

PA Environment Digest

An Update on Environmental Issues In Pennsylvania

Edited By David E. Hess, Holston & Crisci

June 28, 2004

Next week the General Assembly hopes to wrap up next year's budget in what will probably be marathon sessions. There is apparent agreement on slots at race tracks, with property tax relief coming together and perhaps sewer and water funding.

Still unknown is how much of the Governor's environmental funding proposal will survive this round of budget discussions.

Take a break this week to look in on [Rachel's falcons](#) taking their first flights.

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On the Hill

Senate Approves 3 Bill Environmental Package, Plus Fireworks Bill

Legislation on environmental education, the PA Senior Environment Corps, creating an Office of Energy and Pollution Reduction in DEP and regulating fireworks were all unanimously approved by the Senate this week.

[Senate Bill 1040](#) (MJWhite-R-Venango) restores funding to [PA Center for Environmental Education](#) that was cut by the Rendell Administration this year;

[Senate Bill 1042](#) (Erickson-R-Delaware) creates a permanent Office of Energy and Pollution Reduction in DEP to help individuals, small businesses and local governments install equipment and processes that reduce energy use and pollution, creates an annual Rachel Carson Environmental Excellence Award and requires DEP to create an environmental compliance report card;

[Senate Bill 1041](#) (Pippy-R-Allegheny) restores funding to [PA Senior Environment Corps](#) cut by the Rendell Administration this year; and

[Senate Bill 856](#) (Madigan-R-Bradford) regulates fireworks.

The bills now go to the House for consideration.

House Passes Sewer-Water Project Funding Bill, Moves Senate Bill

The House amended and then passed [House Bill 2690](#) (Weber-R-Montgomery) that would create a sewer and water project funding program to spend the \$250 million approved by voters in the Primary Election. This bill now moves to the Senate for consideration.

A number of amendments were added and shot down. Defeated were attempts to move the program to PennVEST, to use the funds to offset operating expenses and to increase the grant caps. Added were provisions to emphasize projects that redevelop or reuse developed land, nutrient reduction technology and language needed to float and administer the bond program.

At the same time the House Commerce Committee considered [Senate Bill 1102](#) (Gordner-R-Columbia) establishing the same program. The Committee amended the bill to include projects designed to deal with health and environmental concerns, as well as economic development projects. This bill now moves to the full House for consideration.

Rep. Argall (R-Schuylkill), chair of the House Appropriations Committee said, “I anticipate in the coming weeks that this legislation (sewer and water funding) will be finalized to give state and local governments the ability to move forward in financing many vital water and wastewater improvements.”

House Passes Incentives for Alternative Energy Suppliers, Senate AFIG Bill Moves

The House unanimously passed [House Bill 121](#) (Bard-R-Montgomery) which gives qualified businesses tax credits equal to 30 percent of the cost of capital equipment used to produce alternative energy for a period up to 15 years. Electricity generated by a qualified business at its facility either sold at wholesale or at retail or consumed by the qualified business would be exempt from sales and use tax.

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The program would be allocated \$30 million in tax credits for which Pennsylvania companies could apply.

The measure also establishes the Pennsylvania Clean Energy Fund to provide low-interest loans to finance the development and operation of a qualified alternative energy company. The fund also could be used by school districts, local governments, and not-for-profit organizations to purchase renewable energy equipment. The fund would be financed by a one-time \$5 million transfer from the existing Alternative Fuels Incentive Grant Fund (AFIG).

[Senate Bill 255](#) (Tomlinson-R-Bucks) making changes to DEP's Alternative Fuels Incentive Grant Program was reported from the House Appropriations Committee this week and is in position for a final vote by the House.

Reminder: the next opportunity to apply for [AFIG Grants](#) will be in July.

Point, Counterpoint on Green Proposals, Money Still Flows to Growing Greener

Hundreds of farmers, business people, hunters, anglers, conservationists, environmentalists and students joined in a rally in the Capitol Rotunda this week urging support for Gov. Rendell's \$800 million [Growing Greener III Initiative](#).

Shouting, "Let us vote! Let us vote!," participants called on legislators to pass legislation authorizing the bond vote by the end of June so it can appear on the November ballot.

"The rally showed there is wide support for this initiative," said Jan Jarrett, Director of Outreach for PennFuture, organizers of the rally. " Polls show 71 percent of Pennsylvanians support this proposal and today's rally is evidence of that. It was one of the biggest environmental rallies I can remember and it was really gratifying to see real people take time out of their day to come to Harrisburg in person to support it. The message is simple: Let us vote!"

A competing poll released this month conducted by Public Opinion Strategies for the Pennsylvania Waste Industries Association (PWIA) shows that 71 percent oppose the environmental bond issue, once they understand it would ultimately be paid for by homeowners and businesses.

In addition to the rally, DEP Secretary Kathleen McGinty sent out a special email Update newsletter urging supporters to contact their legislators to vote for the Governor's proposal.

"In numerous press accounts, Legislative leaders repeatedly assert that Growing Greener still has \$700 million in authorized expenditures. Here's the bottom line: DEP will have only \$5 million to \$8 million in grant money to support the fabulous work of watershed groups this coming fiscal year. That's down from a program that has offered nearly \$40 million in watershed group support annually.

"So the message is this: If the Legislature fails to support the Governor's initiative, most watershed groups will be left high and dry this year. We simply will not have the funds to offer.

"We at DEP have been like a broken record with this message. But still our warnings seem not to be heeded. We have not been popular in sounding this alarm. But we will be even more unpopular when so many grant applications will have to be denied for insufficient funds because the Governor's proposal was not passed by the Legislature.

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“All of us over the years have stood up to celebrate the good work our watershed groups do. Now we need to stand up to ensure the funds are there for our volunteers. The stakes are high for Pennsylvania’s environment and economy.”

Reactions

Sen. Brightbill’s office this week released this reaction to DEP’s special email, “Secretary McGinty made a conscious decision earlier this year to reduce the number of grant *announcements* in fiscal years 04-05 and 05-06. By choosing to temporarily reduce the amount of grant announcements now, Secretary McGinty stated in her February 10, 2004 testimony to the House Environmental Resources & Energy Committee, DEP is “on course to become whole again by the end of the 2005-06 fiscal year”.

“In summary, while the number of new *announcements* may decrease, the amount actually being expended on Growing Greener projects is still on par based on our earlier projections.”

Growing Greener Dollars Still Flowing

For the current fiscal year 2003-04, DEP has \$40 million to spend from the Environmental Stewardship (Growing Greener) Fund, DCNR has \$25.8 million, Agriculture \$15.8 million for farmland preservation and \$25.3 million for sewer and water project funding, according to the Governor’s Budget Office.

DEP has budgeted to spend its \$40 million this way-- \$31.6 million for watershed protection and remediation projects, \$2 million on oil and gas well plugging, \$2.3 million on abandoned mine reclamation and \$4 million on sewage and drinking water grants.

For fiscal year 2004-05, DEP will have a total of \$31.5 million to spend from the Environmental Stewardship Fund, in years 2005-06 through 2012, DEP will have \$38.5 million annually. DEP has not yet release information on how they would spend these monies in the coming years.

Here’s the full history and future of funding available to DEP through Growing Greener as it is now authorized--

1999-00 - \$37.53 million	2006-07- \$38.46 million
2000-01 - \$50.49 million	2007-08- \$38.46 million
2001-02 - \$31.79 million	2008-09- \$38.46 million
2002-03 - \$40.24 million	2009-10- \$38.46 million
2003-04 - \$38.52 million	2010-11- \$38.46 million
2004-05 - \$31.25 million	2011-12- \$38.46 million
2005-06 - \$38.46 million	

Gov. Rendell’s environmental spending plan, which builds on the work of previous administrations, relies on a voter-approved \$800 million bond issue that would be paid for with a mix of fees on businesses that create waste and pollution.

In addition, the proposal also calls for additional spending to replenish the Hazardous Sites Cleanup Fund, finance local government planning initiatives and fund a sales tax holiday on ceiling fans and appliances meeting Energy Star energy standards.

Senator White Responds

In response to statements made by speakers at the press conference, Sen. Mary Jo White, chair of the Senate Environmental Resources and Energy Committee, shared her perspectives on the Governor’s proposal in a letter to one of the participants...

“As chair of the Senate Environmental Resources & Energy Committee, I was proud to sponsor Governor Ridge’s historic Growing Greener initiative in 1999.

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Legislators worked in a bipartisan fashion, particularly in the Senate, to create a program that represented the single largest investment in environmental protection and restoration in the Commonwealth's history.

“...Pennsylvania faced financial difficulties beginning in 2000. As a result, funding for Growing Greener was reduced for two fiscal years. However, in exchange for these short-term reductions the General Assembly adopted Act 90 of 2002. Act 90 imposed a \$4/ton tax on waste disposal, and directed these funds to Growing Greener. Contrary to the inflammatory and derogatory comments of Representative George, Growing Greener was not “diluted, doomed, stolen and raped” – but rather significantly expanded to a 13-year, \$1.24 *billion* investment. Approximately \$704 million *remains* to be spent between now and 2012.

“Act 90 was passed under the watch of a Republican Governor and a Republican-controlled General Assembly. Republicans did not grudgingly vote for it because a Democrat forced them to – we did so because it was the right thing to do, and because we recognized the needs that existed all across Pennsylvania. In my view, this tremendous investment does represent the “meaningful, permanent” investment you called on the General Assembly to enact today. To review some of the successes already achieved by Growing Greener, I invite you to visit www.growinggreener.org.

“There are aspects of the Governor's proposal that we recognize need to be addressed. Funding for the Hazardous Sites Cleanup Fund (HSCF) has been repealed, and must be replaced. However, contrary to the Governor's statement today, this fund has not been depleted at this very moment. The Governor's Budget Office projections for funding of the HSCF show that even if the bond and accompanying fee increases are not approved, HSCF can still expend as much money (\$62.7 million) as requested by the Administration for fiscal year 2004-2005 and conclude the fiscal year with an \$18 million balance. I do not suggest doing nothing is an acceptable course of action – but it is imperative to counter the rhetoric that HSCF is out of money on July 1, 2004.

“... if we are truly in search of a reliable source of future funding for HSCF, it should not be tied to a new Toxic Release Inventory (TRI) fee – given the fact that TRI reports have gone down substantially in recent years. The Governor's own projections show that even if both the bond and accompanying fee increases are approved, HSCF *still* returns to a negative balance by 2008. Clearly, this is not a long-term solution. The Senate-passed version of the budget included \$10 million in new money for HSCF for the 2004-2005 fiscal year. This will give the General Assembly an opportunity to consider several long-term strategies for preserving HSCF beyond 2008 – something that should not be rushed in the next eight days.

“I am disappointed in ... the endorsement of the concept that we should “make the polluters pay....” In some cases, TRI components are produced as a byproduct of cleaning up the environment or complying with environmental regulations (i.e. fly ash from coal-powered generation or benzene extraction from fuel). Some are not even regulated by the government as being harmful in the quantities reported by the TRI. Most Pennsylvania businesses meet and exceed some of the strictest environmental regulations in the nation. They are good environmental stewards. If certain environmental standards need to be beefed up, we should do so – but we should not call people who comply with the law “polluters”.

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“I know from my experience in the Senate that my Republican colleagues care deeply about the environment. In addition to Growing Greener, we have a host of other environmental achievements over the past few years of which all Pennsylvanians can be proud. We will continue these efforts by pursuing policies that make environmental, fiscal and economic sense.”

One piece of the Governor’s Growing Greener proposal is moving. The Senate Finance Committee this week reported out [Senate Bill 765](#) (C.Williams-D-Montgomery) that would exclude ceiling fans, fluorescent lights and certain energy saving appliances from sales tax through 2008-09 fiscal year.

NewsClip: [Rendell Pushes Hard to Get Funding for Environment Lawmakers Urge Voters to Sign Petition in Support of GG III](#)

PA Businesses Reduce Off-Site Releases by Over 11 Percent in 2002

This week the U.S. Environmental Protection Agency announced the release of its [2002 Toxic Release Inventory](#) report which shows an 11 percent decline in off-site disposal and release of chemicals for businesses in Pennsylvania from 66.3 million pounds to 58.9 million pounds. Overall on-site and off-site disposal and releases declined 8.1 percent from 184 million pounds to 169 million.

Nationally, there was a 15 percent decrease in total disposal and other releases into the environment largely attributable to a court decision that affected reporting by the metal mining sector. Without metal mining, there was a 5 percent increase from 2001 to 2002, primarily due to reporting by one facility in Arizona, according to Kim Nelson, Chief Information Officer for EPA.

Looking at the overall history of TRI, trends analysis shows chemical releases decreased 49 percent since the inception of TRI in 1988.

TRI tracks the chemicals and industrial sectors specified by the Emergency Community Right to Know Act of 1986 and its amendments.

Gov. Rendell has proposed funding his environmental initiative in part on chemicals reported on EPA’s Toxic Release Inventory.

NewsClips: [EPA Toxic Emissions Rose in ‘02](#)
[Toxic Emissions Rising EPA Says](#)
[Toxic Releases Increase in 2002](#)

High Natural Gas Costs Make Renewable Energy More Competitive Senate Told

Witnesses agreed, the high cost of natural gas is making renewable sources of electric generation more competitive for electric generators with renewables serving as a hedge against higher electric bills for customers in the future.

These comments came at a hearing this week by the Senate Environmental Resources and Energy Committee on renewable portfolio standards (RPS) legislation pending in the Senate.

The Committee heard from Douglas Biden, President of the Electric Power Generation Association, Lance Miller from the New Jersey Board of Public Utilities, PUC Chairman Terrance Fitzpatrick, Joseph Vasturia of the Delaware County Solid Waste Authority, Timothy Hartman of the Waste System Authority of Eastern

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Montgomery County, Sonny Popowsky, the PA Consumer Advocate, Nathan Wilcox of PennEnvironment, Peter Rigney of the Scrubgrass Generating Plant in Venango County and J. Michael Love of the Energy Association of PA.

Representatives of the Electric Power Generation Association (generators) and Energy Association (distributors of power) both told the Committee the high cost of natural gas has narrowed the cost differences between renewable sources of generation, in particular wind energy.

The state's Consumer Advocate, Sonny Popowsky, pointed to a [Colorado study](#) that found including renewables through an RPS standard could actually save consumers money over the longer term because of the high cost of natural gas now and the cost of renewables coming down in the future.

And everyone agreed the cost of natural gas was not coming down any time soon.

Natural gas holds a strategic place in electric generation portfolios because it has been used increasingly to help meet stricter environmental standards, replacing dirtier sources of generation on the grid and with distributed energy users, and to fuel peak load generators that kick in when demand is high.

Several witnesses pointed out energy providers are already investing and delivering electricity from renewable sources now.

Chairman Fitzpatrick said it was a pleasant surprise to see how more than 100,000 customers bought green power after electric deregulation in Pennsylvania in 1996 gave them that option.

“It has certainly not escaped our notice that 20 percent of the customers in Pennsylvania who have chosen a generation supplier other than their local utility have demonstrated a willingness to pay a premium for renewable energy,” said Biden. “We expect that trend to continue and create a greater demand for renewable energy as the retail electricity market continues to develop.”

Biden noted if a “pure” renewable standard was adopted, wind power would be the most cost-competitive for utilities to use to meet the RPS standard. Wind power capacity would have to be increased from the 129 megawatts in place now (a few dozen wind mills) to over 9,400 megawatts. There are now about 6,300 megawatts of wind power in the entire United States.

Love pointed out that installation of renewable energy capacity was many times not under the control of the generator.

“Local zoning is an issue that impacts construction of any generating unit, renewable or not,” said Love. “There have been recent actions where communities in other states have turned down construction permits for wind, coal, and gas-fired units. Renewable hydro stations have been destroyed because certain groups were able to secure consideration of fishing rights over renewable energy.”

He also pointed out it was not only the generating units themselves, but also local restrictions and opposition to construction of the power lines needed to connect these facilities to the grid.

The timing of when to impose an RPS was a concern to several witnesses.

Chairman Fitzpatrick noted companies in Pennsylvania now are subject to rate caps and cannot increase their rates to pay for the increased cost of electricity from renewable sources. He suggested either waiting until the caps come off or including a cost recovery mechanism in the RPS legislation.

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Fitzpatrick did comment in response to a question that he thought companies could implement an RPS without raising rates significantly—from 1 to 3.5 percent, although Committee Chair Sen. Mary Jo White took issue with that saying that was significant to many of her constituents.

Cost recovery was also recommended by the Electric Power Generation Association, Energy Association and the Pennsylvania Consumer Advocate, especially if the RPS is implemented before the caps go off.

Popowsky proposed implementing an RPS now, phasing it in over time, but not have it actually take effect until the caps come off so companies could recoup their costs.

Most witnesses argued for a broader definition of “renewable energy” to take advantage of Pennsylvania’s own resources and environmentally beneficial processes like eliminating coal waste piles by burning them to produce electricity. Two witnesses said waste-to-energy facilities and landfill gas recovery should also be included.

Nathan Wilcox from PennEnvironment argued for a very narrow definition for renewable that does not include coal waste or waste-to-energy.

Lance Miller from the New Jersey Board of Public Utilities said they have been successful encouraging their solar power industry through RPS and a series of grant and subsidy programs. They’ve seen a 550 percent increase in solar production to 2.4 megawatts in the last two years. New Jersey also charges a social benefit fee of about \$10 a year on all electric customers to help finance these programs.

Sen. White said the first two hearings on RPS provided the Committee with valuable information about the potential costs, benefits and impacts of a standard and she expected to schedule more hearings in the next few months.

Pending RPS legislation includes [Senate Bill 1030](#) (Erickson-R- Delaware), [Senate Bill 962](#) (Ferlo-D-Allegheny) and [House Bill 2250](#) (Ross-R-Chester).

Quick Updates

Manure Hauler Certification: [House Bill 1809](#) (Egolf-R-Perry) creating a commercial manure hauler and broker certification program in the Department of Agriculture was approved by the House this week and sent to the Governor for his action. The legislation is designed to help make sure manure is applied to land in Pennsylvania in compliance with nutrient management program requirements, especially manure coming in from other states. The Governor has until July 2 to act on the bill.

State Forest Name: The Senate Environmental Resources & Energy Committee reported out [Senate Bill 1160](#) (Gordner-R-Columbia) naming the Wyoming State Forest in Columbia and Northumberland counties after former Senator Ed Helfrick.

Joint Conservation Committee Newsletter: Checkout this month’s issue of [Environmental Synopsis](#) by the Joint Legislative Air and Water Pollution Control and Conservation Committee. It features a commentary by Rep. Scott Hutchinson (R-Venango), Chairman, on energy prices, a review of aquaculture, the jobs potential of renewable energy development, PA rivers added to the endangered rivers list and more.

In Other News

DEP Secretary Announces Key Appointments

Attorney General's Report Finds No Collusion in Emissions Test Pricing

Green Building Alliance Sponsors Breakfast on Green Roofs

The Green Building Alliance in Pittsburgh is sponsoring a [Green Roof Breakfast Seminar](#) on how green roofs can offer better stormwater management, improved roof durability and reduced heat retention.

The program will discuss current technologies and systems, region specific issues for green roof implementation, maintenance and performance of existing local examples and plans for new green roofs and their evaluation.

[Visit the event website](#) for more information on speakers after July 1.

Lehigh Carbon Community College to Offer Watershed Training

Lehigh Carbon Community College (LCCC) will offer an Environmental Workforce Training Program this fall at its Carbon Center, 24 E. Locust St., Nesquehoning. Ten scholarships will be offered through a Growing Greener Grant.

This 220-hour comprehensive environmental program will focus on the Nesquehoning Creek Watershed. Emphasis will be placed on field work and sampling for chemical/physical analysis. Basic water chemistry, sampling, analytical techniques, and data reporting will be taught. The instructor is Arthur Larvey, who holds a bachelor's degree in chemical engineering and is retired vice president-environmental of Zinc Corp. of America. The class will include guest speakers, tours, and referrals to area employment opportunities.

Beginning on Sept. 20, class will meet 6-9 p.m. Mondays and Wednesdays at the Carbon Center with sampling at the creek 9 a.m. to 3 p.m. on some Saturdays. A mandatory orientation session will be held at 5 p.m. Aug. 4 at the Carbon Center.

◇ For more information, contact Francine Kluck at 570-669-7010, ext. 1975.
(from DEP Update, 6/25/04)

Taking Positive Action



Check Out These Governor's Award Winners for Ideas on What You Can Do

Community Makes Possible Codorus Clean-Up and Codorusfest

[Mid-Atlantic Renewable Energy Coalition Promotes Green Energy Purchases](#)

[Penn State Students Among Winners of Future Truck Competition](#)

Sign Up for Your Daily Dose of Western PA's Environment

The Western Pennsylvania Conservancy offers a daily dose of the environment of Western Pennsylvania through pictures and interesting facts direct to your email box. To celebrate the beauty of our environment, [sign up online](#). The pictures are beautiful and the facts make you think!

Watershed NewsClips

[Reliant's \\$800M Plant Will Power Homes From Coal Waste](#)

[New Road Has New Twist Helping Treat Mine Drainage](#)

[Moshannon Creek Coalition Offers to Monitor Streams in I-99 Corridor](#)

[Great North American Secchi Dip-In](#)

[Pennsylvania Boasts Nation's Largest CREP Program at National Conference](#)

[Bay Group Tours Stream, Floodplain Restoration Projects in Lancaster County](#)

[PA Field Guide to Invasive Plants Offered](#)

[Group Releases Reference on Nation's Clean Water Programs](#)

[Do Fish Have Water Rights?](#)

[Pennsylvania Awash With Floodplains](#)

[Giant Filter Bay Set to Begin Work Treating Acid](#)

[Stream's Woes Blamed on Runoff](#)

[Audubon Book Highlights County's Natural Treasures](#)

[Breaking Up Habitat Endangers Wildlife](#)

[Out-of-Sight Prices for a Water View](#)

[Creative, Complex Mine-Drainage Project Better Protects Lehigh River's Water](#)

Regulations

On June 24 the [Independent Regulatory Review Commission](#) approved the Department of Agriculture's Final Regulation on the Application of Soil and Groundwater Contaminated with Agricultural Chemicals to Agricultural Lands (Reg # 2-116 IRRC #2267). The next meeting of the Commission is July 15.

[Pennsylvania Bulletin – June 26, 2004](#)

[Comment Deadlines Open](#)

[For copies of Proposed Regulations](#)

[Status of Regulations and Six-Month Regulatory Calendar](#)

Technical Guidance & Permits

- Final Title: Technical Reference Guide WQM 7.0 for Windows Allocation Program for Dissolved Oxygen and Ammonia Nitrogen Version 1.0. DEP ID: 391-2000-007. (This document is not yet posted on DEP’s website.) [Notice](#).
- Issuance of [General Permit BWM-GP-11](#) for Maintenance, Testing, Repair, Rehabilitation or Replacement of Water Obstructions and Encroachments and 401 Water Quality Certification

[For copies of Draft Technical Guidance](#) [For copies of Final Technical Guidance](#)

Calendar of Upcoming Events

- June 29. [Policy and Integration Subcommittee of the State Water Plan Statewide Water Resources Committee](#) to discuss the development of the State Water Plan.
- July 2. [Cleanup Standards Scientific Advisory Board Subcommittee](#) on Attainment to discuss issues related to developing guidance on the assessment and removal feasibility of nonaqueous phase liquids (NAPL) from groundwater.
- July 12. [Cleanup Standards Scientific Advisory Board Risk Assessment Subcommittee](#) will meet on development and review of the reference dose values of resorcinol (CAS # 108-46-3) and medium-specific concentrations for resorcinol.

[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 new and changing state government programs and services to **PA Environment Digest** to: DHess@HolstonCrisci.com .

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