

PA Environment Digest

An Update on Environmental Issues In Pennsylvania

Edited By David E. Hess, Holston & Crisci

August 16, 2004

This month we celebrate the birthdays of four people who made significant contributions to protecting Pennsylvania's environment, wildlife and showed us a different way to live and farm. How much do you know about them? -- Aug. 7 - [Ross Lillie Leffler](#) (1886-1964); Aug. 13 - [Ralph W. Abele](#) (1921-1990); Aug. 11 - [Gifford Pinchot](#) (1865-1946); and Aug. 16 - [Jerome I. Rodale](#) (1898-1971)

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On the Hill

Senate Environmental Committee Sets Hearing on Waste Coal Use Incentives

The Senate Environmental Resources and Energy Committee has scheduled a public hearing on September 8 in Burgettstown on the need for new incentives to encourage the use of waste coal and to hear further comments on setting advanced energy portfolio requirements for electric generators.

Witnesses are expected to include Kathleen McGinty, Secretary for Environmental Protection, and representatives of the waste coal industry, electric generators and labor.

Rendell Names Members to the Green Ribbon Commission

Gov. Rendell named Kathleen McGinty, Secretary of the Department of Environmental Protection, Michael DiBerardinis, Secretary of the Department of Conservation and Natural Resources and Roy Kienitz, Deputy Chief of Staff to the Governor, to a Green Ribbon Commission.

The Commission was established before the General Assembly adjourned for the summer to develop an environmental funding proposal in response to the Governor's Growing Greener II proposal in February.

The Senate and House have not yet appointed their members.

NewsClip: [Rendell Names Green Ribbon Commission Members](#)

New Petroleum Energy Office Bill Subject of House Hearing

The House Consumer Affairs Committee held a public hearing August 5 on [House Bill 2277](#) (O'Brien-R-Philadelphia) that would create a new Petroleum Energy Office within the Department of Environmental Protection to monitor the availability and price of gasoline, heating oil and other petroleum energy products, assess the competitiveness of petroleum marketing in Pennsylvania and promote the understanding of petroleum energy products.

The legislation also prohibits retailers from selling petroleum products below cost and authorizes the Attorney General to investigate and take action against violators of this provision.

Petroleum Retailers and Auto Repair Association, PA Gasoline Retailers Association and Allied Trades and Mid-Atlantic Truck Stop Operators Association testified in favor of the legislation saying gasoline and fuel refiners and resellers many times sell gasoline to retailers at different prices that result in higher prices for consumers. Independent retailers and truck stops in particular have gone out of business in part because of these "below cost" pricing practices.

The Department of Environmental Protection testified it has already established a Pennsylvania State Energy Office within DEP that performs most of the functions outlined in the legislation.

With respect to tracking the competitiveness of gasoline markets and "below cost" pricing, both DEP and the Office of Attorney General said today's complex and

international markets for petroleum products make it almost impossible to track and prove that someone is selling petroleum products below cost.

The Office of Attorney General, however, supported provisions allowing antitrust actions to be brought against persons in the petroleum industry for pricing issues, but thought those provisions should be separate from any energy office.

The Committee also heard from Sheetz, Inc., Wawa, Inc., and a professor from Penn State who opposed the bill and said there was no evidence that below cost sales harmed consumers.

In Other News

[Pennsylvania Unveils Tributary Strategy for Chesapeake Bay](#)

Pennsylvania Students Place Sixth in International Envirothon Competition

Pennsylvania's Envirothon representatives, a team from Penncrest High School in Media, Delaware County, captured sixth place at the 2004 North American Canon Envirothon competition held at Wesleyan College, Buckhannon, West Virginia.



The [Pennsylvania Envirothon](#) team scored 572.17 points out of a possible total of 700. Members of the team are: Paul Scherer, Brad Potter, Michelle Henry, Hope Walker, and Rogers Whittle. The team was coached by Mark Samilenko and Chrissa Kuntz.

High School students from 44 U.S. states and 7 Canada provinces convened July 26-31 to participate in North America's largest high school environmental education competition. Participants learned about environmental issues affecting natural resources as they competed for awards in the 2004 Canon Envirothon.

Pennsylvania Envirothon teams have won first place in nine of the last 18 national Envirothon competitions and always placed in the top ten states/provinces competing.

Fifty-one teams, involving over 250 students competed in the 2004 *Canon Envirothon* for a share of the US \$30,000 in college scholarships. Organized through the National Association of Conservation Districts, the competition tests teams on knowledge of soils/land use, forestry, aquatics ecology, wildlife and this year's current issue of urban resource management in the urban environment.

Pennsylvania's Envirothon would not be possible were it not for its host of sponsors, partners, and contributors – Pennsylvania's sixty-six conservation districts, PA Association of Conservation Districts, State Conservation Commission, PA Department of Environmental Protection, PA Department of Conservation and Natural Resources, U.S.D.A. Natural Resources Conservation Service, PA Fish and Boat Commission and PA Game Commission. Air Products & Chemicals, Inc., Nestle Water North America Inc., Pennsylvania Power & Light Company, and PA Department of Environmental Protection grant contributions. The PA Fish & Boat Commission and PA Game Commission provide grant funding to send Pennsylvania's team to the Canon Envirothon competition.

Groups Petition State to Set Own Rules Limiting Mercury Emissions

On August 9 [Citizens for Pennsylvania’s Future](#) and other environmental groups submitted a petition to the Environmental Quality Board and the Department of Environmental Protection asking the state to adopt its own rules for limiting mercury emissions from power plants.

"DEP Secretary Kathleen McGinty has correctly and forcefully criticized the U.S. Environmental Protection Agency (EPA) for refusing to regulate mercury as the serious health, environmental and economic problem it is," said Jan Jarrett, PennFuture's director of outreach. "It is clear that the EPA isn't budging on this, so Pennsylvania must take action, just as New Jersey, Massachusetts, Connecticut and Wisconsin are doing. It's time for strong actions to match our strong words."

"One in six women of childbearing age has so much mercury in her body that her nursing infant or fetus is in danger of brain damage," said Charles McPhedran, senior attorney at PennFuture. "In addition, our state's streams and fish are so contaminated with mercury that Pennsylvanians have been warned to restrict their consumption of fish to avoid being poisoned. In addition to its health and environmental effects, mercury contamination of Pennsylvania fish also has negative impacts for our fishing industry, which a report by the Pennsylvania Department of Conservation and Natural Resources estimates has a direct economic impact of \$800 million each year.

"The problem is ours to solve," continued McPhedran. "In 2001, the Keystone plant in Shelocta (Armstrong County) had the highest releases of mercury and mercury compounds to the air of any electric utility plant in the country. In 2002, Pennsylvania utilities were third in the nation with 6,986 pounds of mercury and mercury compounds emitted into the air. We're calling on DEP to take immediate action and to regulate mercury emissions from Pennsylvania's power plants."

The request was filed on behalf of PennFuture and its members, Pennsylvania State Building and Construction Trades Council, Pennsylvania Federation of Sportsmen's Clubs, Pennsylvania Trout, Pennsylvania National Organization for Women (NOW), Planned Parenthood Pennsylvania Advocates, Women's Law Project, WomenVote PA, PennEnvironment and Sierra Club Pennsylvania Chapter.

Under the [EQB’s rules for reviewing a petition](#), DEP staff will review the petition to see if it meets the acceptance criteria. It is “complete” if the proposed action is an action the EQB can take and it doesn’t conflict with federal law. DEP must report back to the petitioner and the EQB within 30 days. If the petition doesn’t meet the criteria, the petitioners are given another 30 days to make corrections and resubmit. If it does meet the criteria, the petitioners are given the opportunity to give a presentation to the entire board and then they must decide whether to accept the petition or not.

NewsClips: [Groups Seek Mercury Restrictions](#)
[Groups Demand Reduced Mercury Emissions in PA](#)

DEP Proposes “ACRE” Program to Reduce Impact of Livestock Operations

(See also DEP proposes CAFO Rule changes, Conservation Commission proposes changes to Nutrient Management Program below)

NewsClips: [State Proposal Aim to Curb Pollution from Factory Farms](#)
[State Offers Plan to Cut Odors from Large Farms](#)

[DEP Takes Action on Overdue Storage Tank Fees](#)

[Casey Audit Prompts DCNR to Improve Oversight of Oil & Gas Lease Fund](#)

New Web Site Showcases International Innovative Environmental Solutions

A new EPA website offers [environmental policies and best practices from countries around the world](#) including Germany, the Netherlands, Sweden and Australia.

The online global library provides links to journals, databases, guidelines, programs and case studies involving innovations in air, toxics, waste and water issues, as well as multi-media approaches, such as Environmental Management Systems, sustainable transport, smart growth and industrial ecology.

The website also provides examples of state and local partnerships with other countries and regions that have resulted in creative environmental solutions in the United States such as: constructed wetlands to treat wastewater; green buildings and renewable energy to address climate and air pollution; industrial ecology to support pollution prevention and brownfields revitalization; a list of fellowships for group and individual exchanges; and a number of resources on evaluating international initiatives.

The library will help state and local governments, federal agencies, non-governmental organizations, as well as other countries learn from these experiments.

DCNR Unveils New Interactive Rail-Trail Website

The Department of Conservation and Natural Resources [unveiled a new website](#) to promote easier use and enhanced enjoyment of a rail-trail system in Pennsylvania that has been hailed as among the most extensive in the nation.

Trail enthusiasts who enjoy the state's vast network of former rail beds-turned trails can now visit DCNR's site to find new interactive maps and updated information on many of the 96 Commonwealth rail-trails now open to public use. Trails under construction or in the planning stages also are noted.

The site will offer easy access to general trail information, parking, trail contacts, local weather conditions, photographs, trail composition, property history and an interactive mapping tool to aid in finding and traveling trails. Topographic maps will show steepness of terrain and other features, aiding hikers and bikers of all ages and abilities.

The Interactive Trail Explorer is a dynamic mapping tool that provides the user with Geographic Information System data maintained by DCNR's rail-trail program. Users can select features they want to see displayed on the map, such as cities, parks, forests, lakes or highways.

[Find a Composting Site Near You in New Online Database](#)

EPCAMR Website Victim of Hacker Attack, Site Moved Temporarily

The website for the Eastern Pennsylvania Coalition for Abandoned Mine Reclamation was the target of an attack by hackers who disabled the site. EPCAMR has temporarily moved the content of their site to www.OrangeWaterNetwork.org to continue to provide service.

Game Commission Deer Hunting Opportunities Maps on Website

Hunters looking for new antlerless deer hunting opportunities are encouraged to review the list of [Deer Management Assistance Program](#) (DMAP) properties available on the Pennsylvania Game Commission's website.

DMAP is a Game Commission program designed to help landowners manage deer numbers on their properties. Qualified landowners participating in DMAP receive a limited number of coupons - determined by acreage - that they will make available to hunters, who, in turn, may redeem them for a DMAP antlerless deer permit to hunt on the property for which they are issued. Hunters may use them during any established deer hunting season for 2004-2005.

This year, 659 properties representing 1,707,969 acres were approved for enrollment in DMAP.

Comments Solicited on Wild Resource Conservation Projects

The Wild Resource Conservation Board will hold a public hearing on August 18 in Middletown, near Harrisburg, to solicit comments on [this year's proposed grant projects](#). Questions and comments should be directed to Teresa Witmer, (717) 783-1639, tewitmer@state.pa.us or Ronald A. Stanley, (717) 783-1337, rostanley@state.pa.us.

AWWA Now Offers Online Training for Drinking Water Operators

The Pennsylvania Section of the American Water Works Association, (PA-AWWA) announced it now has available on-line training for Drinking Water Operators in Pennsylvania.

The training courses are accessed through the [PA-AWWA's website](#).

“This is a very exciting opportunity for PA-AWWA and its membership. Our program will start out with 25 Drinking Water courses, each worth one Pennsylvania Department of Environmental Protection Contact Hour. Operators will be able to complete state-of-the-art courses and earn contact hours 24/7 whether at work or in the comfort of their homes,” said Jeff Hines, the Section's Past Chair.

PA-AWWA is the first organization in the Commonwealth to offer such a program within the drinking water industry. The courses are meant to be supplemental to the operator hands-on training activities that PA-AWWA also offers. Drinking water operators are required by the state to complete several hours of continuing education in order to maintain their certification.

For additional information or to address questions you may have about the new on-line training program, contact PA-AWWA's office at 717-774-8870 or [website](#).

Waste Watcher Award Application Now Available Online

The 2004 [Waste Watcher award application](#) is now available online and nominations are due October 1.

The Waste Watcher Program recognizes outstanding recycling, waste reduction, reuse and composting programs from across the state. Awards are presented yearly to municipalities, counties, private businesses, hospitals and community organizations.

Award announcements will be made November 15.

The Waste Watcher Awards are a partnership of [Professional Recyclers of Pennsylvania](#), [Pennsylvania Waste Industries Association](#), the [Keystone Chapter of Solid Waste Association of North America](#) and DEP.

DEP Names Southwest Regional Director, Environmental Advocate

Environmental Protection Secretary Kathleen A. McGinty named Kenneth T. Bowman director of the department's Southwest Regional Office. He will oversee more than 270 employees involved with environmental regulatory programs in the 10-county area surrounding Pittsburgh.

The Secretary also named Ayanna A. King director of the Office of Environmental Advocate, which provides guidance to DEP staff, regional environmental advocates and industry representatives in matters related to state and federal civil rights issues in policy matters and environmental law.

Since 1969, Bowman has worked at DEP in a variety of positions within the southwest region. Most recently, he had been the assistant regional director and was involved in all permit coordination, emergency response and brownfields development. Prior to this post, he was attorney supervisor and assistant counsel, litigating civil environmental cases involving multiple state and federal environmental statutes. He also was chief of Engineering Services and an air pollution control engineer.

“Ken has more than three decades of experience with DEP, with experience in so many of the issues that the department must tackle each and every day,” Secretary McGinty said. “We are extremely fortunate to have someone who can take charge and ensure a seamless transition in helping the department get the environmental job done while continuing the work we already have under way to revitalize southwestern Pennsylvania.”

Bowman holds a bachelor's degree in chemical engineering from the University of Pittsburgh, where he subsequently earned a master's degree in chemical engineering. He also holds a juris doctor from Duquesne University School of Law. Bowman replaces Charles Durtisa, who retired in June after a 35-year career with the department. He had served as southwest regional director since April 1988.

King begins her post Aug. 23. She currently is executive director and consultant of the Pittsburgh Transportation Equity Project, where she is responsible for developing new projects to improve environmental impacts, advocating for dedicating funding sources and preparing policy papers and advocacy letters for legislators in the area.

Previously, she was economic development director for the Hill Community Development Corp., providing technical assistance for community-based projects and

assisting in the development of a strategic marketing plan for recruitment of new businesses to the community.

The founder of the Youth Policy Institute, a 16-week training program to teach youth how to guide social issues through the legislative process, King also was president of Ayanna’s Consulting & Concepts, which offered clients tips on communications and outreach.

Quick Clips

[Crosskill Creek in Berks and Lebanon Counties](#) – TMDL meeting, comments invited
[Hartshorn Run Watershed in Clearfield County](#) – TMDL meeting, comments invited
[Sanbourn Run Watershed in Clearfield County](#) – TMDL meeting, comments invited
[Watershed of Unnamed Tributary 44769 to the Conemaugh River in Indiana County](#) – TMDL meeting, comments invited
[Pennsylvania Cities Use More Carrot Than Stick to Boost Recycling](#)

Taking Positive Action



Greenways, the Way to Go

is a documentary project funded by the Department of Conservation and Natural Resources to highlight the many economic, recreation and conservation benefits of greenways in Pennsylvania. [GreenTreks](#) takes you across the state to meet some of the different people who are working to bring Greenways to their communities.

Conservation Districts Announce Annual Conservation Award Winners

Chesapeake Bay Clean Water Farm Award Winners Recognized

Cambria County Kids Experience “Recycling Camp” This Summer

Children in Cambria County have access to a very unique experience each summer. The typical summer camp experience of old has been in a nature setting with activities like volleyball, fishing, hiking and boating—all mixed with a little bit of camaraderie.

The Cambria County Solid Waste Authority puts a different spin on the concept of summer camp. Kid’s don’t stay overnight, and the camp lasts only 4 days, but they do learn some very important concepts and have a great time playing with some new friends.

Recycling Camp is a 4-day experience where children between the ages of 5 and 10 learn about reducing, reusing, and recycling, among many other important environmental concepts.



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The idea behind summer recycling camp is to provide the children with a better understanding of how garbage affects our daily lives. From lessons on composting to illegal dumping, the Recycling Camp experience teaches the youngsters that garbage never just goes away.

This year's camp, dubbed "Recycling Camp 2004" by CCSWA Education Coordinator, Tim Dull II, carried on the long-standing tradition of offering up fun activities for children that they might not find at any other summer camp. Although this was Dull's first experience in a summer camp environment, the children all had a great time making crafts from ordinary items found around the house.

Throughout the 4-day experience, children reused CD's to make Dreamcatchers, egg cartons and plastic bags to make flowers and soup cans to make cat and elephant pencil holders. The students experienced a first-hand look at a mock-recycling process by transforming shredded bits of used paper into recycled paper plant pots which can be used and planted straight into the ground.

When asked what their favorite part of "Recycling Camp 2004" was, Maria (age 5) replied, "crafts, and I liked making paper the best...it was fun mushing it up." Ryan (age 8) said the "Tim, the teacher" was his favorite part.

"I was very pleased with the results of the camp," says Dull. "The kids were able to relate the various waste problems to their own lives and experiences and come up with some very interesting ideas to curb the problems. Some of their solutions were really good."

Cambria County's recycling education campaign includes school presentations, quarterly newsletters, and maintaining the [Cambria County Solid Waste Authority's website](#). Preparations for Recycling Camp 2005 are already in the works.

(Thanks to Tim Dull for this contribution and photo.)

Watershed NewsClips

[Biological Control Successful Against Invasive Plant](#)

[Loyalhanna Watershed Association Stream Team Receives OSM Grant](#) [Volunteers Work to Stop Stream Bank Erosion](#)

[Friends of Poquessing Watershed Have Vision for Park](#)

[Bacteria Level Down in Monoshone Creek, But Not Enough](#)

[Stillerman Memorial Dedicated in Tioga County](#)

[Stormwater, BMP Tour at Villanova Aug. 17](#)

[Update on Citizens Volunteer Monitoring Program Information Exchange](#)

[Corps Gives OK to Wilkes-Barre Riverfront Project](#)

[Slaughterhouse Creek Watershed Restoration Plan is Outlined](#)

[Pennridge Municipalities Grant to Protect Well Water](#)

[Pennypack Creek Watershed Study Could Revise Flood Insurance Rates](#)

[DEP/Conservation Commission Awards \\$3.5 Million in Dirt, Gravel Road Grants](#)

[Cook's Creek Watershed Association Helps Rescue Covered Bridge](#)

[Bradford County Watershed Groups Credited With Fixing Creeks](#)

[Alligator River and Pea Island National Wildlife Refuges Feature PA Student Work](#)

Regulations

August 17 EQB Meeting Features Water Quality, Lab, Clean Air Rules

Environmental Quality Board [meeting agenda](#) will include: Final - Triennial Review of Water Quality Standards; Proposed - Environmental Laboratory Accreditation Final - Small NOx, Stationary Internal Combustion Engines and Cement Kilns. Agenda and meeting packet items are posted on the [EQB meeting page](#).

Final-Form Drinking Water Disinfection Byproducts Rule Published August 14.

DEP Asks for Comment on Concentrated Animal Feeding Operations Rules

The Environmental Quality Board proposed regulations to conform current Department of Environmental Protection regulations to the revised Federal [regulations for concentrated animal feeding operations](#) (CAFOs) were published for public comment by November 5.

The proposed regulation makes substantive and organizational changes to existing regulations for agricultural operations in PA. Of note, the definition of "CAFO" was expanded to include all operations defined by Federal regulations as large CAFOs and a stream buffer/manure application setback provision was added in Chapter 91 (relating to general provisions). The proposed regulation also includes specific setback and buffer requirements for CAFOs.

The Department will hold two public informational meetings on this proposed regulation in conjunction with the meetings scheduled for the revised nutrient management regulations at 6:30 p.m., September 13, at the Holiday Inn, 5401 Carlisle Pike, Mechanicsburg and at 6:30 p.m., September 16, at the Ramada Inn, 191 United Road, DuBois.

The Board will hold two public hearings coordinated with the revised nutrient management regulations at 7 p.m. on October 13, at the Holiday Inn, 5401 Carlisle Pike, Mechanicsburg and October 14, at the Ramada Inn, 191 United Road, DuBois.

Persons wishing to present testimony at a public hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 at least 1 week in advance of the hearing to reserve a time to present testimony.

Nutrient Management Rule Changes Adds Phosphorous to Program

The State Conservation Commission [proposed changes to nutrient management regulations](#) for public comment by October 6.

Nutrient management plans (NMP) are required to be developed by nutrient management specialists certified by the Department of Agriculture. Nutrient management planning responsibilities are set forth in detail in this proposed rulemaking, including minimum standards for the construction, location, storage capacity and operation of animal manure storage facilities on agricultural operations.

The proposed regulation will result in a cost increase (estimated at 50 percent) for the development of plans required under the act.

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The Commission will hold two public informational meetings from 7 p.m. to 9 p.m., date presently unknown.

The Commission will hold two public hearings to accept comments on October 13, at the Holiday Inn, 5401 Carlisle Pike Mechanicsburg, and on October 14, at the Ramada Inn, Dubois. These hearings will begin at 6 p.m. Persons wishing to present testimony at a public hearing should contact Douglas Goodlander, (717) 787-8821 at least 1 week in advance of the hearing.

Comments may be sent to the State Conservation Commission, Agriculture Building, Room 405, 2301 North Cameron Street, Harrisburg, PA 17110 by October 6, 2004. Interested persons may also submit a one page summary of their comments to the Commission.

DEP Proposes Exemption From Coating Regulation

DEP published a notice August 7 proposing to [except certain swimming pool coatings](#) from air pollution control regulations. Public comments are due October 18.

[Pennsylvania Bulletin – August 7, 2004](#)
[Pennsylvania Bulletin – August 14, 2004](#)

[Comment Deadlines Open](#)

[Copies of Proposed Regulations](#)

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

Technical Guidance & Permits

DEP published the availability of [six draft and one final guidance documents](#) on August 7 on: compliance/enforcement procedures; coal civil penalties; explosives program compliance/enforcement; deep mine safety compliance/enforcement procedures; oil and gas management compliance/enforcement procedures; compliance monitoring of oil and gas wells and related facilities; and final guidance on noncoal civil penalty assessments. [Full Story](#).

[For copies of Draft Technical Guidance](#)

[For copies of Final Technical Guidance](#)

Calendar of Upcoming Events

- **August 20-** [Joint Conservation Committee](#) hearing on aquaculture. Mount Pocono.
- **August 25** – Senate Environmental Resources & Energy Committee hearing on timber theft. Franklin.
- **August 26** – [Joint Conservation Committee](#) meeting of Forestry Task Force. State College.
- **Aug. 31-Sept. 1** – [Renewable Energy Conference. Seven Springs](#).
- **Sept. 8** - Senate Environmental Resources & Energy Committee hearing on incentives for using coal waste. Burgettstown.
- **Oct. 26-27** – [Watershed Specialists Training](#). State College
- **Oct. 27-28** – [Conservation Districts Conservation Expo](#). State College.

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

Helpful Web Links

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

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

Contributions Invited

Send your stories about environmental issues, programs and positive actions to **PA Environment Digest** - 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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