

November 2019 Report to the Citizens Advisory Council
(New and updated information in italics)

DEP Highlights

DEP PFAS Update

On September 21, 2018, the Governor announced several actions to address growing concerns about PFAS contamination. Through an Executive Order, the Governor established a multi-agency PFAS Action Team. The team, led by DEP, will be responsible for developing a comprehensive response to identify and eliminate the sources of PFAS contamination, address strategies to deliver safe drinking water, manage environmental contamination, explore funding for remediation efforts, and increase public education. The Commonwealth will prioritize the hiring of state toxicologists. The Governor also sent a letter to the EPA to again urge the EPA to move forward with establishing MCLs for PFOA and PFOS. DEP believes that the EPA must take a leadership role and work with other states and federal agencies to address PFAS holistically. More information can be found on DEP's PFAS website: www.dep.pa.gov/pfas.

DEP is coordinating with PennDOT, the State Fire Commissioner, the Turnpike Commission, and the Department of Veterans and Military Affairs to gather information about the use and storage of fluorinated firefighting foams. A workgroup has been created to discuss proper disposal of these foams, review federal and state requirements/authorities, and assess possible alternatives. The Bureau of Environmental Cleanup and Brownfields updated its cleanup standard for PFOA and PFOS and anticipates bringing these regulatory changes to the EQB for consideration this fall. These regulatory amendments are expected to be presented to the Environmental Quality Board this fall. The Bureau of Safe Drinking Water's Sampling Plan is now in effect and will occur through quarter one 2020. The occurrence data gathered from this effort will be a key asset for developing regulatory standards for certain PFAS compounds in drinking water.

PFAS samples have been collected at public water systems across the state. DEP anticipates releasing the first set of sample results from the PFAS Sampling Plan this fall. The results will be posted to DEP's PFAS webpage. Note that any sample result that exceeds EPA's HAL of 70 ppt for PFOS/PFOA will be addressed immediately with a request for various corrective actions, including the collection of confirmation samples within two weeks and the issuance of Tier 2 public notice if results continue to exceed the HAL. DEP is working with the Department of General Services to procure toxicology consulting services. The toxicology contractors will assist DEP with the development of a state maximum contaminant level for certain PFAS.

Chesapeake Bay Phase 3 Watershed Implementation Plan (WIP)

The final Phase 3 WIP was submitted to the EPA and the Chesapeake Bay Program Partnership (Partnership) on August 23, 2019. The Phase 3 WIP describes how Pennsylvania intends to move forward and accelerate progress towards meeting the nutrient and sediment reduction targets established by the Partnership for the improvement of local water quality and the restoration of the Chesapeake Bay with the goal of having all practices in place by 2025. The final Phase 3 WIP includes a Comment and Response document for comments

received during the public comment period for the draft Phase 3 WIP from April 9 through June 7, 2019. The WIP is accessible here: www.dep.pa.gov/chesapeakebay/phase3. Questions on the Phase 3 WIP or on DEP's Chesapeake Bay Program can be submitted to RA-EPChesBay@pa.gov.

DEP continues to work with EPA and other partners to secure and distribute funding and to increase the technical assistance and staffing to support implementation of Phase 3 WIP priority projects. *Two significant ways DEP will be supporting local efforts to implement Phase 3 WIP priority projects are: (1) the opening of a Growing Greener Plus grant round on November 4, 2019, which will allocate 50% of available funds to address nonpoint source nutrient and sediment pollution in Pennsylvania's Chesapeake Bay watershed; and (2) the opening of the Phase 3 WIP Countywide Action Plan Implementation Grant Program, which will provide funding to further support development and implementation of Phase 3 WIP Countywide Action Plans, including funding to counties to hire plan coordinators.* A webinar on September 16 kicked off the development of the Countywide Action Plans for the remaining Tier 2 counties of Bedford, Cumberland, Centre, and Lebanon. A meeting to discuss next steps for implementation with the four pilot counties with completed countywide action plans was held on September 27, 2019, at DEP's Southcentral Regional Office.

Regulatory Update (Detailed summaries included in respective program sections)

Please refer to the [DEP Rolling Regulatory Agenda](#) for the full Regulatory Update.

- ***Draft Final Rulemaking - Revision of Sulfur Limits in No. 2 and Lighter Commercial Fuel Oil:*** Adopted by the EQB as proposed on April 16, 2019. Published in the Pennsylvania Bulletin on July 6, 2019, opening a 66-day public comment period. Three public hearings were held on August 6, 7, and 8, 2019, at DEP's Southwest, Southeast, and Southcentral Regional Offices, respectively. Comments and testimony provided were overwhelmingly in support of the rulemaking. Only one unsupportive comment was received. Public comment period closed on September 9, 2019. All comments, including testimony, can be accessed online on [eComment](#). IRRC comments *received* on October 9, 2019.
- ***Final Rulemaking - Additional Requirements for Fine Particulate Matter in the Nonattainment New Source Review Program:*** Published on March 16, 2019, opening a 64-day public comment period. Three public hearings were held at 1 p.m. on April 16 (DEP's Southcentral Regional Office), April 17 (DEP's Southwest Regional Office), and April 18 (DEP's Southeast Regional Office). No commenters provided verbal comment at any of the hearings. Public comment period closed on May 20, 2019. All comments can be accessed online on [eComment](#). [IRRC no comment letter](#) received on June 19, 2019. The EQB adopted this rule in its final form on August 20, 2019. This rule *was approved by IRRC on October 17, 2019.*
- ***Proposed Rulemaking - Water Supply Replacement for Coal Surface Mining:*** Published in the Pennsylvania Bulletin on November 2, opening a 30-day public comment period. The public comment period closes on December 2, 2019. This proposed rulemaking, adopted by the EQB on June 18, 2019, addresses inconsistencies between the Commonwealth's surface coal mining program and Federal requirements relating to water supply replacement so that the Commonwealth may maintain primary regulatory authority over coal mining activities in Pennsylvania.

Public Comment Periods

Proposals Open for Public Comment

- Proposed Franklin County 1997 Ozone Limited Maintenance Plan (Closes 12/16)
- Proposed Erie County 1997 Ozone Limited Maintenance Plan (Closes 12/16)
- Proposed Greene County 1997 Ozone Limited Maintenance Plan (Closes 12/16)

- Proposed Rulemaking: Water Supply Replacement for Coal Surface Mining (Closes 12/2)
- Proposed Altoona (Blair County) 1997 Ozone Limited Maintenance Plan (Closes 12/9)
- Stream Evaluation Data Solicitation: UNT 03181 to Tohickon Creek (Bucks County) (Closes 12/2)
- Proposed Clearfield/Indiana 1997 Ozone Limited Maintenance Plan (Closes 11/25)
- Draft TGD: Radioactivity at Solid Waste Processing and Disposal Facilities (Closes 11/18)
- Draft General Permit for the Processing and Beneficial Use of Oyster Shells for Ecological Enhancement Projects (Closes 12/11/2019)
- Stream Evaluation Data Solicitation: Bacon Run, Glade Run, Bell Run, Meadow Run, and other tributaries to Dunkard Creek (Greene County) (Closes 11/12/2019)
- Certification of Pennsylvania's Existing Emissions Statement (Closes 11/8/2019)

Recently Closed Comment Periods

- Proposed State Implementation Plan Revision for Regional Haze; Best Available Retrofit Technology (BART) (Closed 10/31/2019)
- Draft PAG-01 NPDES General Permit for Stormwater Discharges Associated with Small Construction Activities (Closed 10/28/2019)
- Draft 2019 Reclamation Fee Fiscal Year Report (Closed 10/15/2019)
- Coastal Zone Management Federal Consistency (Closed 10/15/2019)
- Environmental Assessment Approval for PENNVEST Funding Consideration (Closed 10/14/2019)
- Nutrient Credit Trading Program – Mass Certification: Significant Sewage Point Source Discharges in the Chesapeake Bay Watershed with Cap Loads (Closed 10/7/2019)

Communications Monthly Press Releases

Press Releases Issued

September 6 – DEP Enters Agreement with PWSA for Critical Water Infrastructure Upgrades

September 11 – DEP Orders Sunoco to Cover Exposed Pipelines Identified Across the State

September 16 – DEP to Host Public Hearing Tri-County Landfill Permit Application

September 17 – Pennsylvania Reports First Human Case of West Nile Virus in 2019

September 18 – DEP Opens Investigation Near Erie Coke Following Passive Air Monitoring Sampling Results

September 19 – DEP to Host Public Hearing regarding Proposed Windmill Project in Carbon County

September 19 – ADVISORY – MANSFIELD – MONDAY – Wolf Administration to View Stream Site, Host Open House to Outline How Restore Pennsylvania Can Address Stream and Flooding Needs

September 20 – Wolf Administration Denounces Trump Administration's Rollback of Critical Auto Emissions Standards

September 23 – Wolf Administration Hosts Open House, Views Stream Site to Outline How Restore Pennsylvania Can Address Stream and Flooding Needs

September 23 – DEP to Conduct Mosquito Control Operations in Erie County Following Confirmed Populations of Mosquitoes with Eastern Equine Encephalitis

September 23 – DEP to Conduct Mosquito Control Operations in Carbon County Following Confirmed Populations of Mosquitoes with Eastern Equine Encephalitis

September 24 – DEP Reaches Civil Penalty Against Soap Manufacturing Company for Unpermitted Discharges into Luzerne County Creek

October 1 – DEP to Hold Public Hearing for Bivouac Swine Facility Permit Application

October 3 – Governor Wolf Takes Executive Action to Combat Climate Change, Carbon Emissions

October 3 – DEP to Conduct Mosquito Control Operations Following Confirmed Populations of Mosquitoes with Eastern Equine Encephalitis

October 4 – ADVISORY – WILLIAMSPORT – TUESDAY – Wolf Administration to Visit Grafius Run, Discuss How Restore Pennsylvania Proposal Could Help Address Flooding Needs

October 7 – DEP Postpones Public Hearing Regarding Proposed Windmill Project in Carbon County

October 8 – Wolf Administration Visits Grafius Run, Discusses How Restore Pennsylvania Proposal Could Help Address Flooding Needs

October 9 – DEP Suspends Well Permits for Operator’s Failure to Pay Impact Fee

October 11 – DEP Reaches Settlement with CNX on Abandoned Wells

October 15 – ADVISORY – GROVE CITY – WEDNESDAY – DEP to Host Public Hearing Regarding Proposed Tri-County Landfill Permit

October 15 – Showcasing the Best of Pennsylvania's Environmental Stewardship Projects, the Wolf Administration Invites Applicants for 2020 Governor's Awards for Environmental Excellence

October 18 – Grants Available to Help Farmers and Small Businesses Save Money and Reduce Pollution

October 22 – Wolf Administration Announces Funding to Protect Delaware River Coastal Areas

October 22 – Wolf Administration Announces Funding to Protect Lake Erie

October 22 – DEP to Host Public Meeting and Hearing on Easton Road PFC HSCA Site Investigation and Proposed Response Action

Active and Abandoned Mine Operations

Rulemakings

OSM Program Consistency

This rulemaking would amend Pennsylvania’s coal mining regulations to achieve consistency with federal requirements. On April 6, 2017, the Mining and Reclamation Advisory Board (MRAB) recommended that the rulemaking should proceed to the EQB as proposed. The EQB considered and adopted the proposed rulemaking at its May 16, 2018, meeting. The rule was published in the Pennsylvania Bulletin on October 27, 2018, opening a 30-day public comment period. The public comment period closed on November 26, 2018. IRRC comments were received on December 24, 2018. The draft final rulemaking Annex A was reviewed with the MRAB at the April 2019 meeting where the MRAB members recommended that the Department proceed in

the final rulemaking process. The anticipated EQB meeting for finalizing these regulations is November of 2019.

Water Supply Replacement

This proposed rulemaking (25 Pa. Code Chapters 87 and 88) would update the regulations for water supply replacement for coal mining to achieve consistency with federal requirements and provide additional clarity. The MRAB's Regulatory, Legislative and Technical Committee met on April 19, 2018, to discuss the preliminary draft of proposed changes. The draft proposed rulemaking Annex A was discussed at the MRAB meeting of July 19, 2018. At their October 25, 2018, meeting, the MRAB recommended that the rulemaking proceed into the formal process. The EQB considered and adopted the rulemaking as proposed at its June 18, 2019, meeting. *The proposed rulemaking was published on November 2, 2019, opening a 30-day public comment period.*

Guidance Document Revisions

The Bureau of Mining Programs is systematically reviewing the library of Technical Guidance Documents (TGDs) to identify which documents require changes. This process is ongoing. For details, see the Department's Non-Regulatory Agenda. Notably, the TGD relating to Liners (563-2112-656) requires substantial reworking to reflect its applicability to capping of coal refuse disposal sites, and the TGD relating to Surface Water Protection – Underground Bituminous Coal Mining Operations (563-2000-655) will require a workgroup with industry representatives to draft the necessary revisions. Civil Penalties Assessment (562-4180-306) was published as draft in the 2nd quarter of 2019, but additional discussions are anticipated with coal industry representatives and the MRAB prior to proceeding with the final version. Alkaline Addition for Surface Coal Mines (563-2112-217) was published as draft in May and is being finalized for publication in the 1st quarter of 2020.

Act 54 Effects of Underground Mining Report

The Bureau of Mining Programs has received the 5th report from the University of Pittsburgh as required by the Bituminous Mine Subsidence and Land Conservation Act (Act 54) of 1994. BMP is reviewing the report, noting recommendations for consideration. The report will be delivered to the Governor, the General Assembly, the Secretary, and the CAC. Anticipated delivery to the CAC is during the 4th quarter of 2019.

2019 Surface Mining Control and Reclamation Act (SMCRA) Amendments

HR 4248 - Surface Mining Control and Reclamation Act (SMCRA) Amendments of 2019 was introduced in the US House of Representatives on September 9, 2019. The primary sponsor of the bill is Congressman Matt Cartwright (D-PA-8) with several other PA Congressmen signed on as co-sponsors including: Representative Glenn Thompson (R-PA-15), Representative Michael Doyle (D-PA-18), Representative Mike Kelly (R-PA-16), Representative Daniel Meuser (R-PA-9), and Representative Conor Lamb (D-PA-17).

The bill extends the abandoned mine land fee (AML fee) collection authority outlined under Title IV of SMCRA on current coal mine production at the same rate (\$0.28 for surface mined coal; \$0.12 for deep mined coal; and \$0.08 for lignite) for an additional 15 years to September 30, 2036. The current fee authorization is set to expire on September 30, 2021.

The bill allows state and tribal AML programs to formally establish AML Emergency Programs under their approved reclamation plans and requires the federal Office of Surface Mining Reclamation and Enforcement (OSMRE) to reimburse the states/tribes for the costs of addressing those AML Emergencies. The funding for the reimbursements would come from the federal share of the AML Trust Fund. The bill will also reimburse states for AML fees that were sequestered since Fiscal Year 2013. (For PA, nearly \$32 million has been sequestered since FY 2013).

Since Pennsylvania has the largest remaining inventory of unaddressed abandoned mine land features in the country and over 5,500 miles of streams impaired by acid mine drainage, this bill would ensure continued funding for addressing legacy coal mine hazards, treating and/or abating abandoned mine drainage, and

addressing AML Emergencies.

Air Quality

2010 Sulfur Dioxide (SO₂) NAAQS Attainment Demonstration SIP Revisions

DEP submitted to EPA the required SIP revisions for Beaver and Allegheny Counties on October 2, 2017, and for Indiana/Armstrong County on October 11, 2017. Completeness letters for these SIPs were received from EPA on October 5 and 13, 2017, respectively.

EPA published its intent to approve the Indiana/Armstrong SIP on July 13, 2018, with the public comment period closing on August 13, 2018. EPA received seven comments. *In response to these comments, DEP is preparing a supplemental SIP submission. On October 1, 2019, EPA published approval of the Beaver County Attainment Demonstration SIP Revision effective October 31, 2019.*

On September 4, 2019, in response to complaints filed by the Center for Biological Diversity, Center for Environmental Health and the Sierra Club, EPA proposed a consent decree establishing deadlines for EPA to act. The proposed consent decree deadlines for EPA's approval or disapproval are April 30, 2020 for the Allegheny and Beaver nonattainment area SIP submittals and October 30, 2020 for the Indiana SIP submittal. *The public comment period closed on October 4, 2019.*

2012 Fine Particulate Matter (PM_{2.5}) NAAQS SIP Revisions

On January 23 and February 11, 2019, DEP submitted to EPA Maintenance Plan SIP revisions and Redesignation Requests for the Delaware County and Lebanon County 2012 annual PM_{2.5} NAAQS nonattainment areas. *On September 30, 2019, EPA approved the PM_{2.5} maintenance plan SIPs and redesignated the areas as attainment for the 2012 annual PM_{2.5} NAAQS.*

Driving PA Forward Grants and Rebates

- The Onroad Rebate Program is currently closed and will reopen in early 2020 with approximately \$6 million available for funding. The Driving PA Forward website will be updated with approved voucher redemptions on an ongoing basis as replacement projects are completed.
- *The \$6.4 million Class 8 Truck and Transit Bus Grant Program closed its second application round for calendar years 2018-2019 on September 23, 2019. Applications are being evaluated and funding recommendations are under review.*
- *The \$3 million DC Fast Charging and Hydrogen Fueling Grant Program closed its second application round for calendar years 2018-2019 on October 11, 2019. Applications are currently being evaluated.*
- The Level 2 EV Charging Rebate Program remains open. *The application submission period will briefly close in late 2019 for program updates but will reopen shortly thereafter.*
- The \$2.6 million FY2018 PA State Clean Diesel Grant Program is currently closed. *The FY 2019 PA State Clean Diesel Grant Program will open in late 2019 or early 2020.*
- The Ocean-Going Vessel Shorepower Grant Program application deadline is 4:00 p.m. on October 30, 2019. Three million dollars is available, for calendar years 2019-2020, for the purchase and installation of eligible dock-mounted, containerized, or barge-mounted marine shore power systems at eligible ports in Pennsylvania.
- The Electric Cargo Handling Grant Program is currently open for applications and the application deadline is 4:00 p.m. on November 15, 2019. Three million dollars is available, for calendar years 2019-2020, for the repower or replacement of eligible diesel-powered forklifts, airport ground support equipment, and port cargo handling equipment to all-electric versions.
- *The \$10 million Marine and Rail Freight Movers Grant Program is expected to open in late 2019 for calendar years 2019-2021. This is a competitive grant program that will fund the repower or*

replacement of diesel-powered, pre-Tier 4 switcher locomotives that operate 1,000 hours or more per year, or the repower or upgrade of unregulated, Tier 1, or Tier 2, diesel-powered engines for tugboats or for ferries.

Businesses, nonprofits, government agencies, and other organizations are eligible to apply for all programs. More information is available at www.dep.pa.gov/DrivingPAForward.

Air Quality Rulemakings

Air Quality Fees

The Clean Air Fund constitutes approximately 60% of the Air Quality Program's budget and is comprised of two accounts: Major Emission Facilities (Title V), and Mobile and Area Facilities (Non-Title V). The Non-Title V account is anticipated to hit a zero balance sometime in FY 2019-20 and the Title V account will reach a zero balance sometime in FY 2023-24.

The proposed rulemaking will affect approximately 500 Title V facilities and 2,100 non-Title V facilities permitted by DEP. The proposed rulemaking will also impact the owners/operators of approximately 5,000 asbestos projects per year. Total additional revenue from the rulemaking is expected to be approximately \$14 million per year.

The draft proposed fee rulemaking was presented to the Air Quality Technical Advisory Committee (AQTAC), the CAC and the Small Business Compliance Assistance Committee (SBCAC) on June 14, July 17, and July 25, 2018, respectively. The committees concurred with the Department's recommendation to present the proposed rulemaking to the EQB. The CAC had a few suggested changes but also concurred with moving the proposal to the EQB. The proposed rulemaking was approved unanimously by the EQB on December 18, 2018. Public comment opened on April 13, 2019, with three scheduled public hearings: DEP SWRO May 13, DEP SERO May 15 and DEP SCRO May 16. The public and the Independent Regulatory Review Commission (IRRC) comment periods closed on June 17 and July 17, 2019, respectively. Comments were received from industry groups, environmental groups, members of the House of Representatives and members of the House Environmental Resources and Energy Committee, members of the public, and the Independent Regulatory Review Commission. The Department is preparing a Comment and Response document. *DEP anticipates bringing the final-form rulemaking before the advisory committees in the coming months.*

Revision of Sulfur Limits in No. 2 and Lighter Commercial Fuel Oil

The proposed rulemaking would reduce the maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil, generally sold for and used in residential and commercial oil heat burners and furnaces, from the current limit of 500 parts per million (ppm) of sulfur to 15 ppm. Emissions of SO₂ contribute to the formation of regional haze, which degrades visibility in many American cities and scenic areas, and PM_{2.5}. Philadelphia and the surrounding states have already lowered their maximum allowable sulfur content to 15 ppm. The draft proposed rulemaking Annex A was presented to the SBCAC, AQTAC, and CAC in 2018. DEP presented the proposed rulemaking to the EQB on April 16, 2019, and it was approved unanimously. The EQB published this proposed rulemaking for comment on July 6, 2019, and public hearings were held on August 6, 7, and 8, 2019, at the Southwest, Southeast and Southcentral Regional Offices of DEP. The public comment closed on September 9, 2019. DEP received 22 supporting comments and one opposing comment. *DEP presented the draft final rulemaking Annex A to AQTAC, SBCAC and the CAC PRO Committee on October 17, 23 and 28, respectively. DEP anticipates bringing the final rulemaking before the EQB in the first quarter of 2020.*

Control of Existing Sources of Emissions from the Oil and Natural Gas Industry

On October 27, 2016, EPA published Control Techniques Guidelines for the Oil and Natural Gas Industry (O&G CTG). On December 13, 2018, the Department presented Preliminary Draft Proposed RACT

Regulations for the Oil and Natural Gas Industry to AQTAC. The proposed rulemaking would establish RACT requirements for VOCs from existing oil and natural gas production facilities, compressor stations, processing plants, and transmission stations. The proposed control measures would also reduce methane emissions as a co-benefit. DEP presented the draft proposed rulemaking Annex A to AQTAC, SBCAC and the CAC PRO subcommittee on April 11, April 17 and May 7, 2019, respectively. On June 18, 2019, the CAC concurred with moving the proposed rulemaking to the EQB and the Department anticipates presenting it to the EQB in the fourth quarter of 2019.

On October 23, the Center for Environmental Health and the Center for Biological Diversity notified EPA of their Intent to Sue for failure of EPA to meet its statutory deadlines to issue findings of failure to submit to States that have not submitted RACT SIPs addressing the O&G CTG and the EPA's failure to take final action on approving or disapproving RACT SIPs submitted for the O&G CTG. The RACT SIP submittal for the O&G CTG was due to EPA on October 27, 2018. EPA was obligated to issue a 'finding of failure to submit' to Pennsylvania by April 27, 2019. If or when EPA issues a 'finding of failure to submit' to Pennsylvania for the O&G CTG RACT submittal, the date of the notice of 'finding of failure to submit' will start an 18-month sanction clock that can be stopped by the submission of a DEP rulemaking addressing the RACT requirements of the O&G CTG.

Stage II Vapor Recovery Revision

With the advent of onboard vehicle vapor recovery systems, Stage II vapor recovery at the gasoline pump has become redundant and, in some cases, counterproductive. The Department presented Preliminary Draft Proposed Amendments to the Stage II Vapor Recovery Regulations to AQTAC on December 13, 2018. The proposal requires decommissioning of vacuum-assisted vapor recovery systems at the pump in the 5-county Philadelphia and 7-county Pittsburgh-Beaver Valley areas. However, the proposed rulemaking would add requirements for annual leak testing, low-permeation hoses, and dripless nozzles. DEP presented the draft proposed rulemaking Annex A to AQTAC, SBCAC and the CAC PRO subcommittee on April 11, April 17 and May 7, 2019, respectively. The CAC concurred on May 22, 2019, with forwarding the proposed rulemaking to the EQB. DEP anticipates bringing the proposed rulemaking before the EQB in *the first quarter of 2020*.

Reasonably Available Control Technology (RACT II)

On May 9, 2019, EPA published conditional approval of Pennsylvania's RACT II State Implementation Plan (SIP) revision. The SIP revision was submitted to EPA on May 16, 2016, to meet RACT requirements under both the 1997 and 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) for major sources. EPA approved most of the SIP revision while conditionally approving certain provisions based on DEP's commitment to submit all remaining case-by-case RACT II SIP revisions no later than May 9, 2020. On July 8, 2019, the Sierra Club and Earthjustice filed a petition in the US Court of Appeals for the Third Circuit challenging EPA's Conditional Approval. The Sierra Club claims: the proposed emission limits for coal-fired boilers equipped with selective catalytic reduction control devices are too lax; the rule allows unsupported temperature-based exemptions; and the lack of temperature reporting requirements defeat agency and citizen determinations of compliance with RACT II.

RACT III

On October 26, 2015, EPA revised the primary and secondary NAAQS for ozone. A re-evaluation of RACT is required each time a revised ozone NAAQS is promulgated for nonattainment areas. Because the entire Commonwealth is in the Ozone Transport Region and is treated as a moderate nonattainment area, RACT is applicable to major sources of nitrogen oxides (NOx) and/or volatile organic compounds (VOC) statewide. On October 17, 2019, DEP presented RACT III rulemaking concepts to AQTAC and anticipates presenting proposed rulemaking language in the coming months.

Regional Greenhouse Gas Initiative (RGGI)

On October 3, 2019, Governor Wolf [took executive action](#) instructing DEP to join RGGI, a market-based

collaboration among nine Northeast and Mid-Atlantic states to reduce greenhouse gas emissions and combat climate change while generating economic growth. DEP is developing a draft proposed rulemaking Annex A based on the RGGI Model Rule and will present a proposed rulemaking to the EQB no later than July 31, 2020. DEP anticipates bringing regulatory concepts for the draft proposed rulemaking Annex A before the advisory committees in the first quarter of 2020.

Ozone Transport Commission (OTC) Publishes Notice of Public Comment for a Second Comment Period and Public Hearing for its CAA section 184(c) Petition

On October 18, 2019, the OTC announced that it will hold a second public hearing, if requested, and is requesting public comment regarding the CAA section 184(c) petition which recommends Pennsylvania require daily control technology optimization and daily nitrogen oxide emission limits on coal fired electric generating units in this Commonwealth. Written comments must be received no later than November 22, 2019. If requested by November 14, 2019, the OTC will hold a public hearing to accept testimony on November 21, 2019, in Newark, DE. If, after this public comment period, OTC approves the petition, it will be sent to EPA for action. If EPA approves OTC's petition, Pennsylvania would be required to amend its SIP to incorporate the daily requirements as a revision to its SIP. A copy of the public notice and the proposed recommendation is available at <https://otcair.org/>.

It should be noted that the Pennsylvania facilities listed in the petition are in compliance with recent EPA SIP-approved Pennsylvania RACT II regulations addressing NOx emissions from major sources including EGUs. This OTC CAA section 184(c) petition is also very similar to the New York, Delaware, Maryland, and Connecticut CAA section 126 petitions previously denied by EPA or which have been proposed for denial by EPA.

Energy Programs Office

Climate Change

On April 29, Governor Wolf released the final Climate Action Plan (CAP), along with our Climate Story Map. He also made the announcement that PA was officially joining the US Climate Alliance. *The most recent Climate Change Advisory Committee (CCAC) meeting was conducted on October 1, 2019. At the meeting, DEP provided updates on its local climate action program and the status of the Transportation & Climate Initiative (TCI). Guest presentations focused on cap and trade. The next CCAC meeting will be held on December 10, 2019.*

Greenhouse Gas Cap and Trade Petition Analysis

DEP received a Greenhouse Gas Cap and Trade Petition in November of 2018 that included a potential regulation designed to create an economy-wide cap and trade system for greenhouse gas emissions. The Petition was resubmitted in February for consideration at the April 16th EQB meeting. At that meeting, the EQB accepted the Petition for review by DEP. The Energy Programs Office and the Bureau of Air Quality submitted a Request for Qualifications for a contractor to assist with a detailed analysis of the regulation and its potential implementation through a comprehensive report. Included in this report will be an analysis of the program structure, overall economy-wide impacts if adopted, and specific impacts by sector. DEP has awarded the contract to ICF Inc. LLC. *A kickoff meeting was held on October 16th in Harrisburg. Weekly progress meetings are scheduled through the end of the year to evaluate work products and provide input.*

DEP Clean Energy Program Plan

The Energy Programs Office submitted a Request for Qualifications for a contractor to develop a comprehensive report to be entitled DEP's Clean Energy Program Plan. The report is intended to be a near-term planning document to inform current and future DEP energy program planning activities regarding energy production and use activities in Pennsylvania. This plan will assist in achieving Pennsylvania's long term environmental protection goals including: leading by example, supporting in-state clean energy production

resources and goals as well as achieving Pennsylvania's climate goals. *DEP is reviewing two bid proposals and will be providing a score to assist in selecting the best proposal. DEP hopes to award the contract in November and have the project completed by late spring 2020.*

Pennsylvania Energy Development Authority (PEDA)

DEP held a PEDA Board Meeting on September 18th in Room 105 of the Rachel Carson State Office Building. This general business meeting provided the PEDA Board of Directors with an opportunity to get caught-up on the current financial and program status of the authority and review the outcomes from the 2014 awarded projects. The meeting also included a review of an updated draft of the Energy Development Plan, which was last updated in 2014. *The Energy Development Plan will be posted for public comment in early November. DEP will collect comments and then prepare the plan for a final vote of the board, most likely in the 1st quarter of 2020.*

Industrial Energy Efficiency Technical Assistance

The 2015 Climate Action Plan (CAP) and the 2018 CAP update contain work plans that call for significantly increasing the number of energy assessments for the manufacturing sector. The current Pennsylvania State Energy Plan (SEP) proposal directly coincides with the CAP recommendations. For state fiscal year 2019-20, DEP contracted with the Pennsylvania Technical Assistance Program at the Pennsylvania State University (PennTAP) and the Emerging Technology Applications Center (ETAC) to provide energy efficiency technical assistance targeting the Industrial sector of energy consumers. PennTAP completed 4 site assessments and ETAC completed *four* site assessments to date for various companies throughout Pennsylvania representing the building and construction, agricultural, metal fabrication, and chemical, rubber and plastics industries.

Energy Assurance

On October 9, the Energy Programs Office (EPO) met with FEMA and PEMA staff at the Harrisburg PEMA office to discuss the draft Fuel Shortage Planning Template and Fuel Shortage Planning Guidebook from contractor ICF, which is to be used to assist county planners in planning for fuel shortages. Revision ideas discussed at this meeting will be consolidated and submitted to ICF for inclusion in the final guidebook. This DOE State Energy Program-funded project will result in 3 regional workshops, which will help counties test their preparedness for a diverse range of energy emergency events. The draft slide presentation for these workshops was submitted on October 21 and is currently under review.

Local Climate Action Assistance Program

DEP's Energy Programs Office is partnering with ICLEI – Local Governments for Sustainability to guide college students in producing greenhouse gas inventories and climate action plans for twenty local governments in PA. ICLEI will be providing technical assistance & training via webinars. *Five training webinars on greenhouse gas inventories have been conducted thus far, with the next one scheduled for November 6th. Currently, data is being entered by the students in ICLEI's ClearPath inventory tool.* Participating local governments include Erie & Chester Counties, Centre Region Council of Governments, and the Cities of York & Reading.

Performance Excellence in Electricity Renewal (PEER) Assessments

On September 25th, DEP's Energy Programs Office, in conjunction with their contractor, Green Business Certification Inc, *hosted* a webinar on the PEER assessment and certification program. PEER measures and evaluates the resiliency of power systems at college campuses, water/wastewater treatment plants, rural electric cooperatives, municipal utilities, hospitals, emergency management headquarters, major electric utilities, and/or transit systems. *An in-person workshop will be held at PEMA Headquarters in Harrisburg on December 3rd to dive deeper into the PEER program.* Three to five entities will then be selected to receive technical assistance from GBCI, so they can systematically work through the PEER scorecard & earn certification.

The Role of Energy Efficiency in Community Resilience

DEP's Energy Programs Office's contractor, Pennsylvania Municipal League, is developing outreach materials such as videos and webinars aimed at local policy makers and other officials on the role of energy efficiency and community resilience. The outreach materials will be incorporated in the Sustainable Pennsylvania Communities program, a project of the Pennsylvania Municipal League and Sustainable Pittsburgh, that is a voluntary performance recognition program designed to help municipalities achieve sustainability goals, which in turn will allow them to save money, conserve resources, and encourage innovation. The first in a series of educational webinars was on October 31st, which included messages about how energy efficient buildings and resiliency are interrelated and their economic, environmental and public health impacts. An outreach informational flyer about the webinar was also developed and distributed to municipalities as well as outreach groups to help get the word out. Free registration for this and future webinars are available on the Pennsylvania Code Construction Academy website and will be available for viewing afterwards.

Building Energy Code Trainings

DEP has recently contracted with the Pennsylvania Municipal League (PML) and Performance Systems Development (PSD) to provide building code officials, contractors, design professionals and builders with training on the 2015 International Energy Conservation Code (IECC) for residential and commercial construction projects in the upcoming months. A series of workshops, webinars and specialized (circuit rider) trainings have been planned. PML and PSD are currently *planning the training schedule and preparing outreach and training materials.*

Alternative Fuel Incentive Grant (AFIG)

The AFIG Program offers grant funding for clean, alternative fuel projects in Pennsylvania, and investment in Pennsylvania's energy sector. The 2019 Alternative Fuels Incentive Grant Program (AFIG) is now accepting applications through the DCED Electronic Single Application (ESA) system. Approximately \$5 million in grants is available for school districts, municipal authorities, political subdivisions, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in the Commonwealth. The program is open for applications throughout 2019. *The first application acceptance period ended on July 12. DEP has selected awards and will be announcing the 1st round of award winners in Mid-November. The next application acceptance period ends December 13th.*

EV Everywhere

The Drive Electric PA Coalition held a Ride and Drive event on October 23rd in Harrisburg on Commonwealth Avenue in front of the Capital building. A kickoff ceremony included brief remarks from DGS, DEP, DCNR, PennDOT and members of the Coalition. The DEPA Coalition will have a final stakeholder meeting for 2019 on Thursday, November 21, 2019 (10AM – 2PM) at the Pennsylvania Turnpike Commission Headquarters on 700 S. Eisenhower Blvd., Middletown, PA 17057. Details on the upcoming meetings, including agendas and any presentations, will be posted on DEP's website here:

<https://www.dep.pa.gov/Business/Energy/OfficeofPollutionPrevention/State-Energy-Plan/Pages/Drive-Electric-PA-Coalition.aspx> .

Agricultural Energy Use Analysis

In an effort to assist Pennsylvania's agricultural producers with saving energy, on August 14th EPO released a request for quote in order to hire a consulting firm to perform an analysis of energy use on farms in Pennsylvania. The consultant will also be tasked with providing recommendations for energy efficiency programming in Pennsylvania. *The consultant, ENSAVE, was selected, and a contract is being executed.*

Environmental Cleanup and Brownfields

Storage Tank Advisory Committee (STAC)

The next STAC meeting is scheduled for December 4, 2019. The meeting will begin at 10:00 a.m. in Room 105 in RCSOB, 400 Market Street, Harrisburg, PA.

Proposed Rulemaking, 25 Pa. Code, Chapter 250 (relating to Administration of Land Recycling Program)

The Land Recycling Program is developing a proposed rulemaking to update Statewide health standard medium-specific concentrations (MSCs) listed in Appendix A of Chapter 250. Additional changes to the regulations are needed to clarify regulatory language, update outdated information, and to make other corrections. The Department presented draft regulatory language and MSC tables to the Cleanup Standards Scientific Advisory Board (CSSAB) at the June 12, 2019, meeting. The CSSAB tabled a vote of concurrence on the proposed rulemaking language until a few remaining issues are resolved. These remaining issues have been addressed and *were discussed with the CSSAB at its October 29, 2019, meeting. The proposed rulemaking is anticipated for presentation to the EQB during the fourth quarter of 2019.*

Land Recycling Program Technical Guidance Manual (TGM) Addendums

The final revised Land Recycling Program TGM was published on January 19, 2019. Additional information regarding two remedial technologies will be added to the TGM as addendums. The first addendum is “The Use of Caps as Engineering Controls,” which is proposed to be an appendix to Section II of the TGM and will help inform remediators and regional office staff of recommended best practices for caps. This proposed TGM addendum was discussed at the February 13, 2019, CSSAB meeting. A workgroup comprising CSSAB members and their staff reviewed the proposed addendum and provided recommendations for revisions. The revised proposed capping guidance addendum was provided to the CSSAB at the June 12, 2019, meeting. Additional revisions and comments provided by the CSSAB and Regional Offices have been incorporated. The final draft document is ready to be routed for internal review and approval for publication for public comment. The second TGM addendum will provide guidance on the use of vertical soil mixing as a remediation technology to address historic pesticide contamination on agricultural lands. This proposed guidance addendum is expected to be provided to the CSSAB for discussion at the first CSSAB meeting of 2020.

Environmental Education

DEP Environmental Education Grants Program

The Environmental Education Grant Program was established by the Environmental Education Act of 1993, which mandates that five percent of all pollution fines and penalties collected annually by the Department of Environmental Protection be set aside for environmental education. Since the inception of the environmental education grant program, DEP has awarded more than \$12 million in grants to support environmental education efforts throughout Pennsylvania. This grant program was designed to promote Environmental Education principles that encourage the public to promote a healthy environment, foster an understanding of the natural world’s functions, and promote an understanding of the necessity for environmental protection and sound resource management.

The 2020 DEP Environmental Education Grant round opened on October 31, 2019. Grants are available at three different levels. Mini-grants will be awarded for regional projects up to \$3,000. For 2020, General Grants will be offered at two levels: General Grants I for regional or statewide projects will be funded up to \$20,000, and General Grants II will fund projects from \$20,000 to \$85,000 and are earmarked for statewide projects that have a national reach and serve Environmental Justice communities. *A webinar designed to assist organizations complete the application process has been scheduled for November 18, 2019, at 1:00 pm.*

PA Falcon Reintroduction Program

A Google Earth tour of the area surrounding the Rachel Carson State Office Building has been developed for the Falcon Cam followers that are unfamiliar with this urban landscape. Accompanying text will highlight the difference between urban nesting areas and natural nest sites.

The Environmental Education Office is greatly anticipating receipt of additional information on the three young peregrines that were fitted with Motus tracking devices. As this information becomes available, it will be shared with the public.

Recently two Falcon Watch and Rescue volunteers visited the New York Wildlife Center. This certified operation is home to the Rachel Carson State Office Building's 2017 falcon identified as Blue. Due to improper physical development, which affected its ability survive in the wild, this falcon is now an "educational bird" demonstrating raptor conservation. The volunteers were pleased to report that Blue 2017 is in excellent health.

Update from the PA Watershed Education Task Force

The Stroud Center, Pennsylvania Department of Education, Pennsylvania Department of Conservation and Natural Resources and DEP continue to cooperate on this task force to provide additional educational opportunities for Meaningful Watershed Educational Experiences (MWEE) training. MWEE Ambassador Trainings are being offered at four locations through the end of 2019 and into 2020. These dates and locations include November 13, 2019, at Bald Eagle State Park in Howard, PA; November 20, 2019, at Frick Environmental Center in Pittsburgh, PA; February 20, 2020, at the Stroud Water Research Center in Avondale, PA; and March 5, 2020, at the Dauphin County Agriculture and Natural Resources Center in Dauphin, PA. These locations were selected to recruit educators from eastern, central, northern and western Pennsylvania.

Outreach efforts are currently being directed to the PA Association of Environmental Educators (PAEE). The task force will be collaborating on presentations at the 2020 PAEE conference. Topics for these two seminars will include MWEEs as a framework for the development of stormwater projects and Integrated Pest Management (IPM) for school buildings. Also new for 2020 is the development of an MWEE Award Program to debut at the 2020 PA Association of Environmental Education (PAEE) Conference and PA Recreation and Park Society (PRPS). Two awards will be presented: Meaningful Watershed Educational Experience (MWEE) Partner in Excellence and Exceptional Implementation of the Meaningful Watershed Educational Experience.

The Meaningful Watershed Educational Experience Partner in Excellence will recognize non-formal environmental education providers who have previously demonstrated or are actively demonstrating exceptional partnership(s) with pre-K through Grade 12 educational institution(s) to implement one or more steps of the MWEE. Partners include but are not limited to intermediate units; municipalities and municipal authorities; county conservation districts; government organizations; incorporated non-profit 501© (3) organizations; nature centers, non-formal and community-based environmental education providers; and institutions of higher learning (colleges and universities).

The Exceptional Implementation of the Meaningful Watershed Educational Experience award will recognize pre-K through Grade 12 formal educational institutions who have previously implemented or are actively implementing all four steps of the MWEE. Eligible applicants should represent a pre-K through Grade 12 formal educational institution, including but not limited to school districts, public schools, private schools, charter schools, and parochial schools that provide school-day or after-school programming and successfully implemented all four steps of the MWEE.

Weathering the Storm Stormwater Workshops

A robust schedule of stormwater workshops is currently being developed for the spring and summer of 2020. The objective is to facilitate municipalities, especially MS4 communities, to collaborate with local school districts in the implementation of stormwater BMPs. The MWEE framework will be used to direct these

projects. In addition, participants will be informed of the funding opportunities available through the DEP Environmental Education grant program and the Pennsylvania Local Government Implementation Grants. Eligible applicants include local governments and entities supporting local government implementation in Pennsylvania, including non-profit 501(c) organizations and academic institutions.

Envirothon

The PA Envirothon is gearing up for the current school year in preparation for the county competitions followed by the state competition to be held at Susquehanna University and Camp Mount Luther on May 19 & 20, 2020. The 2020 international NCF-Envirothon competition will be hosted in Lincoln, Nebraska, at the University of Nebraska from July 26 – August 1, where students will be tested on the 2020 topic: “Water Resources Management: Local Control and Local Solutions.

Environmental Justice

DEP’s EE&IC and the Environmental Justice (EJ) office have been collaborating on efforts to further environmental education in EJ areas. As part of this effort, the 2020 DEP Environmental Education Grant program prioritizes water and/or climate change, along with projects that deliver programs to Environmental Justice communities.

Air Quality Flag Program

The U. S. Environmental Protection Agency and PA DEP invite Pennsylvania schools to fly an Air Quality Flag. Children and teens, especially those who are active outdoors or those who have asthma, are one of the demographics that are most greatly impacted by poor air quality. By becoming a part of the [Air Quality Flag Program](#), schools across the country hang or raise a flag every day alerting the students of the quality of the air they breathe. The color of the flag matches the color of the Air Quality Index.

2020 Radon Poster Contest

DEP’s Environmental Education and Information Center is aiding DEP’s Bureau of Radiation Protection in the promotion of the 2020 Radon Poster Contest for students. Students ages 9-14 years as of November 30 are encouraged to combine science and art by creating an educational poster that shows the physical aspects of radon, the harmful effects of indoor radon gas, or the importance of testing for radon in the home. DEP will submit Pennsylvania’s first-place poster to the 2020 National Radon Poster Contest, sponsored by the Conference of Radiation Control Program Directors.

Oil and Gas

Oil and Gas Fee Rulemaking

On May 16, 2018, the Office of Oil and Gas Management presented the proposed Unconventional Well Permit Application Fee rulemaking to the Environmental Quality Board (EQB). The proposed rulemaking increases the current well permit application fees from \$5,000 for a nonvertical unconventional well and \$4,200 for a vertical unconventional well, to \$12,500 for all unconventional well permit applications. The permit fees for conventional wells remain unchanged. EQB adopted the proposed rulemaking with two opposing votes. The Office of Attorney General completed its review on June 26, 2018. The proposed rulemaking was published in the Pennsylvania Bulletin on July 14, 2018 and the comment period closed on August 13, 2018. DEP received comments from IRRC on September 13. *DEP is currently preparing the final rulemaking package and plans to advance the package to EQB in early 2020.*

Pennsylvania Grade Crude Development Advisory Council - Meeting Rescheduled (CDAC)

The meeting of CDAC that was scheduled for September 26, 2019, *was* rescheduled to November 12, 2019. *The meeting will be held in the Gemmell Meeting Room 146 at Clarion University, Clarion, and is scheduled to*

start at 10:00 am and conclude at 3:00 pm. The Department of Community and Economic Development provides administrative support to the council.

ESCGP-3 Prioritized Review Workgroup - Meeting Rescheduled

On August 20, 2019, Office of Oil and Gas Management staff convened the first in a series of meetings to commence the Erosion and Sediment Control General Permit (ESCGP-3) Prioritized Review Workgroup. In addition to Office of Oil and Gas staff, attendees included Bureau of Clean Water Ch. 102 Program, Office of Chief Counsel and DCNR Bureau of Forestry staff, as well as several professionals representing industry trade organizations, resource advocacy groups and environmental consulting firms. Innovative approaches through design and implementation of environmentally enhanced Best Management Practices (BMPs) and superior construction practices reduce environmental impacts from oil and gas operations. To incentivize these technologies and practices, the Department plans to replace the Expedited Review process with a voluntary Prioritized Review option for projects that must obtain an ESCGP-3. Permit applications submitted as Prioritized Review will be given a score based on the types of BMPs and environmentally superior construction practices proposed for a project. Projects that score well will be given priority to be reviewed ahead of projects that do not propose environmentally superior BMPs and construction practices. To maximize stakeholder participation, the second meeting of the ESCGP-3 Prioritized Review Workgroup has been scheduled for November 14, 2019. The meeting will be held at 10:00 a.m. in the 14th Floor Conference Room of the Rachel Carson State Office Building.

Cornplanter State Forest Methane Emissions Field Study Kick-off

DEP Bureau of Oil and Gas Planning and Program Management (BOGPPM) Division of Subsurface Activities (DSA) staff kicked off a field study on September 24 designed to determine if any of the wells designated for plugging in Cornplanter State Forest are emitting methane. On select days of the study, BOGPPM DSA staff were joined by project partners at DCNR's Bureau of Forestry and DEP's Northwest District Oil and Gas Operations Office. DCNR has allocated funding to permanently decommission the wells on these tracts through a partnership established between the agencies aimed at plugging wells on state forest land.

Oil and Gas Workload Report

Please see Attachment 2.

Radiation Protection

Radiation Protection Rulemakings

Chapter 227

The Radiation Protection Act directs DEP to develop and conduct comprehensive programs for the registration, licensing, control, management, regulation and inspection of radiation generating devices (RGD) and users of such devices. The areas in need of review and update relate to non-medical X-ray equipment. There have been important advances in technology and use of X-rays and other ionizing radiation particles for industrial radiography, non-contact level monitoring, foreign body detection, chemical purification, melting, welding, polymerization, sterilization, and security screening. The proposed package was discussed at the October 10, 2019, Radiation Protection Advisory Committee (RPAC) meeting. At that meeting, it was decided a subcommittee will have weekly conference calls to help provide the Department with recommendations related to the necessary revisions to the regulations. The next RPAC meeting will be held in spring 2020.

New Compliance & Enforcement Guidance Document

The Radiation Protection program is drafting a new Radiation Protection Compliance & Enforcement Guidance document. This document will provide guidelines for staff on how to implement the provisions relating to enforcement actions contained in DEP's policies and procedures. The purpose of this guidance is to ensure that all staff use similar formats when addressing similar violations across DEP offices. It describes the documents

available for compliance and enforcement actions, and it establishes guidelines on how they should be applied. The draft guidance document *was presented to the RPAC in October and received no recommendations. The guidance is currently being prepared for approval to be published in the PA Bulletin with a 30-day public comment period in late 2019.*

Waste Management

MAX Environmental Technologies, Inc. Delisting Petitions – Bulger Facility and Yukon Facility

On May 2, 2019, DEP received two petitions from MAX Environmental Technologies, Inc. (MAX) to delist certain hazardous waste at their Bulger and Yukon facilities. DEP reviewed the petitions in accordance with the Environmental Quality Board's Petition Policy in 25 Pa. Code Chapter 23 and determined the petitions meet the conditions in Section 23.2 for further review. The Department notified MAX on June 3, that the petitions would be submitted to the Environmental Quality Board (EQB) for consideration at its next meeting. At the EQB meeting held on Tuesday, June 18, DEP summarized the petitions for the EQB and recommended that the EQB accept the petitions for further study. The EQB adopted a motion to accept the petitions. At the August 20 EQB meeting, DEP provided an update to the EQB that additional time would be necessary to properly evaluate the petitions and prepare a report. *DEP has completed its evaluation of the petitions and is currently preparing a report that summarizes the evaluation and makes a recommendation on the petitions. Upon completion of this report, a copy will be provided to the petitioner for comment. DEP will keep the Board updated on progress toward completion of the evaluation and report, as well as additional activities.*

Elcon Recycling Services, LLC (Falls Township, Bucks County)

DEP's Southeast Regional Office Waste Management Program issued a Notice of Intent to Deny to Elcon Recycling Services, LLC (Elcon) for its Phase II Part B commercial hazardous waste treatment and storage facility application. After completing a 10-month technical review of materials submitted by the company, DEP found a number of outstanding deficiencies that remain unaddressed to DEP's satisfaction.

A Notice of Intent to Deny is not a final or appealable action by the DEP. It is a draft decision, open to the public for comment and review. The applicant may comment on the notice and submit materials to address the deficiencies cited by DEP. The comment period opened on June 1 with a publication in the *Pennsylvania Bulletin* and closed on July 15. The applicant submitted comments and provided responses to the Notice of Intent to Deny within the comment period. All comments received during the 45-day comment period, from the public and the applicant, will be reviewed and addressed in a public document.

DEP is continuing its review of two additional applications from Elcon for air quality and stormwater.

A copy of the hazardous waste application and deficiencies noted by DEP, as well as correspondence on the project, opportunities for public participation, and additional applications under review can be found at www.dep.pa.gov/elcon.

Substantive Revisions to DEP's Management of Fill Policy

Pennsylvania's waste regulations, which were adopted in 1988, state that uncontaminated soil, rock, stone, gravel, unused brick or block, and concrete can be used to level or bring an area to grade without obtaining a permit for the beneficial use of waste. DEP frequently refers to these materials as "clean fill."

To support the regulations, DEP created the Management of Fill Policy to clarify when and how fill can be used in Pennsylvania without the need for a waste permit. The current effective version of the Policy is dated August 7, 2010. Major components of this Policy rely on the Act 2 Statewide health standards, which were revised in 2011 and again in 2016, necessitating a revision to the Policy. Staff in the Bureau of Waste Management worked diligently to hear the concerns of stakeholders and published a substantive revision for public comment on November 10, 2018.

The draft revisions proposed by DEP *included*: incorporating the Chapter 250 standards by reference so that the concentration limits in the policy are continually aligned with Chapter 250; improving the mechanism for determining whether the presence of a contaminant is due to background conditions; clarifying the requirements for developing a sampling plan for in-place material; and clarifying definitions and terms not defined by the policy.

DEP accepted public comment on the proposed changes through January 8, 2019, *and revised the policy, where appropriate, based on the public comments received. The revised policy was published in the Pennsylvania Bulletin as a final document on November 2, 2019. The finalized policy will become effective on January 1, 2020.*

Substantive Revisions to DEP's Guidance Document on Radioactivity Monitoring at Solid Waste Processing and Disposal Facilities

On June 6, staff from DEP presented the Solid Waste Advisory Committee (SWAC) draft proposed substantive revisions to the technical guidance document that assists the regulated community with the development of Radiation Protection Action Plans as required in regulation. The primary revisions amend the policy to include guidance for the oil and gas industry in response to new provisions in Chapter 78a requiring unconventional oil and gas operators to comply with the document. Additionally, outdated and redundant information is being removed; guidance is being provided for non-solid waste recycler operations; guidance on environmental modeling is being improved; and radiation protection standards are being compiled in one place for subject facilities. *The draft policy was published in the Pennsylvania Bulletin on October 19, 2019, opening a 30-day public comment period that will close on November 18, 2019. DEP will then begin the process of reviewing comments and preparing a comment and response document.*

Solid Waste Advisory Committee (SWAC)

The next regular SWAC meeting *is scheduled for* Thursday, December 5, in Room 105 of the Rachel Carson Building. Additional information is available on the [SWAC website](#).

Recycling Fund Advisory Committee (RFAC)

RFAC was re-established as a separate committee in accordance with statute at the June 6 SWAC-RFAC meeting. RFAC adopted its own bylaws at the same meeting. New bylaws and additional information are available on the [SWAC website](#).

Water Programs

Manganese Rulemaking

Bureau of Clean Water will propose a rulemaking to revise the water quality standards for manganese. This proposed rulemaking will consist of two main recommendations to the Environmental Quality Board: (1) to move the point of compliance of the current potable water supply criterion for manganese to the point of existing or planned surface potable water supply withdrawal, as required by 2017 Act 40 § 6; and (2) to implement a new threshold human health criterion for manganese as a toxic substance to protect against the known toxic effects of manganese. This proposed rulemaking was discussed at the July 25, 2019 Water Resources Advisory Committee (WRAC) meeting and the WRAC voted to acknowledge the statutory requirement for the first part of the proposed rulemaking and to support the second part of the proposed rulemaking to protect against the risks to public health potentially created by the first part of the proposed rulemaking. *This proposed rulemaking was also discussed at the August 8, 2019, Small Water Systems Technical Assistance Center (TAC) Advisory Board meeting, where the TAC Board voted to support the aforementioned motion passed by WRAC on July 25, 2019. This proposed rulemaking was also discussed at the August 29, 2019, meeting of the Agricultural Advisory Board (AAB); AAB did not vote either to support or to oppose the proposed rulemaking.*

PAG-02

On August 17, 2019, DEP published the availability of a draft National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activities (PAG-02) for reissuance. The PAG-02 General Permit is intended to provide NPDES permit coverage to persons discharging stormwater associated with construction activities to surface waters of this Commonwealth in satisfaction of State NPDES permit requirements. This draft PAG-02 General Permit would apply to eligible projects proposing an earth disturbance activity that involves 1 acre or more of earth disturbance, or an earth disturbance on any portion, part, or during any stage of a larger common plan of development or sale that involves 1 acre or more of earth disturbance. If a project requires NPDES permit coverage but is ineligible for PAG-02 coverage, an applicant may apply for an individual NPDES permit. DEP accepted comments through Monday, September 16, 2019. Questions regarding the draft PAG-02 can be directed to Sean Furjanic at sefurjanic@pa.gov or (717) 787-2137.

PAG-01

On September 28, 2019, DEP published the availability of a draft National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Small Construction Activities (PAG-01). PAG-01 is intended to provide NPDES permit coverage to persons discharging stormwater associated with small construction activities to surface waters of the Commonwealth. PAG-01 would apply to eligible projects that propose less than five (5) acres of earth disturbance and will have impervious surface areas no greater than 30,000 square feet within the area of disturbance and no greater than 12% of the project site area. A project may be eligible for PAG-01 coverage if stormwater and non-stormwater discharges will conform to the requirements of the General Permit, technical criteria are met, and the prohibitions identified in the General Permit do not apply. DEP accepted comments through October 28, 2019. Questions regarding the draft PAG-01 can be directed to Sean Furjanic at sefurjanic@pa.gov or (717) 787-2137.

Water Resources Advisory Committee Meeting

The next Water Resources Advisory Committee (WRAC) meeting is scheduled for *January 29, 2020*.

Agricultural Advisory Board Meeting

The next Agricultural Advisory Board meeting is re-scheduled for November 7, 2019.

Water Quality Permit Fees

DEP proposed a rulemaking that would increase certain fees for some Water Quality Management (WQM) permit applications and some National Pollutant Discharge Elimination System (NPDES) permit applications and annual fees. This proposed rulemaking would impact municipalities, industries, and farmers that hold NPDES permits. The proposed regulations were published in the Pennsylvania Bulletin on March 30, 2019, and the public comment period closed on May 14, 2019. DEP received comments from 91 individuals/organizations and letters signed by 67 members of the General Assembly. A comment/response document is being developed *with publication of the final rulemaking expected in the next six months*.

Integrated Report

DEP received comments on the draft 2018 Pennsylvania Integrated Water Quality Monitoring and Assessment Report (Integrated Report) and the Susquehanna/Juniata Rivers aquatic life assessment report. The Integrated Report is required by EPA and Sections 303(d) and 305(b) of the Federal Clean Water Act. The Integrated Report includes narrative descriptions of the various control and restoration programs DEP manages, water quality trends, and the complete status of Pennsylvania waters. This Integrated Report is the first fully digital interactive Integrated Report. It will be useful as it is user friendly and readily accessible to both water quality professionals and the public. The public comment period closed June 4, 2019. *On September 4th, 2019, the final review and approval of the 2018 Integrated Water Quality Monitoring and Assessment Report (Integrated Report) comment/response document was completed. The final Integrated Report was subsequently submitted to EPA and all assessment data were submitted to EPA electronically through the federal ATTAINS system. With*

this final submittal of the assessment data, EPA has 30-days to review and approve or disapprove the 303(d) list of impaired waters. The 2018 Integrated Report is a national leading resource that has received an incredible amount of public attention with positive reviews within the media.

Small Water Systems Technical Assistance Center Advisory Committee Meeting

DEP's Small Water Systems Technical Assistance Center (TAC) Advisory Committee will meet on November 14, 2019.

Coastal Resources Management Grant Solicitation

The grant round for the Coastal Resources Management grants was opened on August 19, 2019, and closed on October 15, 2019. Grant applications will be assigned to program staff for scoring. Applicants will also present proposed projects to the local coastal stakeholders' group in each coastal zone in the fourth quarter of 2019. The stakeholders group will provide comments on the projects to the Department for its consideration during application scoring.

Coastal Resources Management Program Evaluation

During the week of November 11-14, 2019, National Oceanic and Atmospheric Administration (NOAA) representatives will travel to Pennsylvania to conduct a Section 312 program evaluation of the state Coastal Resources Management Program. NOAA requires regular program evaluations in order to adequately evaluate the ongoing approval and financial eligibility of coastal management programs. Pennsylvania's current evaluation period includes program performance from September 2010 through September 2019. Coastal Resources Management staff will accompany the five-person NOAA evaluation team while visiting completed grant project sites located in Bucks/Philadelphia/Delaware Counties. On November 12 NOAA will also conduct a required public meeting to be held at the Ridley Township Marina in Delaware County. After the conclusion of site visits, NOAA representatives will travel to Harrisburg in order to meet with DEP executive staff on November 14. The NOAA evaluation team will discuss its broad findings, strengths, weaknesses, successes and opportunities of the Pennsylvania Coastal Management Program. NOAA will then provide a formal and written report of its findings and recommendations to DEP executive staff within 120 days of November 14, 2019.

Environmental Justice

Environmental Justice Advisory Board (EJAB)

EJAB last convened via a conference call on Tuesday, October 8, 2019. The meeting included DEP, the Office of Environmental Justice (OEJ), and member updates and presentations on the College Underserved Community Partnership Program (CUPP) and Climate Action Plan. The next EJAB meeting will occur on Tuesday, November 19, 2019, in the Delaware Room of the Rachel Carson State Office Building. A portion of the meeting will be held jointly in Room 105 with the Citizens Advisory Council.

EJAB members recently formed a Subcommittee on Environmental Justice and Environmental Health, which will be working to assist OEJ and DEP around issues involving environmental justice and environmental health, particularly those issues involving people in EJ Areas. In addition, EJAB members started planning an Environmental Justice symposium to honor John Waffenschmidt, a long time EJAB member who passed away in 2018.

Community and Stakeholder Engagement

Public Meetings & Stakeholder Engagement

OEJ will engage in several community organization meetings and events throughout November including: PA Department of Health's Health Equity Summit, American Public Health Association - EJ Town Hall, Anthracite Region for Progress meeting, Black Environmental Collective, Evergreen, BoRit CAG, and others.

OEJ staff will participate in meetings with various workgroups and committees including Harrisburg Environmental Advisory Council, Erie Stakeholder Group, American Planning Association Pennsylvania Chapter, Delaware Valley Smart Growth Alliance, Healthy Communities in PA, Pennsylvania Interagency Health Equity Team, Capital Region Water Community Ambassadors, Black History Month Committee, Transportation and Climate Initiative, and others.

Roundtables

A roundtable meeting in the Lehigh Valley is being scheduled for fall 2019. These events invite approximately 20-25 stakeholders from the community to discuss pertinent environmental justice issues and find potential solutions between DEP and other state and community partners.

EPA awarded DEP a Small Communities Assistance pilot grant to assist a small, disadvantaged community on providing training, research and technical assistance for addressing brownfields redevelopment. Shamokin was identified as the community to implement the work. DEP and OEJ are working with city officials, non-profit leaders in the community and Bucknell University to implement the grant and provide the resources to the community to support redevelopment efforts.

Strategy and Planning

Policy Review Process

OEJ drafted a Comment-Response document for the EJ Public Participation Policy. *The Comment and Response document and revised policy are under final review.*

OEJ Initiatives

College Underserved Community Partnership Program (CUPP)

OEJ staff is coordinating a College Underserved Community Partnership Program (CUPP) project in Nanticoke City, which includes partners from the U.S. Environmental Protection Agency, Nanticoke City, and Misericordia University. The project creates a partnership between academic institutions and local communities to provide technical assistance, in this case from marketing and communications masters' degree students who are looking at strategic planning, communications, and marketing needs in the City.

Workforce Development Initiative

OEJ is developing a workforce development initiative to create a pipeline to drinking water and wastewater operator careers. These jobs are in demand, secure and provide sustainable wages with a minimum education requirement of a high school diploma for entry in the field. OEJ is collaborating with Delaware County Community College and William Penn School District in eastern Delaware County to pilot the program.

Environmental Education

DEP's Environmental Education Center, OEJ and PA Department of Education (PDE) are partnering to establish initiatives that will infuse EJ principles in PDE training around environmental education for students, educators and municipal staff. DEP's Environmental Education Center, OEJ and PDE hosted an environmental education workshop for the City of Harrisburg's Environmental Teen Corps (ETC) program in summer 2019 and will continue to work with Harrisburg ETC and offer a train-the-trainer workshop in spring 2020.

Attachment 1

2019 Events Calendar

Please consult the DEP Calendar of Events for a comprehensive listing of upcoming events. The Calendar can be accessed in the Public Participation Tab on the DEP website. Click on “Public Participation;” “Calendar of Events.”

November	
6	Aggregate Advisory Board Quarterly Meeting, 10 a.m., RCSOB 10 th Floor Conference Room, Harrisburg
6	Aggregate Advisory Board – Regulatory, Legislative and Technical Committee Meeting, 1:00 p.m., RCSOB 10 th Floor Conference Room, Harrisburg
7	DEP Agricultural Advisory Board Meeting, 9:30 a.m., DEP Bureau of Laboratories, 2575 Interstate Drive, Harrisburg
12	PA Grade Crude Development Advisory Council, 10 a.m., Gemmell Meeting Room 146, Clarion University, Clarion
14	Small Water Systems Technical Assistance Center (TAC) Board Meeting, 9 a.m., RCSOB Room 105, Harrisburg
14	Erosion and Sediment Control General Permit-3 (ESCGP-3) Prioritized Review Workgroup, 10 a.m., RCSOB 14 th Floor Conference Room, Harrisburg
19	Environmental Justice Advisory Board (EJAB) Meeting, 8:30 a.m., RCSOB 16 th Floor Delaware Room, Harrisburg
19	Environmental Quality Board (EQB) Meeting, 9 a.m., RCSOB Room 105, Harrisburg
19	Citizens Advisory Council (CAC) Meeting, 10 a.m., RCSOB Room 105, Harrisburg
December	
4	Storage Tank Advisory Committee (STAC) Meeting, 10 a.m., RCSOB Room 105, Harrisburg
4	State Board for Certification of Water and Wastewater Systems Operators Meeting, 10 a.m., RCSOB 10 th Floor Conference Room, Harrisburg
5	Solid Waste Advisory Committee Meeting, 10 a.m., RCSOB Room 105, Harrisburg
10	Climate Change Advisory Committee (CCAC) Meeting, 10 a.m., RCSOB Room 105, Harrisburg
10	Board of Coal Mine Safety, 10 a.m., DEP Cambria Office, Conference Rooms A/B, 286 Industrial Park Road, Ebensburg
12	Air Quality Technical Advisory Committee (AQTAC) Meeting, 9:15 a.m., RCSOB Room 105, Harrisburg
17	Environmental Quality Board (EQB) Meeting, 9 a.m., RCSOB Room 105, Harrisburg
18	Oil and Gas Technical Advisory Board (TAB) Meeting, 10 a.m., RCSOB Room 105, Harrisburg
19	DEP Agricultural Advisory Board, 9:30 a.m., DEP Southcentral Regional Office, Susquehanna B Conference Room, 909 Elmerton Avenue, Harrisburg

Attachment 2

Oil and Gas Workload Report

(As of October 18, 2019)

YTD WELL PERMIT APPLICATIONS - 1/1/2019 to 10/18/2019						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	186	17	203	199	194	4
UNCONVENTIONAL	1,132	87	1,229	1,206	1,094	23
Sub Total	1,318	104	1,432	1,405	1,288	27
AUTHORIZATIONS	995	140	1,030	927	N/A	103
Total	2,313	244	2,462	2,332	2,105	130

WEEKLY WELL PERMIT APPLICATIONS - 10/12/2019 to 10/18/2019						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	0	0	2	1	1	1
UNCONVENTIONAL	17	17	14	13	13	1
Sub Total	17	17	16	14	14	2
AUTHORIZATIONS	30	30	30	30	N/A	0
Total	47	47	46	44	44	2

HISTORICAL WELL PERMIT APPLICATIONS AS OF 10/18/2019						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	198,039	198,022	196,769	190,564	1,253	101,327
UNCONVENTIONAL	27,767	27,669	27,101	21,246	568	12,156
Sub Total	225,806	225,691	223,870	211,810	1,821	113,483
AUTHORIZATIONS	44,860	44,716	43,840	42,586	876	19,167
Total	270,666	270,407	267,710	254,396	2,697	132,650

YTD INSPECTIONS - 1/1/2019 to 10/18/2019				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	9,314	6,848	1,346	125
UNCONVENTIONAL	15,478	7,646	636	88
CLIENT/SITE	3,543	1	2,090	183
Total	28,335	14,495	4,072	396

WEEKLY INSPECTIONS - 10/12/2019 to 10/18/2019				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	115	110	11	1
UNCONVENTIONAL	210	206	9	1
CLIENT/SITE	62	1	7	2
Total	387	317	27	4

WELLS DRILLED					
	Two Years Prior 1/1/2017 to 10/18/2017	One Year Prior 1/1/2018 to 10/18/2018	Year To Date 1/1/2019 to 10/18/2019	Week of 10/12/2019 to 10/18/2019	As of 10/18/2019
CONVENTIONAL	86	110	153	4	201,721
UNCONVENTIONAL	645	618	516	13	12,222
Total	731	728	669	17	213,943

This report was prepared by Kate Cole, Executive Policy Specialist, DEP Policy Office. For questions or requests, please email kacole@pa.gov.