

# — PA — Environment Digest

An Update on  
Environmental  
Issues in  
Pennsylvania

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Edited By David E. Hess, Holston & Crisci

August 30, 2004

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## Pay Hike? Gas Tax Hike? Tied to Growing Greener II?

Speculation about whether a legislative pay raise or a gas tax hike will all be linked to a final agreement on the Governor's environmental spending proposals and passed this Fall was floating around the Capitol again this week. Only this time it broke out into the open in a press story.

As Steve MacNett, chief counsel to Senate Republicans, was quoted in an article as saying, "It's the late summer of the even numbered year and so this issue is back. I don't think that a legislative pay increase has ever been done in a lame duck session. Do stranger things happen? Yeah."

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## On the Hill

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### Senate, House Environmental Committees Set Waste Coal Meetings

This week the House Environmental Resources and Energy Committee scheduled an informational meeting on the use of waste coal in Pennsylvania for September 16 in Indiana.

The Senate Environmental Resources and Energy Committee has a hearing on incentives for using waste coal set for September 8 in Burgettstown. The hearing is also likely to touch on the issue of a renewable portfolio standard for electric generators in Pennsylvania.

**NewsClips:** [New Boiler at Seward Plant Will Burn Coal Waste Recycling Waste Coal into Building Material](#)  
[Schuylkill Company to Turn Waste Coal into Diesel Fuel](#)

**More Information:** [ARIPPA: Independent Power, Land Reclamation](#)

## In Other News

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### Bay Foundation Logs 1,000 + Forested Stream Buffers in Less Than Four Years

The [Chesapeake Bay Foundation](#), in partnership with Pennsylvania farmers, landowners, and government agencies this week celebrated the accomplishment of two major milestones, the creation of more than 1,000 miles of forested buffers along streams and rivers, and the restoration of 4,000 acres of wetlands. Forested buffers and wetlands significantly reduce polluted runoff which is damaging local streams, rivers, and the Chesapeake Bay. ([full story](#))

### Farmland Preservation Board Preserves 3,780 More Acres

The Farmland Preservation Board voted this week to add 30 farms, totaling 3,780 acres, to the [Farmland Preservation Program](#). These farms join the more than 2,400 other farms already preserved in perpetuity 284,783 acres across the state.

Pennsylvania leads the nation in the total number of farms and total acres preserved for agriculture. The statewide Farmland Preservation Program works in cooperation with county farmland preservation boards, operating in 54 of Pennsylvania's 67 counties. County programs recommend individual farms to ensure the most effective use of program resources.

### Penn State's Hydrogen Energy Center Hosts 'Hydrogen Day'

Penn State's Hydrogen Energy Center will present its second "[Hydrogen Day at Penn State](#)" October 25 at the University Park campus.

The event will feature poster presentations on Penn State research including hydrogen production storage and utilization in fuel cells as well as two panel sessions -- one with industry leaders and another with academic researchers. In addition, participants

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will be able to tour the Penn State/Air Products hydrogen refueling station that is currently under development on campus.

DEP Secretary Kathleen McGinty will be the luncheon keynote speaker. Esin Gulari, director of the National Science Foundation's Division of Chemical and Transport Systems, will follow her presentation with an update from a recent workshop on future directions in hydrogen energy research and education.

Registered participants will be able to hear a presentation on the Penn State/Air Products hydrogen fueling station and talk with personnel guiding its development including Dr. Joel Anstrom, director of the Hybrid and Hydrogen Research Center at Penn State's Pennsylvania Transportation Institute.

Anstrom says that, although the demonstration fleet of a hydrogen fuel cell car and hydrogen natural gas blend vans and transit buses has just begun development, he expects to have the first two vehicles available for demonstrations by Hydrogen Day.

The registration fee is \$75. For more information, contact the Industrial Research office at 814-865-9519 or [iro@psu.edu](mailto:iro@psu.edu).

### Conestoga Watershed Credit Project Features NutrientNet

Residents of the Conestoga Watershed in Lancaster County got a first-hand experience in trading water pollution credits at a special workshop on August 17.

The workshop featured the online water credit demonstration website NutrientNet that provides users with a better understanding of the water credit concept.

This training program was funded in part by the Growing Greener Watershed Restoration Program.

NutrientNet, created by the World Resources Institute and developed with the help of the Pennsylvania Environmental Council, provides a vehicle for buyers and sellers of water pollution credits to perform trades for both point and non-point sources.

NutrientNet is designed to serve the following functions: 1) provide potential market participants and other stakeholders with background information on nutrient trading; 2) provide trading participants with tools for estimating releases of nutrients to surface waters from their operations, exploring reduction options, and estimating the costs of achieving reductions; 3) help market participants identify potential trading partners; and 4) track the volume and type of trades within a watershed.

You may participate in a mock trading system in the Potomac watershed by going to [www.NutrientNet.org](http://www.NutrientNet.org).

The Conestoga Watershed project is a collaboration with The Conservation Fund, DEP, [LandStudies](#), Penn State University and the [Pennsylvania Environmental Council](#).

**NewsClip:** [Kept at Bay: Chesapeake Pollution Reshaping stream at Lititz Start](#)

### Forums on Coping with Rising Energy Costs at Colleges/Universities Set

A series of six, free regional forums will be held in September across the state on helping colleges and universities cope with increased energy costs in an age of shrinking budgets and interest in the environment.

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The forms are sponsored by the [Pennsylvania Consortium for Interdisciplinary Environmental Policy](#), the Department of Environmental Protection and the U.S. Department of Energy's [Rebuild America program](#).

The [forum agenda](#) will feature presentations on DOE and state programs to help identify energy efficiency opportunities, discussion of best practices by institutions and providing advice on solutions to energy problems faced by educational institutions.

Each form is scheduled to run from 9:30 to 3:30 at these locations: Sept 14 -- [Carnegie-Mellon University](#); Sept 15 -- [Allegheny College](#); Sept.16 -- [Penn State University](#); Sept. 21 -- [Temple University](#); Sept. 22 -- [Kings College](#); Sept. 23 -- [Harrisburg Area Community College](#) . (click on the location for registration information).  
(courtesy [Green Building Alliance](#), Pittsburgh)

### **Pittsburgh School District Given “STAR” Status for Pest Management Program**

The Pittsburgh School District recently became the fifth school district in the nation and the first in Pennsylvania to become [IPM STAR](#) certified by the [IPM Institute of North America](#) in recognition of its integrated pest management program. ([Read the full story](#))  
(courtesy [Green Building Alliance](#), Pittsburgh)

### **Pittsburgh Architects Seeking Nominees for Green Design Awards**

Nominees are now being sought for [The Green Design Citation](#) presented through collaboration between the AIA Pittsburgh Committee on the Environment and the Green Building Alliance.

This award recognizes built projects that have integrated sustainable building strategies and practices into design. This award also recognizes the growing impact that buildings have on human health, worker productivity, and natural, environmental and regional prosperity.

(courtesy [Green Building Alliance](#), Pittsburgh)

### **Communities Could Gain from EPA Proposal Encouraging Property Purchase**

To encourage the purchase, cleanup, reuse and economic revitalization of property that may be environmentally contaminated, [EPA announced a proposed rule](#) this week requiring potential owners to conduct certain inquiries into the previous ownership, uses, and environmental conditions of the land prior to purchase.

If the inquiries are performed properly and other reasonable steps undertaken, the purchasers can buy the land with assurance from EPA that they will not be subject to lawsuits under the Superfund hazardous waste cleanup law.

Although the current Superfund law provides some protection to “innocent” land purchasers who unknowingly buy contaminated property, the statutory language is ambiguous. Today’s proposal provides certainty for purchasers of potentially contaminated property and reduces yet another barrier to cleanup and redevelopment in local communities across the nation.

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The Agency's proposal will also apply to any person conducting a waste site characterization or assessment with funding from the federal Brownfields grant program, regardless of whether a purchase takes place.

Prospective property owners who do not conduct the inquiries properly may lose their ability to claim protection from Superfund liability. Superfund authorizes EPA to negotiate with parties that helped create hazardous waste sites to get them cleaned up.

If these parties refuse to cooperate, EPA can sue them to conduct the cleanup. Regardless of how the cleanup is conducted, Superfund also gives EPA the authority to recover from parties any costs it incurs as part of the cleanup effort.

Currently, land purchasers who unknowingly buy contaminated property can find themselves subject to Superfund liability.

### EPA Releases List of State-Local Fish Advisories

For the 12th straight year, EPA is releasing its summary of information on [locally-issued fish advisories and safe-eating guidelines](#). This information is provided to EPA annually by states, territories and tribes.

[Pennsylvania's fish advisories are available online.](#)

States monitor their waters by sampling fish tissue for long-lasting pollutants that bioaccumulate. States issue their advisories and guidelines voluntarily and have flexibility in what criteria they use and how the data are collected. As a result, there are significant variations in the numbers of waters tested, the pollutants tested for and the threshold for issuing advisories. Based on self-reporting, the national trend is for states to monitor different waters each year, generally without retesting waters monitored in previous years.

The number of fish advisories is increasing even as emissions for major pollutants are decreasing and as pollutants such as DDT and chlordane are banned in the United States. In 2003, 48 states, the District of Columbia and American Samoa issued 3,094 fish advisories, 280 more than the previous year. With these additions, 35 percent of the total lake acres and 24 percent of the river miles in the nation are now under advisory.

Since 2002, the number of lake acres under an advisory increased by two percent, river miles by nine percent and coastline by four percent. A large part of the increase in lake acres and river miles under advisory occurred because Montana and Washington issued statewide advisories for all their lakes and rivers in 2003 and Hawaii issued a statewide advisory for its entire coastline.

Human-caused mercury emissions in this country have dropped 50 percent since 1990, and the Bush Administration is in the process of choosing how to regulate mercury emissions from coal-fired power plants for the first time in our nation's history. The final rule, which will be promulgated by March 15, 2005, will be one component of the Agency's overall effort to reduce mercury emissions domestically and internationally.

States issue advisories for any of 40 different pollutants. Most advisories (98 percent) involve five bioaccumulative contaminants: PCBs, chlordane, dioxins, DDT and mercury. In addition to steps to reduce mercury emissions, actions have or are being taken to address other pollutants of concern: production of PCBs for use ceased in 1977, chlordane was banned in 1988, DDT was banned in 1972 and dioxin emissions have been dramatically reduced.

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States may issue safe-eating guidelines in addition to issuing fish advisories. A fish advisory is issued to warn the public of the potential human health risks from chemical contamination of certain species from particular types of waterbodies such as lakes, rivers and/ or coastal waters within the state. In contrast, a safe-eating guideline is issued to inform the public that fish from specific waterbodies have been tested for chemical contaminants, and the fish from these waters are safe to eat without consumption restrictions.

### **New Environmental Research Fellowship Opportunities Announced**

EPA announced approximately 100 new fellowships will be awarded for research in environmental fields of study through the Agency's Science to Achieve Results (STAR) program.

The STAR program provides educational support for full-time masters and doctoral level students who plan to pursue environmental careers; with a focus on developing future leaders in environmental science, education, assessment, and restoration efforts.

The deadline for preliminary applications is November 23. Awards from this selection process should be made by July 21, 2005 for the fall 2005 term.

Projects undertaken by previous fellows have included genetic approaches to biodiversity, environmental toxicology and research on watersheds and the impact of human behavior on the environment.

Fellowships of up to \$37,000 per year will be awarded, with masters degree candidates eligible for up to two years of support and doctoral candidates for a total of three years.

Applicants must be U.S. citizens or be lawfully admitted to the United States for permanent residence. [Information on STAR fellowships](#) is available online.

### **Early Fall Can Be a Batty Time for Homeowners**

The Pennsylvania Game Commission is advising residents that late August and early September can be a troubling times for homeowners with older houses, window air-conditioners, or dusk-to-dawn outdoors lighting, because their homes are more prone to be entered by a bat.

Each summer - with activity peaking in August - many Pennsylvania homeowners have closer-than-desired encounters with bats - mostly little browns and big browns. They are two of Pennsylvania's most common bats.

Most often, the bats are youngsters, occasionally called "pups," that access the living quarters of homes while exploring, or after becoming disoriented while poking around in the nooks and crannies of a house. They either access the home from the outside, or from an established roost directly beneath the house's roof.

The easiest - although not necessarily the quickest - way to get a bat out of your house is to contain the bat to one room by closing doors, and then open a window or two and wait for the bat to fly out. It's important to stay in the room so you can watch to make sure the bat has left. Stand quietly along a wall, away from the window, and wait for the bat to locate the open window.

It's also a good idea to remove any pets and children from the room the bat is contained in; the more excitement in that room, the longer it will take the bat to settle down and concentrate on finding an exit.

If a bat won't leave, or you're unwilling to wait the bat out, your next best option is to perform a catch-and-release. This approach requires waiting for the bat to alight on something and then covering it with a bowl, strainer or a small-meshed fishing net. If you use a bowl or strainer, you'll have to slip something stiff and flat - like cardboard - under the bowl after you place it over the bat.

Whether using the window method, or catch-and-release, homeowners are advised not to chase after the bat.

In situations where a bat is present in the home and the possibility that someone has been bitten cannot be ruled out - for instance, a bat is found in a bedroom with a sleeping child - then the bat should be retained and tested for rabies.

If that is not possible, the Department of Health recommends that post-exposure treatment - rabies shots - should be seriously considered. If there is any chance that someone has been bitten or scratched, then the Department of Health recommends a physician be consulted and the local health department notified. Your physician should determine whether rabies shots are needed.

For more information on bats, please consider consulting PSU's [A Homeowner's Guide to Northeastern Bats and Bat Problems](#) at and the Pennsylvania Department of Health's [Bat Rabies Fact Sheet](#)..

## **Taking Positive Action**

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### **Two PA Groups Receive Take Pride in America Awards from Interior**

Secretary of the Interior Gale Norton this week announced winners of the 2004 National [Take Pride in America](#) Awards. Two of the awards went to Pennsylvania groups-- the [Slippery Rock Watershed Coalition](#), in Cranberry Township, PA is a winner in the public/private partnership category and the [Presque Isle State Park Volunteers](#) in Erie, PA in the Local Government Category.



This same award was won last year by the [Pymatuning Lake Association](#) in Espyville, PA and the [Wally Byam Caravan Club International](#) from Camp Hill, PA.

Presented annually, Take Pride in America's national awards recognize outstanding volunteer projects and efforts in a variety of categories. Winners announced this week represent nine categories, with winners in other categories, including Corporate, Federal Land Manager and Outstanding Take Pride Partner, to be announced in September.

“The cornerstone of Take Pride is the belief that individuals need to be engaged to take responsibility for improving their community environment,” Norton said. “At Interior we call it ‘cooperative conservation,’ and Take Pride’s award-winning volunteers are helping to turn this philosophy into action.”

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"Take Pride in America has grown by leaps and bounds, and I'm delighted at the number of nominations received for this year's awards program," said Marti Allbright, Take Pride in America executive director. "The 2004 winners certainly represent the best of our nation's public stewardship."

All award winners will be honored at a September 21 ceremony in Washington, D.C.

### **Watershed NewsClips**

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[Consultant Presents Bushkill Creek Plan](#)

[River Conservation Planning Tools Now Online](#)

[Pocono Center Gives Kids Head Start](#)

[Downtown Tourism and Trail Kiosk Gets Facelift](#)

[Bassmaster Officials See Pittsburgh as a Prize Catch](#)

[Officials Say Birdsboro Needs Long-range Plans to Redesign Creek](#)

[Unami Creek Preserved at Cost of Residents](#)

[Kept at Bay: Chesapeake Pollution Reshaping stream at Lititz Start](#)

[Program Aims to Create Community Leaders](#)

### **Regulations**

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[Pennsylvania Bulletin – August 28, 2004](#)

[Comment Deadlines Open](#)

[Copies of Proposed Regulations](#)

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

### **Technical Guidance & Permits**

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DEP gave notice of these two final guidance documents are available—

DEP ID: 012-0200-002. Title: Policy for Consideration of Comprehensive Plans and Zoning Ordinances in DEP Review of Grants and Funding for Facilities and Infrastructure.

DEP ID: 012-020-004. Title: Policy for Applications for Technical or Financial Assistance Proposals Consistent with Multi-Municipal Planning Under Acts 67 & 68.

[For copies of Draft Technical Guidance](#)

[For copies of Final Technical Guidance](#)

### **Calendar of Upcoming Events**

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- **Sept. 2** - [Critical Water Planning Area Subcommittee](#) of the State Water Plan Statewide Water Resources Committee on critical water area criteria. [Agenda](#).
- **Sept. 8** - Senate Environmental Resources & Energy Committee hearing on incentives for using coal waste. Burgettstown.



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- **Sept. 13-15** – [Watershed Summit on the Delaware](#). Wilmington.
- **Sept. 16** – House Environmental Resources & Energy Committee informational meeting on use of waste coal in Pennsylvania. Indiana.
- **Sept. 16** – [Ohio River Watershed Celebration](#). Pittsburgh.
- **Sept. 27** – [State Water Plan Statewide Water Resources Committee](#). [Agenda](#). Harrisburg.
- **Sept. 30 – Oct. 2** – [Statewide Watershed Conference](#). Emmaus.
- **Nov. 9** – [Pennsylvania Resources Council](#) Annual Awards Dinner. Philadelphia.

[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) .

**PA Environment Digest** is edited by David E. Hess, former Secretary Pennsylvania Department of Environmental Protection, and is published as a service to the clients of Holston & Crisci and the public. Holston & Crisci is a Harrisburg-based government affairs firm whose clients include Fortune 500 companies and non-profit organizations. For more information on Holston & Crisci call 717-234-1716.

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