

Conservation Committee Report

Volume 18 Issue 1

Jack Walters—Conservation Chairman

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Pennsylvania Residents Urged to Test Homes for Radon

The Conservation Pledge

I give my pledge as an American to save and faithfully defend from waste, the natural resources of my country; the soil, the water, the air, the minerals, the plant life and the wildlife.

This is my Pledge!

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The Department of Environmental Protection (DEP) today urged all Pennsylvanians to test their homes for radon, a deadly radioactive gas that's the leading cause of lung cancer in non-smokers in the United States. DEP also urged residents to take action to reduce radon levels in their homes if they are high.

"Due to our geology, radon is found everywhere in Pennsylvania. For that reason, we urge residents to test their homes to protect themselves and their family's health," said DEP Secretary John Quigley. "Winter is the best time to test your home for radon because doors and windows are typically closed and tightly sealed, producing the

most accurate results."

January is Radon Action Month, and a great time to test. The U.S. Environmental Protection Agency sets the "action level" for radon at 4 picocuries per liter (pCi/L) of air. Residents with levels at or above that

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DEP Offers Rebates for Alternative Fuel Vehicles

The Department of Environmental Protection (DEP) is offering rebates to Pennsylvania residents to assist with the cost of purchasing an alternative fuel vehicle.

"Alternative fuel vehicles are good for

the climate and are a part of building a sustainable Pennsylvania," DEP Secretary John Quigley said. "We encourage everyone to consider these renewable and clean technologies."

These rebates are funded by the Alter-

native Fuels Incentive Grant Program, which is supported by a gross receipts tax on utilities. To qualify, the vehicle must be registered in Pennsylvania, operated primarily in-state, and be purchased

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Pennsylvania Residents Urged to Test Homes for Radon

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figure should take steps to lower them.

Testing for radon is the only way to know if a home, school, workplace or other structure has elevated concentrations of radon. Test kits can be purchased at most hardware or home improvement stores at an average cost of \$15 to \$25 per test. If you are uncomfortable doing the testing yourself you can hire a state-certified radon tester, or if you are selling your home and want a radon test, it is best to hire a certified tester. The cost of a mitigation system typically ranges around \$1,000.

Pennsylvania law requires all radon service providers, such as radon testers, radon mitigators and radon laboratories to be certified by DEP. The list of Pennsylvania-certified radon service providers is updated monthly and available on DEP's website. You can also obtain a hard copy of the directory or verify a company's certification by calling 800-23RADON.

In 2014, the highest radon level ever recorded in the U.S. was found in a home in Lehigh County. The concentration measured was 3,715 pCi/L, more than 900 times EPA's action level of 4 pCi/L. DEP recommended the owners vacate their home until it could be remediated to safe levels.

"Approximately 20,000 lung cancer deaths per year are attributable to radon exposure so the threat is very real," said Secretary of Health Dr. Karen Murphy. "Radon exposure combined with smoking is a particularly lethal combination so we encourage everyone to take steps to reduce their risk."

If you are building a new home, DEP recommends installing a passive radon system during construction. If high radon levels are found when the home is completed, a fan can be readily installed. There are good reasons to install a radon system during construction:

There is no reliable way to test the ground in advance for radon.

The average residential radon level in Pennsylvania is 7-8 picocuries per liter.

The cost of installing the radon system during construction should be less than installing one after the fact.

Building the radon system internally should keep aesthetics of the home intact. If radon is not addressed during construction, an outside radon system may be required if the radon test comes back greater than 4 picocuries per liter.

For people buying or selling a home, Pennsylvania's Real Estate Seller Disclosure Act requires sellers to disclose the results of any known radon testing. DEP's website lists radon testing options for real estate transactions

DEP, in cooperation with Commonwealth Media Services, has produced a public service announcement about the importance of radon testing. The PSA is currently airing on Pennsylvania, television and radio stations during January. The PSA is available on DEP's YouTube Channel.

For more information about radon testing and radon resistant construction, visit DEP's website at www.dep.pa.gov/radon.

Source: PA Department of Environmental Protection (DEP)

DEP Offers Rebates for Alternative Fuel Vehicles (continued)

no more than six months before the rebate application is submitted.

Large-battery vehicles are eligible for a rebate of \$2,000 (examples include models such as the Nissan Leaf, Ford Focus, Chevy Volt, and similar models from BMW and Tesla. DEP is also offering rebates of \$1,000 for plug-in hybrid electric vehicles and battery-electric vehicles (examples include the Toyota Prius plug-in, Ford C-Max Energi, Ford Fusion, and Honda Accord).

Rebates of \$1,000 are also being offered for natural gas, propane, hydrogen or fuel-cell vehicles, such as the CNG powered Honda Civic or any new CNG powered car or pickup truck. CNG original equipment, manufacturer retrofits, or certified conversions to CNG or propane are also eligible for the \$1,000 rebate. A \$500 rebate is available for electric motorcycles and scooters.

There are only a limited number of rebates available at \$2,000. The rebate program offered will be reassessed upon payment of the first 250 rebates at \$2,000 or June 30, 2016, whichever occurs first.

For more information on the types of eligible vehicles and to apply for a rebate, click [here](#).

Source: PA Department of Environmental Protection (DEP)

United States Files Complaint Against Volkswagen, Audi and Porsche for Alleged Clean Air Act Violations

The U.S. Department of Justice, on behalf of the U.S. Environmental Protection Agency, today filed a civil complaint in federal court in Detroit, Michigan against Volkswagen AG, Audi AG, Volkswagen Group of America, Inc., Volkswagen Group of America Chattanooga Operations, LLC, Porsche AG, and Porsche Cars North America, Inc. (collectively referred to as Volkswagen). The complaint alleges that nearly 600,000 diesel engine vehicles had illegal defeat devices installed that impair their emission control systems and cause emissions to exceed EPA's standards, resulting in harmful air pollution. The complaint further alleges that Volkswagen violated the Clean Air Act by selling, introducing into commerce, or importing into the United States motor vehicles that are designed differently from what Volkswagen had stated in applications for certification to EPA and the California Air Resources Board (CARB).

"With today's filing, we take an important step to protect public health by seeking to hold Volkswagen accountable for any unlawful air pollution, setting us on a path to resolution," said Cynthia Giles, assistant administrator for enforcement and compliance assurance at EPA. "So far, recall discussions with the company have not produced an acceptable way forward. These discussions will continue in parallel with the federal court action."

"Car manufacturers that fail to properly certify their cars and that defeat emission control systems breach the public trust, endanger public health and disadvantage competitors," said Assistant Attorney General John C. Cruden for the Justice Department's Environment and Natural Resources Division. "The United States will pursue all appropriate remedies against Volkswagen to redress the violations of our nation's clean air laws alleged in the complaint."

"VW's illegal defeat devices have resulted in thousands of tons of excess NOx emissions in California, a state where more than 12 million people live in areas that exceed air quality standards set to protect public health," said CARB Chair Mary D. Nichols. "The California Air Resources Board is fully coordinating its investigation with the federal EPA and DOJ to address the environmental harm VW has caused."

Consistent with EPA's Notices of Violation, issued on September 18, 2015 for 2.0 liter engines, and November 2, 2015 for certain 3.0 liter engines, the complaint alleges that the defeat devices cause emissions to exceed EPA's standards during normal driving conditions. The Clean Air Act requires vehicle manufacturers to certify to EPA that their products will meet applicable federal emission standards to control air pollution. Motor vehicles equipped with illegal defeat devices cannot be certified.

The complaint alleges that Volkswagen equipped certain 2.0 liter vehicles with software that detects when the car is being tested for compliance with EPA emissions standards and turns on full emissions controls only during that testing process. During normal driving situations the effectiveness of the emissions control devices is greatly reduced.

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United States Files Complaint Against Volkswagen (continued)

This results in cars that meet emissions standards in the laboratory and at the test site, but during normal on-road driving emit oxides of nitrogen (NOx) at levels up to 40 times the EPA compliance level. In total, the complaint covers approximately 499,000 2.0 liter diesel vehicles sold in the United States since the 2009 model year.

The complaint further alleges that Volkswagen also equipped certain 3.0 liter vehicles with software that senses when the vehicle is undergoing federal emissions testing. When the vehicle senses the test procedure, it operates in a “temperature conditioning” mode and meets emissions standards. At all other times, including during normal vehicle operation, the vehicles operate in a “normal mode” that permits NOx emissions of up to nine times the federal standard. In total, the complaint covers approximately 85,000 3.0 liter diesel vehicles sold in the United States since the 2009 model year.

NOx pollution contributes to harmful ground-level ozone and fine particulate matter. These pollutants are linked with asthma and other serious respiratory illnesses. Exposure to ozone and particulate matter is also associated with premature death due to respiratory-related or cardiovascular-related effects. Children, the elderly, and people with pre-existing respiratory disease are particularly at risk of health effects from exposure to these pollutants. Recent studies indicate that the direct health effects of NOx are worse than previously understood, including respiratory problems, damage to lung tissue, and premature death.

Today’s filing of a civil complaint under Sections 204 and 205 of the Clean Air Act seeks injunctive relief and the assessment of civil penalties. A civil complaint does not preclude the government from seeking other legal remedies. The United States will seek to transfer its case and fully participate in the pretrial proceedings now initiated in the related multi-district litigation in the Northern District of California. The United States’ investigation is ongoing, in close coordination with CARB. EPA and CARB have been in active discussion with Volkswagen about potential remedies and recalls to address the noncompliance, and those discussions are ongoing.

Affected 2.0 liter diesel models and model years include:

- Jetta (2009-2015)
- Jetta Sportwagen (2009-2014)
- Beetle (2013-2015)
- Beetle Convertible (2013-2015)
- Audi A3 (2010-2015)
- Golf (2010-2015)
- Golf Sportwagen (2015)
- Passat (2012-2015)

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United States Files Complaint Against Volkswagen (continued)

Affected 3.0 liter diesel models and model years include:

Volkswagen Touareg (2009-2016)
Porsche Cayenne (2013-2016)
Audi A6 Quattro (2014-2016)
Audi A7 Quattro (2014-2016)
Audi A8 (2014 – 2016)
Audi A8L (2014-2016)
Audi Q5 (2014-2016)
Audi Q7 (2009-2015)

For information about the complaint: <http://www.justice.gov/opa/file/809826/download>

For information about EPA actions on Volkswagen: <http://www.epa.gov/vw>

Source: U.S. Environmental Protection Agency

DEP Analysis Concludes No Radioactivity Danger in Tenmile Creek

An extensive six-month investigation by the Pennsylvania Department of Environmental Protection (DEP) has concluded that there is no indication of any elevated radioactivity in Tenmile Creek in Greene County. The latest DEP study was conducted after concerns were raised about the results of a set of surface water samples taken in the spring of 2014.

DEP's Bureau of Radiation Protection and District Mining Operations conducted comprehensive sampling at the same 3 locations where the earlier samples were taken at the Clyde Mine Treatment Facility (CMTF) near Clarksville, Greene County. Additionally, samples were taken at 9 other locations both upstream and downstream of the CMTF. Surface water samples were taken along with samples of sediment, sludge, soil, aquatic vegetation, and fish.

"Our goal was to get a complete picture of any possible radiological contamination," said John Stefanko, DEP Executive Deputy Secretary for Programs. "The original 2014 samples used a basic methodology that provides a limited sensitivity for naturally occurring radioactive materials. The 2015 samples were analyzed using U. S. Environmental Protection Agency (EPA) approved methodologies for determining radium-226 and radium-228 in water, plants, soil, or fish. The 2015 water samples were taken when the average daily stream flows within the watershed were at near normal flow conditions."

All water samples were below the EPA drinking water limit of 5 picocuries per liter (pCi/L) for radium-226 and radium-228. DEP did not find any indication of accumulated radiation in the sediment, plants, or fish.

One sample, of treatment sludge in a tank at the CMTF, indicated a radioactivity level for radium-228 at 19.539 pCi/L, which is not a level of concern but was a point of interest for DEP. DEP's Bureau of Mining Programs staff determined that because the treatment facility uses a high-density sludge which recirculates treatment sludge to remove contaminants from water, the radium values would be concentrated. Water exiting the CMTF did not contain a radium level above typical background radiation readings. Although the Department does not believe the radium-228 level is cause for concern, as a matter of public interest it will periodically resample and analyze the CMTF sludge in 2016.

A set of non-radiological water samples was taken simultaneously with the radiological samples to characterize the water flowing into the creek from the CMTF. DEP's Bureau of Mining Programs staff analyzed the sample results and concluded that the flow of raw and treated mine water was typical mine drainage, consistent with what would originate from a flooded underground coal mine in Southwestern Pennsylvania.

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“Ultimately, there were no surprises in the environmental samples we took,” said Stefanko. “The radiological results were in line with expected background radiation readings. The non-radiological samples were consistent with what we regularly see in flooded underground mines in this region.”

A complete copy of the sample results and analysis is available [here](#).

For more information, [visit www.dep.pa.gov](http://www.dep.pa.gov).

Source: Pennsylvania Department of Environmental Protection (DEP)

NWF report: Climate change is risking hunting, angling in Pa.

Pennsylvania's outdoor traditions like hunting and fishing are increasingly at risk due to rising temperatures, according to a new report by the National Wildlife Federation.

Game Changers: Climate Impacts to America's Hunting, Fishing and Wildlife Heritage takes a comprehensive view of the challenges today's wildlife are facing as climate conditions worsen, threatening the very customs that have shaped and cultivated America's passion for the great outdoors.

"I commend the National Wildlife Federation for this invaluable report that takes a hard look at just how climate change affects the wild species so many of us know, love and find invaluable to our Pennsylvania way of life," said Department of Conservation and Natural Resources Secretary Cindy Adams Dunn.

"One only has to look at our Eastern hemlock and how it has been decimated by the wooly adelgid, an invasive insect that thrives and spreads in warmer winters, to see how climate change adversely affects so many wildlife species and the deep-seated traditions that surround our state tree."

Warming temperatures are placing a clear threat to the sport of hunting and fishing alike, bringing new stressors to both big and small game. The National Wildlife Federation's new report takes a deeper look at what these climate conditions are doing to specific game species:

Ecosystems: A warming world is altering the species composition of Pennsylvania's forests, thereby affecting our native species. Based on the latest science, our state fish, the brook trout, our state bird, the ruffed grouse, and state tree, the hemlock, will largely be gone from the state by the turn of this century.

Rising global temperatures have facilitated the spread of the wooly adelgid, a noxious insect pest that is decimating hemlocks throughout the Northeast. Cold winters once kept the adelgid confined to the southern United States, but rising temperatures have allowed it to spread to the North Country.

Brook trout are so closely allied with hemlocks that at one time they were called hemlock trout. So as the hemlocks go, so goes our state fish. Conservation biologists call hemlocks a key-stone species, that is, a species upon which many other species depend.

Hemlocks not only provide thermal cover for trout streams in the heat of summer, but also important cover for deer, turkey, grouse and other wildlife during the cold of winter. Some species, such as the solitary vireo, black-throated green warbler, and northern goshawk are considered to be hemlock obligates.

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NWF report: Climate change is risking hunting, angling in Pa. (continued)

Snowshoe Hare: This species is at the southern end of its range, and is in danger of disappearing from Pennsylvania due to habitat changes triggered by climate change. Studies conducted by Penn State wildlife ecologists warn that the state's hare population is in jeopardy – not from hunting – but from the disappearance of the hare's preferred habitat – young, dense, regenerating hardwoods and conifers, devastated by tree diseases and invasive pests.

Less snowfall also renders the hare's white camouflage coat a liability, making them more vulnerable to predators.

Fish: Pennsylvania anglers are witnessing first-hand how extreme rainfall events are tearing up stream banks on some of our finest trout streams, while low flows coupled with high temperatures stress our state fish, the brook trout.

Past development activities have already eliminated over 30 percent of brook trout in Pennsylvania, and scientists forecast that unless strong measures are implemented to reduce carbon pollution, brook trout will be largely gone from the eastern United States by the year 2100.

As climate change continues to take its toll on wildlife, state wildlife agencies have been forced to curtail hunting and fishing seasons. For example, in New Hampshire, climate change has caused the moose population to drop more than 40 percent in the last decade, which has forced the state to shorten the moose hunting season and reduce hunting permits by nearly 85 percent.

Such actions are also becoming common in other states, threatening American values and the overall sport of hunting and angling.

"America's hunters and anglers have a proud legacy of working to protect fish and wildlife, a tradition that stretches back generations and continues today," said John Arway, executive director of the Pennsylvania Fish & Boat Commission.

"The science is clear: the longer we delay taking meaningful steps to reduce atmospheric pollution, the more serious the harmful impacts to our natural resources and our fishing and hunting heritage. We need to act now for the benefit of people, fish and wildlife, and their habitats."

Source: National Wildlife Federation

CNX Gas Co. Will Pay DEP and Fish and Boat Commission More Than \$450,000 for Water Withdrawal Violations in Washington County

In a joint action, the Department of Environmental Protection (DEP) and the Pennsylvania Fish and Boat Commission (PFBC) have signed a consent assessment and settlement agreement (CASA) with CNX Gas Company LLC (CNX) to settle violations of the state's Oil and Gas Act and the Fish and Boat Code. As a result of the agreement, CNX will pay \$345,750 to DEP and \$105,000 to PFBC.

"Protecting the waters of the Commonwealth is a core function of both DEP and the PFBC and this agreement underscores the fact that, together, we take this responsibility very seriously, said Eric Gustafson, manager for Oil and Gas Operations in the Southwest Oil and Gas District Office. "We expect that operators will follow their WMP's and draw-down permits to the letter. DEP appreciates the assistance provided by the PFBC in resolving this case."

PFBC Executive Director John Arway added that "water is one of our most precious public resources, which must be protected and responsibly managed. DEP water management plans are engineered to ensure that water is allocated in proper amounts so that all water users can appropriately share the abundant supplies provided by our Commonwealth's streams, rivers and lakes. Non-compliance with the plans and permits could result in harm to other water users like aquatic life and public water supplies."

CNX did not adhere to its approved plan, and DEP determined it exceeded its approved daily withdrawal limits from a reservoir in North Franklin Township, Washington County on 43 days between October 23, 2011 and June 8, 2013.

In order for oil and gas operators to remove water from water sources in Pennsylvania for the drilling or stimulation of any unconventional natural gas well, a Water Management Plan (WMP) must be approved by DEP. The WMP designates the sources to be used, the peak daily withdrawal limits and the instantaneous withdrawal rates (how quickly water can be removed from the stream) to prevent impacts to the waterway. A number of different sources can be included in the WMP.

CNX obtained a draw-down permit from PFBC that set further limits on how much water could be removed from the reservoir in order to protect aquatic life and dam stability. However, on 164 days between October 21, 2013 and December 23, 2014, during the restricted time period, CNX withdrew water from the reservoir contrary to the restrictions in their WMP and "draw down" permit. This water withdrawal resulted in low water levels within the reservoir, drying out the shallow shoreline areas of the reservoir and the surrounding forested wetlands.

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CNX Gas Co. Will Pay DEP and Fish and Boat Commission (continued)

In addition, the company failed to keep proper records relating to water withdrawals and reservoir levels.

CNX has instituted changes in their procedures to ensure that water withdrawal reporting is accurate and that WMPs are followed exactly.

For more information, visit www.dep.pa.gov and www.fishandboat.com.

Source: PA Department of Environmental Protection (DEP)

REGISTRATION TO OPEN FOR STATE STUDENT ARCHERY TOURNAMENT

Participants in the National Archery in the Schools Program can begin registering Feb. 1.

A huge opportunity is “nocking” for Pennsylvania’s student archers.

The 2016 National Archery in the Schools Program State Tournament is set to be held March 11 in State College. It’s shaping up to be the biggest student archery tournament ever in Pennsylvania. And the Pennsylvania Game Commission is encouraging all schools participating in the program, commonly referred to as NASP, to register to compete.

There is an \$11 fee per archer to register, and the first day for registration is Monday, Feb 1. Registration remains open through Friday, Feb. 19.

The NASP state tournament has been growing each year since its inception in 2011, and the March 11 tournament to be held at the Penn State Multi-Sport Facility figures to include close to 1,100 participants from more than 45 schools across Pennsylvania.

The program has been growing in Pennsylvania and worldwide.

NASP, which started in Kentucky in 2002, came to Pennsylvania in 2005. The Game Commission began coordinating the program in 2010 and, so far, the program has expanded to 210 schools.

The tournament always is a sight to see. Ninety-five lanes, each with two archers, will be operating at once. About 9,000 arrows will fly each hour. And somewhere near 46,000 arrows will be fired on the day.

This year, more than \$5,000 in scholarships will be handed out to the state’s top performing student archers, helping them pay for college.

Registration can be completed online through the Game Commission’s website, www.pgc.state.pa.us, or directly through the NASP Tournament website, <http://nasptournaments.org>. To use the Game Commission’s website to register, place your cursor over the “Education” tab, then click “National Archery in the Schools Program.” Registration is just a few more clicks away.

Teams are encouraged to register early this year as space is limited.

NASP helps school districts in Pennsylvania meet physical-education curriculum requirements set by the state Department of Education, and at the same time introduces students to the world of competitive archery.

Tournaments are held at the state, national and international levels, and Pennsylvania sent over 100 students to the 2015 national competition, which was held in Louisville, Ky.

To get NASP started in a Pennsylvania school, contact Todd Holmes, at the Game Commission headquarters, at 717-787-4250, ext. 3330. Also, “PA NASP” can be found on Facebook at www.facebook.com/PennNASP.

Source: Pennsylvania Game Commission

