and universities and provide training on the ENERGY STAR performance rating system.

### **\$660,000 to Research Grants Announced for Sustainable Development**

EPA this week awarded \$660,000 to 66 student teams for the 2004-2005 academic year to research and develop sustainable designs through the [People, Prosperity and the Planet \(P3\) competition](#). The winners in Pennsylvania include:

- Pennsylvania State University – [Reducing Use of Petroleum Energy Through Use of Cooking Oils](#)
- Penn State & Colorado State University – [Sustainable Housing at Pine Ridge Reservation](#)
- Lehigh University – [Hybrid Ion Exchanger](#)
- Villanova University – [Photovoltaic System Architectural Design Tool](#)

Sustainable development allows communities to grow economically while preserving natural resources for future generations. Students will design solutions that both benefit the environment and are not prohibitively expensive.

The P3 national student design competition was launched in January 2004. More than 40 partners in the federal government, industry and scientific and professional societies provide support. Projects focus areas include: green buildings and sustainable construction materials, biodiesel production and use, drinking water quality and supply, alternative energy sources and fuel cells, urban redevelopment and green chemistry.

In May 2005, all teams will be invited to bring their designs to Washington, D.C., to compete for the P3 Award. The National Academy of Engineering will convene a panel of judges for the competition. Winners will be eligible for additional funding to implement their project in the field and move the design to the marketplace.

EPA is now accepting applications from student teams for the 2005 P3 competition. The deadline for receipt of applications is Jan. 27, 2005. A [list of P3 national student design competition teams](#) is available at the P3 webpage.

### **State's Northern Flying Squirrels Facing Hard Times**

The northern flying squirrel is facing pressure on its habitat and is being considered for listing as an endangered or threatened species by the Pennsylvania Game Commission.

Ongoing field research funded by the Pennsylvania Game Commission and U.S. Fish and Wildlife Service has determined the state's northern flying squirrels are uncharacteristically sharing habitat - even nesting quarters - with their look-alike cousin, the southern flying squirrel.

That may mean trouble for northerns, which already are in short supply in Pennsylvania and furthered threatened by the European woolly adelgid, an insect that has been devouring the state's hemlock tree stands, the preferred habitat of northerns.

The big problem with northerns and southern sharing habitat and living quarters, according to the fieldwork - a State Wildlife Grants Program (SWG) project - is a

parasite called *Strongyloides robustus* that is carried by southernns and can be lethal to northernns. The parasite poses no threat to the southern, but it seems to suppress the northern's ability to put on winter fat, and to even maintain its existing weight.

Northern flying squirrels, which are slightly larger than southernns, have been sort of an enigmatic species to biologists for decades. Their presence in the state has been recognized for some time. But given their extremely limited distribution and nocturnal lifestyle, it's not hard to understand why northern flying squirrels have not garnered much attention over the years from wildlife managers, outdoors writers or those who frequent the state's northern woods.

For some time now, the Game Commission staff biologists and members of the Pennsylvania Biological Survey's Mammal Technical Committee have contemplated the possibility of listing the northern flying squirrel as an endangered or threatened species.

Dr. Michael Steele of Wilkes University, Dr. Carolyn Mahan of Penn State University's Altoona campus; and Greg Turner, formerly a Wilkes University researcher and now a Game Commission endangered species biologist, all recommended elevating the status of the northern flying squirrel from its current designation as a "protected mammal" to a threatened or an endangered species in their SWG Program-funded research paper, titled "A Manual for Long-Term Monitoring and Management of the Threatened Northern Flying Squirrel in Pennsylvania."

As a direct result of the SWG northern flying squirrel fieldwork, the PBS's Mammal Technical Committee has asked the Game Commission to consider listing northernns as an endangered species, a two-step action that would need to be taken up by the agency's Board of Game Commissioners. The Game Commission's Bureau of Wildlife Management has asked consequently for more information and additional fieldwork to qualify the recommendation.

The flying squirrel does not fly; it is a glider. Using fur-covered membrane that runs from just above the paw on the front leg to the ankle on the rear leg on each side, the squirrel will jump from a tree and glide downward to a lower location. Flying squirrels use their tail and legs to maneuver while in flight. Unless aided by the wind, squirrels cannot glide upward.

**NewsClip:** [Bullwinkle I'm worried](#)  
[State's Flying Squirrels in Danger](#)

## **Taking Positive Action**

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### **Northeast Environmental Partners Announce 2004 Award Recipients**

The Northeast Environmental Partners and over 400 guests recognized nine individuals and organizations for their outstanding contributions to protecting and enhancing the environment of Northeast Pennsylvania at their annual awards dinner this week in Wilkes-Barre.

Also recognized was Ellen Ferretti, director of the Northeast Office of the Pennsylvania Environmental Council, for her tireless work for the environment. She will be moving on to work for the Nature Conservancy.





### Northeast Environmental Partner Award Winners

The Northeast Environmental Partners is an alliance of the Pennsylvania Environmental Council's Northeast Office, Wilkes University, the Northeastern Pennsylvania Alliance, PPL Corporation, Procter & Gamble Paper Products Company, the departments of Environmental Protection and Conservation and Natural Resources serving the 11 county Northeast -- Bradford, Carbon, Lackawanna, Luzerne, Monroe, Pike, Schuylkill, Sullivan, Susquehanna, Wayne and Wyoming Counties.

The keynote speaker was Michael DiBerardinis, Secretary of the Department of Conservation and Natural Resources and Gov. Rendell made a special drop by visit.

The annual Environmental Partnership Awards, established in 1990 as an Earth Day project of the Northeastern Pennsylvania Environmental Partners, salute those who bring diverse groups and individuals together to solve problems of common interest—to recognize those who use partnering as their primary method of achieving environmental progress.

This year the Awards went to:

**Andrea Nerozzi, PhD** of Kingston, Luzerne County, for her work and partnership efforts with the Advanced Placement Environmental Science Class and Student Research Group at Wyoming Seminary in incorporating urban forestry into their studies and community work.

**Twin Walker Creeks Watershed Association** of Shohola, Pike County, for their work and partnering in promoting a better understanding of the Twin/Walker Creeks watershed and its ecosystem and protecting, restoring and enhancing the watershed through proper management and stewardship.

**Pocono Heritage Land Trust** of Pocono Pines, Monroe County, for its work, partnership efforts and dedication to the conservation of important lands and waters, including open spaces, agricultural landscapes and natural areas, in the Pocono Northeast.

**Hicks Creek Watershed Association** of Exeter, Luzerne County, for their dedicated focus and work in partnering to restore and protect Hicks Creek Watershed by promoting environmental integrity, including restoring flow, controlling erosion and sedimentation, reducing and preventing pollution and education.

**Greater Hazleton Civic Partnership's Rail-to-Trails Committee** in Hazleton, Luzerne County, for its partnership work in making the Greater Hazleton Area the "best

place to live, learn work, worship and play" through converting abandoned rails to hiking, biking and skiing trails.

**Sally Corrigan** of Hawley, Pike County, for her dedication and partnership efforts as the Watershed Specialist at the Pike County Conservation District in nurturing the development of various watershed groups and coordinating their activities through the Upper Delaware Watershed Alliance.

**City of Hazleton** for the Pine Street Neighborhood Development, Luzerne County, for their partnership efforts to revitalize one of the most blighted areas in the City with new homes, all of which are crafted from environmentally friendly materials to earn the designation of "Green Homes."

**Abington Little League** of Clarks Summit, Lackawanna County, for their work in partnering with others to purchase abandoned and degraded land in Glenburn Township and successfully applying for and receiving funds to conduct plantings, cleanups and construction of five newly designed playing fields.

**Peter Pinchot** received the Tenth Annual Thomas P. Shelburne Environmental Leadership Award for serving as Pike County's "advocate general" in partnering with others to promote sustainable forestry, ecological conservation and sound land use planning by providing extremely thoughtful presentations and tours to a myriad of influential audiences.

For the past two decades, Pike County has been the fastest growing county in the Commonwealth, and Peter's work has helped balance this growth with environmental needs. His volunteer efforts are focused on promoting and building on the conservation legacy that his grandfather introduced into America 100 years ago.

The Thomas P. Shelburne Environmental Leadership Award was established in 1995 to commemorate Thomas Shelburne, a highly respected community leader, who devoted himself, over four decades, to the protection and improvement of Pennsylvania's environment.

This year's dinner chair and emcee was Mr. H. W. "Skip" Weider, Senior Vice President and Senior Consultant, Geisinger Health System. Mr. Weider has been with Geisinger since 1984, serving as Senior Vice President for Development and then as Senior Vice President for Development and Government Relations.

**NewsClip:** [Governor Salutes Partnership, Urges Action on Growing Greener II](#)

## **Watershed NewsClips**

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[Master Well Owners Looking for Volunteers](#)

[POWR Receives Keystone Watershed Monitoring Network Grants](#)

[Volunteers repairing flood damage Montour Trail](#)

[Among Concerns of Bay Area Voters, Pollution Ranks Near the Top](#)

[Science comes to life](#)

[Green Valleys Association honors its heart and soul'](#)

[County bringing nature to the area's rooftops](#)

[Streams cleanup center of flak](#)

[Merck Honored for Bay Protection](#)

[AMD Pollution slated to be eliminated from Quemahoning Creek](#)

## **Regulations**

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The **Environmental Quality Board** will meet this week and approved all items as recommended by DEP: Deer Creek Stream Redesignation Petition (York County), Little Falls Creek Stream Redesignation Petition (York County), [Final Hazardous Waste Facilities Plan](#), Proposed [changes to Hazardous Waste Regulations](#), a petition to require power plants to reduce mercury emissions and a DOD airfield and municipal waste transfer station petition. Copies of agenda items are available on the [EQB webpage](#) under the October 19 meeting date.

**EQB Accepts Mercury Petition on Divided Vote:** Members of the Board were divided over whether to accept the petition PennFuture submitted requesting Pennsylvania adopt its own regulations limiting mercury emissions at power plants.

Representatives of Sen. White (R-Venango), Sen. Musto (D-Luzerne) and Rep. Adolph (R-Delaware) argued the petition was premature in light of action the U.S. EPA is likely to take to propose mercury standards in March of 2005. Pursuing Pennsylvania's own standard would also put electric producers at a competitive disadvantage in the new competitive electric generation markets. In addition they said considering the petition, which is a complex undertaking, would take DEP staff time away from other priority projects.

DEP Secretary Kathleen McGinty, who chairs the EQB, said several times DEP recommended accepting the petition because it met the policies the EQB established over the years for considering petitions, i.e. it was complete, it is an issue the EQB can deal with and it is in compliance with federal requirements.

At this stage of the process, accepting a petition for review means DEP has 60 days to study it and then come back to the EQB with a recommendation on whether to go ahead with rulemaking or not.

The next EQB meeting is scheduled for December 21. The November 16 meeting has been cancelled.

The **Independent Regulatory Review Commission** meets November 4 to consider these two Environmental Quality Board regulations: #7-378: Final Small Sources of NOx, Cement Kilns and Large Internal Combustion Engines; and #7-386: Final Triennial Review of Water Quality Standards. For copies visit the [August 2004 Environmental Quality Board webpage](#).

[Pennsylvania Bulletin – October 23, 2004](#)

[Comment Deadlines Open](#)

[Copies of Proposed Regulations](#)

[Status of Regulations, 6-Month Calendar](#)

## **Technical Guidance & Permits**

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DEP [published one proposed policy document](#) for comment this week:

DEP ID: 291-4100-001. Title: Bureau of Radiation Protection Compliance and Enforcement Policy. Comments are due November 22.

[For copies of Draft Technical Guidance](#)

[For copies of Final Technical Guidance](#)

## **Calendar of Upcoming Events**

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- **Oct. 27-29** – [GIS Conference for Local Government](#). State College.
- **Nov. 9** – GIS Day – Flooding Displays - Capitol Building Harrisburg
- **Nov. 15** – [GIS Regional Town Meetings](#). Harrisburg, et al.
- **Nov. 30 – Dec. 1** – [Mid-Atlantic Stream Restoration Conference](#). West Virginia.

[DEP Calendar of Events](#)    [Watershed Events](#)

## **Helpful Web Links**

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[Daily NewsClips](#)   [Weekly DEP Update](#)   [GreenTreks Network](#)   [Watershed Weekly](#)

[DEP Press Releases](#)   [DEP Advisory Committee Meetings & Agendas](#)

## **Contributions Invited**

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Send your stories about environmental issues, programs and positive actions to **PA Environment Digest** - [DHess@HolstonCrisci.com](mailto:DHess@HolstonCrisci.com) .

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