

**November 2020 Report to the Citizens Advisory Council**  
(New and updated information in italics)

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**DEP Highlights**

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**DEP PFAS Update**

In 2018, Governor Wolf 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 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](http://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. Additionally, DEP regularly meets with the Department of Health to discuss the relationship of PFAS to human health and the environment. For a comprehensive outline of the PFAS Action Team's efforts, please see the [PFAS Action Team's Initial Report](#).

DEP's Bureau of Environmental Cleanup and Brownfields proposed regulatory amendments to Chapter 250: Administration of the Land Recycling Program. This proposed regulation among other items, establishes the first ever cleanup standards for three PFAS – PFOA, PFOS, and PFBS. This proposed regulation was adopted by the Environmental Quality Board on November 19, 2019, and its public comment period ended on April 30, 2020. The Environmental Quality Board had planned to hold public hearings for this regulation in Harrisburg, Pittsburgh, and Warminster on March 17, 18 and 25, respectively, but these were cancelled due to COVID-19. Comments submitted on this proposed regulation are currently under review. DEP expects to finalize this regulation in early 2021.

The Bureau of Safe Drinking Water's PFAS Sampling Plan resumed in mid-August under an approved return to work and health and safety plan. Sampling had been temporarily suspended in March due to the novel coronavirus, COVID-19. Sampling and analysis will be split between DEP's Bureau of Laboratories (BOL) and the contract lab using EPA Method 537.1, which can detect 18 PFAS. This will provide even more occurrence data to inform future actions moving forward. Due to the delays caused by the pandemic, sampling is expected to be completed by the end of December 2020.

Work on the PFAS Toxicology Services Contract with Drexel University is continuing. A final report with recommendations on toxicity values and MCLGs is expected on or before December 2020.

Throughout 2019, USGS, DEP, and SRBC staff collected raw surface water PFAS samples to quantify the extent of PFAS contamination at all of Pennsylvania's 178 water quality network stations (WQN). Additional, passive water PFAS samples were collected at 18 sites, most of which overlapped with the WQN sites. This effort included testing grab and passive samples for 33 PFAS compounds and total oxidizable precursor PFAS compounds. DEP and USGS will issue the results of these analyses, which will include the results of the environmental and quality assurance samples and description of the data. An analysis report of the data will be produced in the future as a co-publication between DEP and USGS.

*DEP and USGS will continue to collect PFAS surface water samples at approximately 20 locations throughout the Commonwealth based on the results of the 2019 data collection effort. The additional data collection will be performed as part of the Department's Surface Water Quality Network. Ongoing data collection will be used in the development of PFAS water quality criteria and implementation of surface water assessments.*

### **Chesapeake Bay Phase 3 Watershed Implementation Plan (WIP)**

In an effort to expand public transparency of Pennsylvania's progress toward meeting our Phase 3 Watershed Implementation Plan goals, the Chesapeake Bay Office has instituted a new electronic monthly newsletter. Anyone can subscribe to receive the newsletter. Previous newsletters and the link to subscribe can be found [here](#).

The Phase 3 WIP describes how Pennsylvania intends to move forward and accelerate progress towards meeting the nutrient 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 WIP includes Countywide Action Plans (CAPs) developed by the counties with support from DEP. Coordinator and CAP Implementation Grant applications are being accepted through October 15, 2020, for eligible counties: the pilot counties (Lancaster, York, Adams, Franklin) and the tier 2 counties (Bedford, Center, Cumberland, Lebanon). The grants are funded on a calendar year basis, with coordinator funds being provided up to a \$100,000 maximum. CAP Implementation Grants are provided to eligible applicants (those counties that have developed their CAPs) and will target resources where the need is greatest for nutrient and sediment reduction to the Chesapeake Bay. The Chesapeake Bay Office is planning to open the Coordinator funding grant round for Tier 3 and 4 Counties in November or December. This upcoming year, the source of the coordinator and CAP implementation grant funds will be Environmental Stewardship Funds; no federal funds have been provided.

DEP Chesapeake Bay Office staff have been using the weekly "Webinar Wednesdays" virtual forum for training on topics identified by the County Coordinators and bringing in presenters from different DEP programs as well as external presenters from NFWF, National Wildlife Federation, Alliance for the Chesapeake Bay, and Water Words that Work. Examples of these topics include: Integrated Water Quality Report; Agriculture 101: State Environmental Regulations and Resource Management; Grow More – Influencing Agriculture: Reaching Beyond the Choir; Grant Writing 101; and Creating Engaging Online Meetings.

The *draft* Conowingo WIP (CWIP) was published for public comment by the Chesapeake Bay Program Partnership on October 15, 2020. The draft CWIP was drafted for the Partnership by the Center for Watershed Protection, Chesapeake Conservancy, and the Chesapeake Bay Trust under a grant awarded by EPA. The CWIP will serve to provide initiatives toward achieving 6 million pounds of nitrogen reduction specific to the Conowingo Dam. Pennsylvania serves as co-chair to the Conowingo WIP Steering Committee, alongside Maryland. Public comments on the draft CWIP are due to the Partnership by December 21, 2020. The draft CWIP, a webinar that provides information about the CWIP, and other communications materials can be found on [the CWIP Steering Committee webpage](#). All comments and questions on the draft CWIP should be directed to [CWIP@chesapeakebay.net](mailto:CWIP@chesapeakebay.net) on or before December 21, 2020.

The Chesapeake Bay Program Office and its partners are evaluating the near- and long-term impact that COVID-19 has on outreach, engagement, and implementation of the initiatives as set forth within the WIP and CAP strategies.

The WIP is accessible here: [www.dep.pa.gov/chesapeakebay/phase3](http://www.dep.pa.gov/chesapeakebay/phase3) Questions on the WIP and Pennsylvania's Chesapeake Bay Program can be submitted to [RA-EPChesBay@pa.gov](mailto:RA-EPChesBay@pa.gov).

### **PA Litter Action Plan**

DEP, in partnership with PennDOT and Keep Pennsylvania Beautiful, published the results of a comprehensive [litter research study](#) on February 5, 2020. The study presented data from on-the-ground litter counts in 180 locations in Pennsylvania, a random phone survey of 500 residents, and a forum at which over 120 community, business, and local and state government leaders shared their views on litter impacts and what should be done to end littering in Pennsylvania. Field results from the study indicated there are more than 502 million pieces of litter on Pennsylvania roads. The most common items littered are cigarette butts and plastics, with plastic film and beverage containers being most prevalent.

In tandem, Keep Pennsylvania Beautiful commissioned a [study](#) to document how much it costs nine cities in Pennsylvania to manage litter and illegal dumping. The study found that Allentown, Altoona, Erie, Harrisburg, Lancaster, Philadelphia, Pittsburgh, Reading and Scranton collectively spend more than \$68 million annually on cleanup, education, enforcement and prevention efforts to address litter and illegal dumping.

Since the release of these reports, DEP, PennDOT and Keep Pennsylvania Beautiful have started planning the formation of workgroups comprised of state government agencies, local governments, and industry and community leaders from around the state to review the litter and cost research. Using the recommendations presented in the Pennsylvania Litter Research Study as a starting point, the workgroups will determine behavior change strategies to address Pennsylvania's littering problem and develop a statewide action plan aimed at reducing litter. Due to the novel coronavirus (COVID-19) pandemic, the workgroups have been put on hold.

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### **Regulatory Update (Detailed summaries included in respective program sections)**

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

- *Proposed Rulemaking – CO<sub>2</sub> Budget Trading Program (#7-559): The rule was adopted by the EQB on September 15, 2020. The rule was published on November 7, 2020, for a 69-day public comment period ending on January 14, 2021. Ten (10) virtual public hearings are scheduled for December 8 – 14, 2020.*
- *Proposed Rulemaking – Control of VOCs from Gasoline Dispensing Facilities (Stage I and Stage II) (#7-525): The rule was published on September 26, 2020, for a 65-day public comment period. Three virtual public hearings were held on October 27, October 28, and October 29. The public comment period will close on November 30, 2020.*
- *Proposed Rulemaking – Water Quality Standards for Manganese and Implementation (#7-553): The rule was published on July 25, 2020 for a 64-day public comment period. Three virtual public hearings were held on September 8, 9, and 10, 2020. The public comment period closed September 25, 2020. During the comment period and public hearings, 950 individuals provided comments or testimony on the rulemaking. On September 30, 2020, the House Environmental Resources and Energy Committee voted to send a letter to the Independent Regulatory Review Commission (IRRC) expressing the committee's disapproval of the proposed rulemaking. IRRC's comments were received on October 26, 2020.*
- *Proposed Rulemaking – Dam Safety and Waterway Management (#7-556): The rule was adopted by the EQB on July 21, 2020.*

- Proposed Rulemaking – Control of VOC Emissions from Oil and Natural Gas Sources (#7-544): The rule was published on May 23, 2020, opening a 66-day public comment period. Three virtual public hearings were held on June 23, 24, and 25. The comment period closed on July 27, 2020. *IRRC’s comments were received on August 26, 2020.*
- Proposed Rulemaking – Administration of the Land Recycling Program (#7-552): Published in the Pennsylvania Bulletin on February 15, 2020, opening a 60-day public comment period. The public comment period closed on April 30, 2020. IRRC’s comments were received on June 1, 2020. *Comments received were discussed with the Cleanup Standards Scientific Advisory Board on July 30, 2020.*
- Draft Final Rulemaking – Water Supply Replacement for Surface Coal Mining (#7-545): The rule was published on November 2, 2019, opening a 30-day public comment period. The comment period closed on December 2, 2019. IRRC’s comments were received on January 2, 2020. The draft final Annex A was discussed with the Mining and Reclamation Advisory Board on April 2, 2020.
- Final Rulemaking – Air Quality Fee Schedule Amendments (#7-536): The rule was adopted by the EQB on July 21, 2020. *The rule was delivered to the House and Senate Environmental Resources and Energy (ERE) Committees and IRRC on August 14, 2020. The House ERE Committee sent a letter disapproving the final rule on September 15, 2020. IRRC approved at its public meeting on September 17, 2020. On September 30, 2020, the House ERE Committee reported a Concurrent Regulatory Review Resolution to the House to disapprove the final rulemaking. The House now has ten (10) legislative days to vote on the resolution.*

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## **Public Comment Periods**

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### **Proposals Open for Public Comment**

- Draft Technical Guidance: Engineering Manual for Surface Mining Operations (563-0300-101) (Closes 1/28/21)
- Proposed Rulemaking: Control of VOC Emissions from Gasoline Dispensing Facilities (Stage I and Stage II) (#7-525) (Closes 11/30)
- Stream Evaluation Data Solicitation: Toms Creek (Adams County) and Jones Creek (Susquehanna County) (Closes 11/23)

### **Recently Closed Comment Periods**

- Draft Water Quality Assessment Methodology – Stream Fish Assemblage Assessment Method (Closed 11/9)
- Draft Technical Guidance: Civil Penalty Assessments for Coal Mining Operations (562-4180-306) (Closed 11/2)
- Nutrient Credit Trading Program – Certification Amendment Request: Lycoming County Conservation District on behalf of Nancy Jarrett (Closed 10/26)
- Draft 2020 Reclamation Fee Fiscal Year Report (Closed 10/19)

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## **Communications Monthly Press Releases**

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### **Press Releases Issued**

*September 30 - DEP Expands Drought Warning to 3 Counties and Drought Watch to 29 Counties*

*October 7 - DEP Awards \$4.9 Million in Nonpoint Source Management Grants to 23 Watershed Restoration Projects Statewide*

*October 7 - DEP Reaches Agreement with Columbia Gas Transmission for Erosion and Sedimentation Violations in Greene County*

*October 14 - DEP Reaches Agreement with Westmoreland Sanitary Landfill to Address Violations*

*October 14 - Wolf Administration Announces Winners of the 2020 Governor's Awards for Environmental Excellence*

*October 20 - Grants Available to Help Farmers and Small Businesses Save Money and Reduce Pollution*

*October 23 - DEP Increases Permitting Efficiency, Maintains Environmental Protection Amid COVID-19 Pandemic*

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## **Active and Abandoned Mine Operations**

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### **Active and Abandoned Mine Operations Rulemakings**

#### **Water Supply Replacement**

This 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. At their October 25, 2018, meeting, the Mining and Reclamation Advisory Board (MRAB) voted for the rulemaking to proceed. The EQB adopted the rulemaking as proposed at their June 18, 2019, meeting. The proposed rulemaking was published on November 2, 2019, with a 30-day comment period. IRRC comments were received on January 2, 2020. The MRAB's Regulatory, Legislative and Technical (RLT) Committee met virtually on March 16, 2020, to discuss the minor changes that were made to the draft final Annex A as a result of the public's and IRRC's comments. The draft final Annex A was presented to the full MRAB on April 2, 2020, where the MRAB recommended the Department proceed with the final rulemaking process.

#### **Noncoal Mining Clarifications and Corrections**

25 Pa. Code Chapter 77 was finalized in 1990 to implement the Noncoal Surface Mining Conservation and Reclamation Act. Since 1990, the Department's experience implementing the noncoal mining regulatory program has highlighted several issues that necessitate clarification of the regulations in Chapter 77. This proposed rulemaking seeks to address these clarifications and corrections, and many of the proposed revisions are administrative in nature. Beginning in October 2018, the Aggregate Advisory Board began reviewing and discussing concepts for the proposed rulemaking. Interaction with the Aggregate Advisory Board continued with several meetings of its RLT Committee throughout 2019 and 2020. On May 6, 2020, the Aggregate Advisory Board voted to concur with the Department's recommendation that the proposed rulemaking proceed in the regulatory process.

#### **Coal Refuse Disposal**

This proposed rulemaking will reflect the changes set forth in Act 74 of 2019. The MRAB's RLT Committee met virtually on March 16, 2020, to discuss the initial draft and again on May 18, 2020, where they approved moving ahead with the rulemaking. The proposed rulemaking was presented to the full MRAB on July 16, 2020. The MRAB objected to the use of "will" instead of "may" in one section and ultimately did not hold a vote on how to proceed with the proposed rulemaking. *Further discussions on the proposed rulemaking took place with the MRAB's RLT Committee on October 15, 2020. The proposed rulemaking was then taken back to the full MRAB on October 22, 2020, where they voted to concur with the Department's recommendation that the proposed rulemaking proceed in the regulatory process.*

## **Guidance Document Revisions**

The following technical guidance documents are in various stages of revision:

The Liners, Impoundments, Stockpiles, and Coal Refuse Disposal Areas (#563-2112-656) technical guidance document requires substantial reworking to reflect its applicability to capping of coal refuse disposal sites. This document also requires insertion of technical specifications for use of barrier fabrics. The first draft of the revisions was presented to the MRAB on July 16, 2020. *The MRAB's RLT Committee discussed the draft at its October 15, 2020, meeting and opted to consult with an outside expert on slurry impoundments as part of further review for this guidance.*

Revisions to the Surface Water Protection – Underground Bituminous Coal Mining Operations (#563-2000-655) technical guidance document will proceed in cooperation with a workgroup coordinated by the CAC. This was discussed at the April meeting of the Council. Major revisions to this document will include finalization of the revised biological protocol for assessing streams, revisions to stream monitoring protocol to remove control streams, allowance of alternative stream assessment methods (especially for low gradient streams), and stream recovery process clarifications.

The Civil Penalties Assessment (#562-4180-306) technical guidance document was published as draft in the 2<sup>nd</sup> quarter of 2019. Additional discussions with coal industry representatives and the MRAB have resulted in revisions that will be incorporated in the final version. Because of significant changes made during the redrafting process and an error in publishing an incomplete draft version, the document will be published again as a draft and open for public comment before finalization. The latest draft was presented to the MRAB on July 16, 2020. *This draft guidance was available for public comment from October 3, 2020, through November 2, 2020.*

The Engineering Manual for Surface Mining Operations (#563-0300-101) major revision draft version was presented to the MRAB on July 16, 2020, and was provided to the Aggregate Advisory Board on August 5, 2020, and discussed at their RLT meeting on September 18, 2020. *The MRAB's RLT Committee also discussed the draft guidance at their October 15, 2020, meeting. This draft guidance document was published for public comment on October 31, 2020, kicking off a 90-day public comment period that ends on January 28, 2021.*

## **Act 54 Effects of Underground Mining Report**

The Bureau of Mining Programs (BMP) released the 5<sup>th</sup> report from the University of Pittsburgh on the DEP website in December. The report was required by the Bituminous Mine Subsidence and Land Conservation Act (Act 54) of 1994. BMP has published a response table that includes all the recommendations from the latest report on DEP's Act 54 webpage. In addition, the BMP is formatting a web-based report to show the data regarding the effects of underground mining for 2018 and 2019. BMP plans to continue to publish the data on water supplies, structural damage, streams, wetlands and additional information on the website every year. Ongoing data reports will allow for more timely public input, more effective understanding of problem resolution, and increase transparency and timeliness. BMP presented the published report and plan for future data releases at the CAC's April 21, 2020, meeting. The CAC approved the formation of a workgroup to supply recommendations regarding Act 54 requirements and the associated Surface Water Protection technical guidance.

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## **Air Quality**

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### **Final Rulemakings**

#### **Air Quality Fees**

The Clean Air Fund constitutes approximately 65% 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 FY2021-22 and the Title V account will reach a zero balance sometime in FY2023-24.

When published as final-form rulemaking, the final-form fees will affect approximately 500 Title V facilities and 2,100 non-Title V facilities permitted by DEP. The final-form fees will also impact the owners/operators of approximately 5,000 asbestos projects per year. Total additional revenue from the final-form rulemaking is expected to be approximately \$12.5 million per year.

The proposed rulemaking was adopted 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. The final-form rulemaking was presented to the Air Quality Technical Advisory Committee (AQTAC), the CAC and the Small Business Compliance Advisory Committee (SBCAC) on December 12, 2019, and January 21 and January 22, 2020, respectively. The committees concurred with the Department's recommendation to present the final-form rulemaking to the EQB. AQTAC also recommended that the Department begin, at the earliest legal opportunity, a rulemaking process so that the air quality fees explicitly address emissions of carbon dioxide (CO<sub>2</sub>) and air quality program sustainability. DEP presented the final-form rulemaking to the EQB on July 21, 2020, who adopted it by a 17-2 vote. *The rule was delivered to the House and Senate Environmental Resources and Energy (ERE) Committees and IRRC on August 14, 2020. The House ERE Committee sent a letter disapproving the final rule on September 15, 2020.* DEP presented the final rulemaking to IRRC on September 17, 2020, and IRRC approved the rulemaking by a 4-1 vote. *On September 30, 2020, the House ERE Committee reported a Concurrent Regulatory Review Resolution to the House to disapprove the final rulemaking. The House now has ten (10) legislative days to vote on the resolution.* DEP anticipates publication of the rulemaking in the Pennsylvania Bulletin in the first quarter of 2021.

#### 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 rulemaking was adopted by the EQB on December 17, 2019. The EQB published the proposed rulemaking for public comment on May 23, 2020, with a 66-day comment period ending on July 27, 2020. The Department received 4,509 comments from approximately 36,211 commentators, including 121 from oral testimony given at virtual public hearings held on June 23, 24, and 25, 2020. *IRRC's comments were received on August 26, 2020.* DEP anticipates bringing the final-form rulemaking before the air quality advisory committees in first quarter of 2021.

On January 22, 2020, the Center for Environmental Health and the Center for Biological Diversity sued EPA, filing suit in US District Court for failure of the EPA to meet its statutory deadlines to issue a finding of failure to submit (FFS) 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 will soon issue a notice of settlement for public comment. If EPA issues an FFS to Pennsylvania for the O&G CTG RACT submittal, the date of the notice of the FFS will start an 18-month sanction clock that can be stopped by the submission of a promulgated DEP final-form rulemaking addressing the RACT requirements of the O&G CTG.

#### Proposed Rulemakings

##### 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 would require decommissioning of vacuum-assisted vapor recovery systems at gasoline dispensing facilities 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 on April 11, April 17, May 7, and May 22, 2019, respectively. They all concurred with forwarding the proposed rulemaking to the EQB. On May 19, 2020, the EQB voted unanimously to adopt the proposed rulemaking. The proposed rulemaking was published for public comment on September 26, 2020. *Three virtual public hearings were held on October 27, 28, and 29, 2020, and the public comment period will end on November 30, 2020.*

### 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 presented additional details of and concepts for Pennsylvania's regulation to AQTAC, CAC and the SBCAC on February 13, February 18 and April 22, respectively. On April 23, 2020, DEP held a special joint informational meeting with the AQTAC and the CAC to present the modeling results associated with Pennsylvania's participation in a CO2 budget trading program. DEP presented the draft proposed rulemaking Annex A to the AQTAC and CAC on May 7 and May 19, 2020, respectively. By votes of 9-9-1 and 4-9-1, respectively, the two advisory groups failed to concur with the Department's recommendation to forward the proposed rulemaking to the EQB. On July 22, 2020, DEP brought the proposed rulemaking before the SBCAC, which also failed to concur with the Department's recommendation to forward the proposed rulemaking to the EQB by a vote of 3-4-0. On September 15, 2020, the EQB adopted the proposed rulemaking by a vote of 13-6. *The proposed rulemaking was published in the Pennsylvania Bulletin on November 7, 2020. Ten virtual hearings are scheduled for December 8-14, 2020, and the public comment period will close on January 14, 2021.*

### 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. DEP presented draft proposed RACT III rulemaking language to AQTAC, the SBCAC and the CAC on April 16, April 22 and May 19, 2020, respectively. Because of technical difficulties, AQTAC delayed voting on the draft Annex A action item until its meeting on May 7, 2020. The SBCAC, AQTAC and CAC concurred by votes of 7-0, 17-2 and 17-0, respectively, with DEP's recommendation to move the RACT III draft proposed rulemaking to the EQB for consideration. DEP anticipates bringing the proposed rulemaking before the EQB during the second quarter of 2021.

### Large Petroleum Dry Cleaners, Shipbuilding and Repair Coatings Operations, and SOxMI Reactors, Distillation, and Air Oxidation Processes

This proposed RACT rulemaking is based on EPA's Control Technique Guidelines for these three industries. *The proposed rulemaking would control VOC emissions from certain existing sources and assist DEP in certifying Control Techniques Guidelines (CTG) to meet requirements under the Clean Air Act and the U.S. Environmental Protection Agency's (EPA) 2015 Ozone Implementation Rule.* The Department introduced this rulemaking to AQTAC on August 13, 2020, and presented the draft proposed rulemaking Annex A to AQTAC and the SBCAC on October 15 and 28, 2020, respectively. DEP anticipates presenting it to the CAC in the fourth quarter of 2020. *DEP anticipates presenting the proposed rulemaking to the EQB in the first quarter of 2021.*



## Hydrofluorocarbons (HFC)

HFC are manmade gaseous organic compounds which are used in a variety of applications including air conditioning, refrigeration, foam blowing and aerosol propellants. They are potent greenhouse gases with high global warming potentials (GWP). They have been used since the early 1990s as replacements for stratospheric ozone depleting chemicals like chlorofluorocarbons (CFC) and hydrochlorofluorocarbons (HCFC). Today, many HFC alternatives are available with low GWP, including hydrofluoroolefins (HFOs) and natural refrigerants. DEP presented proposed rulemaking concepts to AQTAC and the SBCAC on April 16 and 22, 2020, respectively. *DEP anticipates presenting the draft proposed rulemaking Annex A to the advisory committees during the first quarter of 2021.*

## Regulatory State Implementation Plan (SIP) Revisions

### 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. DEP successfully submitted all case-by-case SIP revisions to the EPA before 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. Oral arguments were heard on May 21, 2020. On August 27, 2020, the Court vacated and remanded three aspects of EPA's approval of DEP's RACT II Rule: 1) Emission limits for coal-fired boilers equipped with selective catalytic reduction control devices; 2) SCR operating temperature-based exemptions; and 3) the SCR temperature reporting requirement. EPA and DEP are reviewing the court's decision.

## Non-Regulatory SIP Revisions

### 2010 Sulfur Dioxide (SO<sub>2</sub>) NAAQS Attainment Demonstration SIP Revisions

DEP submitted to EPA the required SIP revision for Indiana and Armstrong Counties on October 11, 2017. EPA published its intent to approve the 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 submitted supplemental SIP information to the EPA on January 14, 2020. *On October 19, 2020, EPA published its approval of the attainment demonstration.*

## Driving PA Forward Grants and Rebates

- The Onroad Rebate Program re-opened on October 2, 2020, with approximately \$6.4 million available for funding. *This round of funding will remain open until December 31, 2020, or when all funds have been awarded, whichever is sooner.*
- The Truck and Bus Fleet Grant Program (formerly the Class 8 Truck and Transit Bus Grant) *re-opened on October 2, 2020, with approximately \$3.1 million available for funding. The application period ends on November 13, 2020.*
- The Direct Current Fast Charging & Hydrogen Fueling Grant Program (DCFC) opened for calendar year (CY) 2020 on July 2, 2020, with \$1.8 million available in funding. DEP received 13 applications.
- The Level 2 Electric Vehicle (EV) Charging Rebate (Lvl 2) Program remains open until rebates have been awarded for 750 new plugs. DEP has approved approximately 330 new plugs so far in Round 2 of this program - about 44% of the plug total that would trigger the next round of the program with lower rebate amounts.

- The \$2.6 million FY2019 PA State Clean Diesel Grant Program opened on January 31, 2020, and closed on March 6, 2020. *The Recommendation for Funding package is undergoing internal review.*
- The Ocean-Going Vessel Shorepower Grant Program application deadline was October 30, 2019. DEP offered \$3 million for calendar years 2019-2020 for *this project category*. *To date*, no applications have been received for this program. Program staff are currently evaluating the program requirements and expect to re-open in early 2021.
- The Electric Cargo Handling Grant Program application deadline was November 15, 2019. DEP offered \$3 million in funding for calendar years (CY) 2019-2020. Of the three applications received during this round, a single project award of \$435,960.00 was offered on September 8, 2020, pending execution of the Grant Agreement. *Approximately \$2.6 million remains available for a second round of funding, which re-opened on October 30, 2020.*
- The \$10 million CY2020-2021 Marine & Rail Freight Movers Grant Program opened for applications on January 31, 2020, and closed on June 5, 2020. *A single award of \$1.26 million is being offered to fund a locomotive replacement project in the greater-Philadelphia region. Approximately \$8.7 million remains available for a second round of funding, which re-opened on October 30, 2020.*

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

### **Ozone Transport Commission (OTC) Public Comment Period and Public Hearing for its CAA section 184(c) Petition**

On November 21, 2019, the OTC held a public hearing in Newark, DE, regarding its proposed 184(c) petition which recommends daily control technology optimization requirements and daily nitrogen oxide (NOx) emission limits at coal-fired electricity generating units (EGUs) in Pennsylvania. On April 22, 2020, DEP made a special RACT III rulemaking presentation to the OTC and discussed NOx emissions limits at EGUs. On June 2, 2020, the OTC Commissioners voted to send the petition to the EPA by a vote of 9-2-2. In the July 7, 2020, Federal Register, the EPA published that it had received the OTC's petition. It has also announced that it will schedule a public hearing at a later date. If EPA approves OTC's petition, Pennsylvania would be required to submit a revision to the EPA to amend its SIP to incorporate the daily requirements.

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## **Energy Programs Office**

### **Climate Change Advisory Committee**

The most recent Climate Change Advisory Committee (CCAC) meeting was conducted virtually on *October 27, 2020*. *DEP's contractor, ICF, presented the workplan for the 2021 Climate Impacts Assessment (IA) and Climate Action Plan (CAP) to the Committee, and DEP and ICF took feedback from the CCAC on the presented materials. A draft outline for the IA and list of greenhouse gas reduction actions and the "Business as Usual" methodology for the CAP were also shared with the Committee for their input. Seth Pelepko, of DEP's Oil and Gas Program, presented information about DEP's Abandoned and Orphaned Well Plugging Program. The next CCAC meeting will be held virtually on December 22, 2020. The meeting will feature updates from ICF on the development of the 2021 IA and CAP.*

### **Climate Change Training Program**

In July 2020, the Energy Programs Office (EPO) rolled out a DEP Climate Change Training Program in concert with their contractor, the Association of Climate Change Officers. The goal of the new agency-wide program, which is funded by the U.S. Department of Energy's State Energy Program (SEP), is to build organizational capacity on climate change at DEP. The program consists of an 8-hour online climate primer for DEP senior

leadership, a climate capacity assessment of all staff, an in-depth Certified Climate Change Professional (CC-P) training, and a visioning workshop for creating a PA Climate Leadership Academy amongst all state agencies. The climate primer began during the week of July 20<sup>th</sup> and ended on August 4<sup>th</sup>. The capacity assessment was also completed in August. The online CC-P training *is being* conducted from September through November. The visioning workshop *began* as a series in October *and will be completed by December*.

### **Pennsylvania Energy Development Authority (PEDA)**

The PEDA Annual Report 2018-19 is posted on DEP's PEDA web page. DEP last held a PEDA Board Meeting on August 4, 2020, to review the new PEDA Energy Development Plan, a new grant solicitation, and a Green Bank proposal, as well as to conduct general PEDA business. The new, COVID-19 PEDA Restart grant solicitation approved by the Board, opened on August 17, 2020, and *closed* on October 2, 2020 *with the receipt of 53 applications*. *EPO staff are currently working on scoring and making recommendations on projects to present at the virtual PEDA Board Meeting scheduled for November 30, 2020, from 1 PM – 2:30 PM*. The Green Bank proposal was approved by the Board, and PEDA staff are currently working on the procurements with the PA Department of Treasury. *EPO staff are also preparing the PEDA 2019 Annual Report*.

### **Industrial Energy Efficiency Technical Assistance**

For state fiscal year (SFY) 2020-21, 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 *four* site assessments, and ETAC completed *three* 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**

EPO has contracted with ICF to assist in a DOE State Energy Program-funded Fuel Shortage Planning project. *This* new project will develop energy assurance and resiliency training and outreach materials for local governments and healthcare facilities. These materials are intended for use by the target sector to aid in developing robust energy assurance emergency plans, including tools to be used to determine liquid-fuel needs prior to an emergency, and effective emergency response and recovery. The project will result in one recorded virtual training, which will help local governments and healthcare facilities test their preparedness for a diverse range of energy emergency events. *The Pennsylvania Department of Health was recently contacted to help with the direction of this project*.

### **Local Climate Action Program (LCAP)**

DEP's Energy Programs Office partnered with ICLEI – Local Governments for Sustainability (ICLEI) to guide college students in producing GHG inventories and climate action plans (CAPs) for twenty local governments in PA during the previous fiscal year. In order to support additional municipalities, ICLEI's grant has been extended until June 30, 2021. The EPO has secured the commitment of 21 new local government entities, as well as the support of 26 students from 12 higher education institutions. Participants confirmed for the new program year include the Cities of Harrisburg, Lancaster & Allentown; Cumberland County; Montgomery County Consortium of Communities, which represents 50 municipalities in southeast PA; and CONNECT (Congress of Neighboring Communities), which consists of 38 municipalities surrounding Pittsburgh. Four training webinars for students and local governments were held in August and September, *as well as two in October*. *The final webinar will be held on November 13, 2020*, with students producing greenhouse gas inventories for their assigned local governments by December.

### **Shared Energy Manager Program**

In order to assist several LCAP communities in implementing their action plans, EPO entered into a contract with Wilson Engineering Services to act as a Shared Energy Manager (SEM). The goal of this SEM program is to provide boots-on-the-ground and remote support in the form of technical expertise and implementation

guidance to 5 local governments in order to lower their energy consumption and improve their energy management practices. Participating local governments are Bellefonte Borough, Chester County, City of Reading, Elizabeth Township (Allegheny Co), and Indiana Borough. Kickoff calls with each local government and the SEM began in September and will continue into *November*. These calls will assist the SEM in determining what projects will be most helpful to each local government. *The first site visit was conducted by the SEM in October to Chester County, where an Energy Star verification was completed, as well as an energy audit of a wastewater treatment plant. Another SEM visit occurred on November 5 and 6, 2020, to conduct three energy audits in the City of Reading.*

### **Building Energy Code Trainings**

DEP 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. A series of workshops, webinars and specialized (circuit rider) trainings were planned for SFY 2019, and PSD completed 18 virtual residential and commercial IECC trainings. An extension to the contract was completed, and the remainder of the trainings are being scheduled. Funding is provided by the U.S. Department of Energy's (DOE) State Energy Program (SEP). PML and PSD were awarded the contract for additional energy code trainings, circuit rider assistance plus creation of an outreach and education plan for building owners and homeowners around the benefits of energy codes plus specialized training for duct and envelope training (DET) for SFY 2020. *PML and PSD are currently developing the trainings and are planning for two virtual trainings by the end of December 2020.*

### **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 2020 AFIG program opened on August 28, 2020. 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 will be accepting applications until December 11, 2020.

The FAST Act Alternative Fuel Corridor Infrastructure Program awards were announced on September 19, 2020. Six awards for public-use electric refueling infrastructure totaling \$608,216 were awarded. Grant agreement execution is now in process.

The program is a special solicitation under the AFIG which will provide up to a fifty percent reimbursement grant to install public re-fueling infrastructure along the highway corridors in Pennsylvania designated as alternative fuel corridors by the FAST Act (Fixing America's Surface Transportation Act - Pub. L. No. 114-94) as "Signage Ready" or "Signage Pending" by the Federal Highway Administration. These corridors include specific sections of interstates located in Pennsylvania. (I-70, I-76, I-276, I-376, I-476, I79, I-90, I-95, I-80, I-78, I-81, I-83, I-84, and US-30).

### **EV Everywhere**

*The Drive Electric PA Coalition (DEPA) held its Fall 2020 meeting on October 22, 2020, via Webex. DEPA meets four times per year as a stakeholder group engaged in promoting electrification of transportation systems in PA and assisting DEP with development and implementation of the PA Electric Vehicle (EV) Roadmap. The Coalition consists of representatives of multiple state agencies, electric utilities, EV charging companies, environmental groups, municipalities, planning organizations, and EV manufacturers. The October 22<sup>nd</sup> meeting was attended by approximately 80 Coalition stakeholders and featured topics and presentations on: 1) ChargeVC's plan to launch a Pennsylvania Chapter, 2) legislative news and member updates related to EVs and EV infrastructure, 3) the Medium and Heavy-Duty Zero Emission Vehicle Memorandum of Understanding signed by PA and 14 other states, and 4) electrifying transportation equitably. The next DEPA meeting will be held in January 2021.*

### **Agricultural Energy Use Analysis and Outreach**

In an effort to assist Pennsylvania's agricultural producers with saving energy, EPO contracted with EnSave, Inc. to perform an analysis of energy use on farms in Pennsylvania *in 2019*. On February 21st, EnSave provided an interim draft report that includes recommendations for energy efficiency programming in Pennsylvania. The draft was provided to an agriculture energy efficiency stakeholder group for review, and a conference call was held on March 10th during which EnSave discussed highlights of the report. Stakeholder comments were provided to EnSave, and the final report was delivered to DEP on March 30, 2020. EPO staff have developed a preliminary set of outreach and technical assistance initiatives based on the EnSave analysis and recommendations. The preliminary list was presented to the stakeholder group, and a meeting was held on July 14, 2020, to solicit input, ideas, and prioritization for implementing E2 programs within the agricultural sector. EPO is currently in the procurement process with Penn State Extension, in order to have them begin implementing some of the initiatives identified by EnSave and other stakeholders. Outreach to the agriculture sector this year will include virtual outreach to the dairy and poultry sectors, utility bill analyses for farms, and creation of online agriculture energy calculator tools to assist farmers with determining cost savings from energy efficiency projects.

### **Energy Workforce Development**

DEP contracted with BW Research Partnership to deliver two Pennsylvania-specific reports that will help determine the future direction of energy workforce development activities. This includes a Pennsylvania Clean Energy Industries 2020 Report (PACEIR) and a Pennsylvania Energy Employment 2020 Report (PAEER). These reports were released in August and are located on EPO's [Workforce Development](#) web page. The Energy Programs Office has executed a contract with BW for a follow-on project to identify training needs and gaps in Pennsylvania for clean energy jobs. A kick-off meeting for the new project occurred in late June, and BW has been interviewing clean energy employees and employers. *An early draft of the employee survey was delivered to DEP in October.*

### **Building Operator Certification (BOC) Level 1 Training**

DEP's contractor, the National Sustainable Structures Center (NSSC) at the Pennsylvania College of Technology provided BOC Level 1 Courses programs specifically targeted to reach facility managers/staff in K-12 school districts, local government, community colleges/universities, and state agencies to train them how to better manage their existing buildings for optimal energy efficiency. Attendees may pay to take a certification exam if they choose. Funding to subsidize tuition is provided by the U.S. Department of Energy's (DOE) State Energy Program (SEP). Due to COVID-19 concerns, the trainings for both locations were moved to online only and were being presented as a series of 16 shorter, 3-hour sessions. The BOC classes concluded on June 11th. Eleven subsidized students enrolled in the course, which leaves nine of 20 seats remaining for next fiscal year. An extension has been approved through June 30, 2021, to provide BOC training with the remaining funds for nine subsidized tuition seats. Online BOC course sessions are scheduled to begin in January 2021 and conclude in April 2021. *There are currently 2 people registered for the BOC course.*

### **Electrical Energy Storage Assessment for Pennsylvania**

EPO hired a contractor to identify the potential opportunities and benefits from incorporating electrical energy storage technologies into Pennsylvania's energy portfolio through an energy storage assessment report. The report will include: a comprehensive profile of the current status of electrical energy storage as well as energy storage potential in Pennsylvania including an inventory of existing systems, regulatory opportunities and obstacles, and overall benefits and barriers for both in front of and behind the meter energy storage, an evaluation of how energy storage can enhance Pennsylvania's grid security and resiliency, allow for quality electricity distribution and off-peak usage, bring economic value through demand response and frequency regulation, and allow for operating and planning reserves for both utilities and individual businesses and institutions, and, recommendations for policies, programs, and potential financial incentives that the Commonwealth can support.

EPO held a project kickoff meeting with Strategen, the winning contractor, on July 14, 2020, to discuss project milestones, deliverables and next steps. During an August 6<sup>th</sup> conference call, EPO provided various energy stakeholder contact information to Strategen in order for the consultant to gather information about Pennsylvania's current energy landscape. Since then, Strategen has provided created a draft portion of the first two chapters of the energy storage study on introduction to energy storage as well as the current energy landscape of Pennsylvania to review as well as potential incentives and programs that could be funded thru RGGI or other sources. Strategen is also currently working on data collection and research from local Pennsylvania utilities and PJM to start analyzing the Commonwealth's energy storage potential. Biweekly meetings with Strategen are scheduled through November.

### **Food Waste-to-Energy Assessment**

EPO has partnered with the DEP Bureau of Waste Management (BWM) to amend an existing Waste Characterization Study contract with MSW Consultants to add a Food Waste-to-Energy Assessment component. The purpose of this project is to conduct a statewide assessment, using existing sources of data such as the EPA Excess Food Opportunities Map as well as other public and propriety datasets, to identify major producers (more than 52 tons per year) of Institutional, Commercial, and Industrial (ICI) food waste across the Commonwealth, inventory and determine the capacity of current digesting and composting infrastructure to process food waste from ICI sources, and calculate the renewable energy generation potential and greenhouse gas emissions reductions from diverting this waste. Throughout August, the consultant conducted outreach to the operators of anaerobic digestion facilities that currently process food waste in Pennsylvania to better understand how much food waste is being diverted from the waste stream, where this waste is coming from, and how the energy generated from this waste is used. *During October, the consultant researched and surveyed composting facilities that currently process food waste, as well as wastewater treatment plants that have on-site anaerobic digesters that do not process food waste. This completes the data collection process for this assessment, and a detailed analysis based on these findings will be included in the final report that is scheduled to be completed by January 2021.*

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## **Environmental Cleanup and Brownfields**

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### **Environmental Cleanup and Brownfields Rulemakings**

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

The Land Recycling Program has developed 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 proposed rulemaking was published in the Pennsylvania Bulletin on February 15, 2020, which initiated a public comment period that closed on April 30, 2020. DEP is currently evaluating comments received during the public comment period and discussed proposed responses with the Cleanup Standards Scientific Advisory Board (CSSAB) at the July 30, 2020, meeting.

#### **Storage Tank Advisory Committee (STAC)**

The next STAC virtual meeting is scheduled for December 2, 2020. Information on how to join the meeting, as well as agenda and meeting materials, will be available on the STAC's webpage, found through the Public Participation tab on the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Cleanup and Brownfields Advisory Committees," then "Storage Tank Advisory Committee").

#### **Cleanup Standards Scientific Advisory Board (CSSAB)**

*The next virtual CSSAB meeting has been tentatively rescheduled for 1 p.m. on December 16, 2020.* Information on how to join the meeting, as well as agenda and meeting materials, will be posted on the Board's webpage

within two weeks of the meeting date. Once posted, this information can be found through the Public Participation tab on the Department’s web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select “Public Participation,” then “Advisory Committees,” then “Cleanup and Brownfields Advisory Committees,” then “Cleanup Standards Advisory Board”).

### **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 “Appendix II-A: The Use of Caps as Activity and Use Limitations” 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 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 draft document was published in the PA Bulletin on May 23, 2020, for a 30-day public comment period, which ended on June 22, 2020. DEP is currently evaluating comments received during the public comment period and will prepare a Comment and Response document to be published with the final TGM addendum.

DEP is working on a second TGM addendum, which will provide guidance on the use of vertical soil mixing as a remediation technology to address historic pesticide contamination on agricultural lands. Aspects of this second proposed TGM addendum are currently being evaluated by a DEP workgroup made up of technical and legal staff from both Central Office and the Regional Offices. The technical concepts that will form the foundation of this proposed guidance addendum will be provided to the CSSAB for discussion at a future CSSAB meeting.

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## **Environmental Education**

### **DEP Environmental Education Grants Program**

The Environmental Education (EE) Grants Program was established by the Environmental Education Act of 1993, which mandates setting aside five percent of the pollution fines and penalties DEP collects annually for environmental education in Pennsylvania. Since 1993, DEP has awarded 2,020 Environmental Education Grants totaling more than \$11 million. The Environmental Education Grants Program supports:

- Education and empowerment of disadvantaged communities to develop meaningful solutions to environmental and public health issues;
- Public education on greenhouse gas emissions reduction, energy conservation, renewable energy, and climate adaptation; and
- Education of local officials, business owners, homeowners, and the general public on reducing runoff water pollution, water quality monitoring, cold water habitats, and other aspects of water quality.

Applications for 2021 Environmental Education Grants are being accepted electronically through 11:59 pm on December 11, 2020. Program priorities are water, climate change and environmental justice. Mini-grants (up to \$3,000) and general grants (\$20,000-\$85,000) are available. Please find additional details and the link to the online application at [Environmental Education Grants](#). *Additionally, EE&IC hosted a free live webinar on Wednesday, October 14, at 1 p.m. to explain the Environmental Education Grant program. The webinar reviewed the priority topics, types of projects funded, the application process, and tips for success. The session was recorded and is currently posted on the Environmental Education Grants webpage. In addition, common questions that were received during the webinar have been addressed in the “Highlighted Webinar Q&A” document now also available on the Environmental Education grants webpage.*

### **Advisory Council on Environmental Education**

Under the leadership of the Pennsylvania Department of Education's (PDE) Environment & Ecology Content Advisor, DEP EE&IC staff continues to serve as a member of the PA Advisory Council on Environmental Education as designated by the Environmental Education Act of 1993. Current efforts include strengthening the PA Pathways to Green Schools and the Green Ribbon Schools programs in Pennsylvania and updating the PA Environmental Literacy Plan per the Chesapeake Bay Watershed Agreement (CBA). *The Council met on October 2, 2020, to discuss the Council's position on the revision of the PA Environment & Ecology standards.*

### **PA Falcon Reintroduction Program**

*A new falcon mural on Blackberry Alley in Harrisburg near the Rachel Carson State Office Building (RCSOB) is under development. This mural is part of the Sprocket Mural Works Mural-fest program. DEP plans to develop a blog celebrating the Mural/DEP/RCSOB Falcon connection.*

*The EE&IC is in the process of replacing a PA FalconCam camera that has been having technical difficulties. As part of the replacement, DEP will be working with a contractor to install the new camera. This will all be accomplished per the DEP Fall Safety Plan and in accordance with OSHA.*

As the DEP EE&IC's two-day falcon workshop previously scheduled for August 2020 was cancelled due to the pandemic, DEP is collaborating with the PA Game Commission, Penn State University's Shavers Creek, and Zoo America on developing virtual professional development opportunities for formal and non-formal educators. These virtual opportunities will be delivered beginning in May 2021.

### **Update from the PA ELit Task Force**

The Stroud Water Resource Center, Pennsylvania Department of Education (PDE), Pennsylvania Department of Conservation and Natural Resources (DCNR), Penn State Extension, Millersville University and DEP continue to collaborate on this task force to spread the development of additional Meaningful Watershed Educational Experiences (MWEEs) projects across the Commonwealth. To continue the work of this Task Force, Stroud Water Research Center was recently awarded a 2020 NOAA B-WET Grant for \$170,000 for the next two years.

The formal title for this project is Expanding Environmental Literacy and MWEE Implementation Capacity Across Pennsylvania. *As part of this project, the Task Force has been renamed and is now referred to as the "PA ELit Task Force."* This Task Force will continue to collaborate to build capacity for environmental literacy and watershed stewardship in the Commonwealth by expanding the inclusion of Meaningful Watershed Educational Experiences in Pennsylvania schools and in partner organizations. *Schools and school districts need not be located in the Chesapeake Bay Watershed to be a part of this project; all PA watersheds can participate.* This two-year project includes research and evaluation; professional development events; and additional communication, dissemination, and promotion activities. The project intends to reach 1,000 school administrators; staff and classroom teachers; pre-service teachers and non-formal educators from environmental education provider nonprofit organizations; parks; and related organizations. Outreach efforts to provide environmental education-related activities for those at home during this pandemic have been developed and posted on the [PAEE website](#).

*On October 15, Stroud Water Research Center issued a [press release](#) on this Task Force receiving the PAEE 2020 Outstanding Environmental Education Program Award.*

### **Environmental Education & Chesapeake Bay Watershed Agreement**

As outlined by the 2014 Chesapeake Bay Watershed Agreement (CBA), DEP EE&IC continues work to improve environmental literacy within Pennsylvania. The 2020-2022 Chesapeake Bay Watershed Agreement has led participating authorities to refine management approaches and develop high-level action statements for the 2020-2022 Student, Sustainable Schools, and Planning Logic and Action Plans to improve environmental literacy within the Chesapeake Bay Watershed. Signatory states and backbone organizations for the Workgroup



have nearly completed entering their performance targets (e.g. milestones indicating how they will support the high-level actions.) In particular, states are looking for opportunities to collaborate with organizations undertaking similar efforts in environmental education or similar fields; making sure that the performance targets are the most important and impactful efforts to advance the management approach; ensuring that the performance targets are not redundant with other efforts; and identifying gaps that may still need to be filled. Each jurisdiction (PA, NY, DE, MD, WV, VA, and the District of Columbia) have included their performance targets for the next two years.

### **Envirothon**

PA Envirothon is proud to host one of the state's largest natural resource education competitions. Envirothon provides thousands of students with the knowledge and tools necessary to address the natural resource challenges facing today's world. Out of concern for all Envirothon participants (students, advisors, and volunteers), PA Envirothon will hold a virtual State Competition that will include station testing and an oral presentation component. Teams will compete for scholarships and prizes, just as they would at a traditional in-person event.

Through the DEP EE Grant Program, the PA Envirothon received a General Grant (Level II) in the amount of \$78,297. General Grants (Level II) can fund up to \$85,000 and are designed to be awarded for non-formal environmental education programs designed to widely engage teachers and youth at the county, state and national levels. This requires that Participants from at least 60 Pennsylvania counties must directly participate in the project. Additionally, the project must demonstrate that at least 30% of program participants are members of an Environmental Justice Community.

### **Environmental Justice**

DEP has been collaborating on efforts to further environmental education in environmental justice areas. As part of this effort, the 2020 DEP Environmental Education Grant program prioritized projects in Environmental Justice areas.

For 2020, 77%, or 33 out of 55 awardees, of the DEP Environmental Education Grants are earmarked for Environmental Justice areas. The EE&IC staff continue to collaborate with the DEP Office of Environmental Justice to further address environmental justice areas and issues.

### **Environment and Ecology Standards Update**

The new Environment and Ecology standards revision process is underway. On September 9, 2020, the Pennsylvania State Board of Education (SBE) adopted the revised standards as a proposed regulation. In their current form, the revised Ecology and Environment Standards are imbedded in the Science Standards. The next step in the regulatory process is the proposed rulemaking's public comment period. When the dates for the public comment period are announced, this information will be shared through DEP's EE and IC contacts. The proposed revised standards can be found on the Pennsylvania Department of Education's "[Science Standards](#)" [webpage](#).

### **2021 Governor's STEM Competition**

DEP EE&IC staff supports the PA Department of Education's STEM competition. This competition provides an excellent opportunity to promote an outstanding Meaningful Watershed Educational Experience (MWEE) that incorporates technology. All Commonwealth public and non-public high schools, Career and Technical Centers, Charter Schools, and home-school students are invited to participate. The registration deadline for regional qualifying competitions, hosted by the Commonwealth's Intermediate Units (IUs), is November 20, 2020. All important dates and pertinent information/requirements may be found on the newly updated Governor's STEM Competition [website](#).

## **Pick Up Pennsylvania**

DEP and the PA Department of Transportation (PennDOT) are seeking volunteers for “Pick Up Pennsylvania,” a campaign of small-group or solo litter cleanup events from September 1 - November 30, 2020. Volunteer groups who clean up roadways through the PennDOT Adopt-A-Highway program are also encouraged to participate. Volunteers must take proper steps to mitigate the spread of COVID-19, including wearing masks, practicing social distancing and limiting outdoor groups to 250 people or fewer and any indoor gathering to groups of 25 people or fewer. Registered “Pick Up Pennsylvania” events can get free trash bags, gloves, and safety vests provided by DEP, PennDOT, Keep America Beautiful, GLAD Products Company, and the Ocean Conservancy, as supplies last. Cleanups in any location – for example, along roadsides, in neighborhoods and parks, and on shorelines – are eligible. Individuals, families, neighbors, students, civic organizations and local governments are all invited to participate. Keep Pennsylvania Beautiful coordinates the campaign in support of the Ocean Conservancy’s International Coastal Zone Cleanup. Waterways are the ultimate destination of many particles of plastic and other litter. Volunteers can learn more and register at [Pick Up Pennsylvania](#).

## **Teaching Green Newsletter**

The [latest issue](#) of the “Teaching Green” newsletter was released on October 5, 2020. This newsletter is produced quarterly by EE&IC staff to keep the environmental education community up to date on the work of the DEP and to share information on new environmental education opportunities and programs designed to strengthen environmental literacy within the Commonwealth.

## **2021 Farm Show**

Out of an abundance of caution regarding the spread of the novel coronavirus (COVID-19), the PA Department of Agriculture has announced that the 2021 Farm Show will be held virtually. The virtual Farm Show will focus on agricultural awareness, education, and literacy while highlighting the interconnectedness of our food chain. Virtual events focused on education and awareness will be held for both the general public and the agricultural industry.

## **Celebrating the 50<sup>th</sup> Anniversary of the Passing of Article I, Section 27**

Scheduled for the spring of 2021, DEP will be participating in a new exhibit recognizing the passing of Article I, Section 27 of the PA Constitution, which states that, “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”

Currently, this exhibit is in the design phase. In addition to DEP, PA’s other natural resource agencies (DCNR, the PA Game Commission and the PA Fish and Boat Commission) will also be participating. This exhibit will be hosted by the Ned Smith Center for Science and Art in Millersburg, PA.

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## **Environmental Justice**

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### **Environmental Justice Advisory Board (EJAB)**

The EJAB’s most recent meeting occurred virtually on Thursday, October 15, 2020, and included DEP, Office of Environmental Justice (OEJ), and EJAB member and subcommittee updates. The next EJAB meeting will be held virtually with the Citizens Advisory Council (CAC) on Tuesday, November 17.

EJAB members prepared and a letter outlining Environmental Justice recommendations about RGGI that was submitted to Secretary McDonnell and the Governor’s Office on August 17, 2020. EJAB recently formed a Subcommittee on Public Participation and Outreach. The committee is exploring meaningful public participation and outreach practices in light of social distancing and telework scenarios *and revisions to the EJ Policy*. There is another subcommittee on Environmental Justice and Environmental Health, which will be

working to assist OEJ and DEP around issues involving environmental justice and environmental health. This committee has started to explore EJ mapping tools. *The Department of Health has also started work on an EJ and Environmental Health Map.*

*EJAB members and OEJ were involved planning a panel discussion on the history of and current issues in environmental justice for the Clarke Forum at Dickinson College on October 14, 2020. The event is available for viewing on the Clarke Forum's [website](#). EJAB members and OEJ are now planning an Environmental Justice symposium that will likely occur in the spring of 2021.*

## **Community and Stakeholder Engagement**

### **Public Meetings & Stakeholder Engagement**

OEJ engaged in virtual meetings and events throughout October. This included meeting with community organizations including: Faith Alliance for Revitalization, Chester Environmental Partnership and others. OEJ staff also participated in conferences or meetings with various workgroups and committees including: American Planning Association Pennsylvania Chapter, Climate Justice Alliance Just Transition Group, Healthy Communities in PA, COVID-19 Health Equity Response Team and Subcommittees, Pennsylvania Interagency Health Equity Team, Capital Region Water's Community Ambassadors, Healthy Environment and Schools Reopening Workgroup, Future Forces Workgroup, Chesapeake Bay Program's Diversity Workgroup, Harrisburg Environmental Advisory Council (EAC), Remediation of the Philadelphia Energy Solutions Refinery, Internal Lead Workgroup, Superfund Community Advisory Group (CAG), Transportation and Climate Initiative Investment and Equity Subcommittee, Chesapeake Bay County Wide Action Plan Team, PA Advisory Council for Environmental Education (PA-ACEE), and others.

### **Roundtables**

*The most recent roundtable meeting was held on Tuesday, October 6, 2020, with stakeholders in Scranton. The discussion focused on the Keystone landfill, legacy mine contamination, growth and transportation, public participation in the permitting process, and other environmental justice considerations in the Scranton area. These events invite approximately 25 stakeholders from the community to discuss pertinent environmental justice issues and find potential solutions between DEP and other state and community partners.*

## **Strategy and Planning**

### **Environmental Justice Planning**

OEJ collaborated with the EPA and other PA agencies, including DOH and DCNR, to develop and deliver training concerning Environmental Justice and community engagement for DEP, other state agencies and community organizations. OEJ rolled out an internal training that began with DEP's Executive Staff in September. *OEJ will lead the training in DEP's regional and district mining offices in December.*

*In October DEP announced in the Pennsylvania Bulletin that it withdrew the draft EJ Policy to create a new policy that is more comprehensive and includes EJ issues beyond public participation.*

## **OEJ Initiatives**

### **Translation Services**

OEJ is working with the Office of Administration, Communications, and other programs to finalize and publicize a translation and interpretation process for DEP. OEJ developed an outline of the process for obtaining translation services and assisted the Policy Office with their translation of RGGI materials. OEJ worked with the Office of Administration to get billing and contracting in place for phone-based interpretation services. OEJ convened meetings with several DEP offices to discuss the roll out process for all DEP staff and next steps for translation and interpretation.

### College Underserved Community Partnership Program (CUPP)

The 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, was postponed due to COVID-19. 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. OEJ will look to update this partnership again for next year and develop additional connections between academic institutions and communities of need. OEJ is developing its own program known as the Higher Education Environmental Partnership Program (HEEP), which brings resources to address community concerns while providing universities with the opportunity to apply their studies on the ground.

### Brownfields Technical Assistance Grant

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. DEP worked with a multiplicity of stakeholders in Shamokin to conduct a brownfields inventory, rank sites for development and prepare a report outlining possible next steps. DEP was awarded the grant for the 2021 federal fiscal year and is now implementing the work in Darby Borough, Delaware County.

### Grants

OEJ is working with DEP's Grants Center and individual programs to track grant participation in EJ areas and incorporate EJ consideration into program area grants.

### Outreach on Key DEP Initiatives

OEJ is working with the Energy Programs Office (EPO) to support outreach and engagement around the Regional Greenhouse Gas Initiative (RGGI) proposed rulemaking with EJ partners. Several presentations on RGGI have been delivered to EJ partners so far. *OEJ is also working with EPO staff to develop equity draft principles supporting the initiative.*

Additionally, OEJ is collaborating with the EPO to develop a plan to facilitate outreach to EJ communities for the Northeast States for Coordinated Air Use Management (NESCAUM) Memorandum of Understanding (MOU) around Medium and Heavy Duty Zero Emission Vehicles. *DEP has delivered presentations on the NESCAUM MOU to DEP Advisory Boards and Commissions and will continue delivering presentations to other stakeholders.*

OEJ is also working with EPO regarding inclusion and evaluation of equity and EJ considerations in the next Climate Action Plan.

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## **Oil and Gas**

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### **Oil and Gas Rulemakings**

#### Proposed Environmental Protection Performance Standards for Conventional Oil and Gas Operators Rulemaking

In 2016, the General Assembly passed Act 52, which abrogated the ongoing rulemaking process regarding conventional oil and gas wells and established the Pennsylvania Grade Crude Oil Development Advisory Council (CDAC). Act 52 directed the Department to work with CDAC to “examine and make recommendations regarding existing technical regulations promulgated under 58 Pa.C.S. (relating to oil and gas) ... that impact the conventional oil and gas industry of this Commonwealth and explore the development of a regulatory scheme that provides for environmental oversight and enforcement specifically applicable to the conventional oil and gas industry.” Since 2016, the Office of Oil and Gas Management (OOGM) has worked with CDAC to

develop potential legislation and proposed regulations relating to conventional oil and gas wells. Specifically, proposed rulemaking concepts were discussed at several CDAC meetings throughout 2016, 2017, and 2018. In April 2018, program staff and CDAC members met and developed a scoping document outlining where agreement could be reached on potential legislative or regulatory language. In 2018 and 2019, program efforts on this issue centered more directly on legislative language with the hope that regulatory development could commence after the Conventional Oil and Gas Wells Act was passed.

Because those discussions have not resulted in viable legislation, DEP is proceeding with the development of a proposed conventional oil and gas rulemaking and will advance the concepts via two rulemaking packages during 2020. The first rulemaking relates primarily to the proper management of waste generated at conventional oil and gas well sites; the second rulemaking addresses other critical environmental protection performance standards at such sites. OOGM plans to develop and advance the proposed rulemakings through the CDAC and the Oil and Gas Technical Advisory Board (TAB) this year with presentation to the EQB for approval during 2021.

On August 6, 2020, the Office of Oil and Gas Management presented these two proposed rulemakings to CDAC. Several members of CDAC expressed concern with the Department's suggestion to proceed with a discussion of the proposed surface activity regulations since they preferred that a "bottom up" approach be taken to restart the discussion of a proposed rulemaking based on concepts rather than proposed regulatory language. A motion was made by a member of CDAC to ignore the proposed regulations and instead re-start conversations based on the list of regulatory concepts that was developed and presented to CDAC in 2017. The motion passed with four dissenting votes including DEP and DCED representatives. Deputy Secretary Scott Perry made a subsequent motion that CDAC form a workgroup to consider the two proposed rulemakings that were presented to CDAC as compared to the Chapter 78 regulations as they exist in their present form. The motion passed unanimously. *Further discussions on the two proposed rulemakings will occur at the next CDAC meeting, which is scheduled for Thursday, December 3, 2020.*

On September 17, 2020, DEP informed the Oil and Gas TAB of the discussion of the proposed rulemakings that occurred with CDAC and shared copies of both proposed rulemakings with TAB.

### **Erosion and Sediment Control General Permit (ESCGP-3) Prioritized Review Workgroup**

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 intends to replace the ESCGP Expedited Review process with a Prioritized Review process that will allow for voluntary participation by industry. Permit applications submitted as Prioritized Review will be given a score based on the BMPs and environmentally superior construction practices proposed for a project. Projects that score well will be given priority to be reviewed before projects that are not submitted as Prioritized Review.

*The sixth workgroup meeting was held on October 13, 2020. OOGM is currently updating the draft documents based on discussion during the workgroup meeting. The Department plans to present revised documents to the Oil and Gas TAB at its December 16, 2020, meeting, followed by finalizing the draft documents in anticipation of publication for comment in the Pennsylvania Bulletin in early 2021.*

### **Pressure Barrier Policy Technical Guidance Document (TGD)**

OOGM has completed all updates to the Pressure Barrier Policy TGD and have introduced further improvements concerning blowout prevention (BOP) testing in light of recent changes to the American Petroleum Institute's (API) Recommended Practice 53, which is directly referenced in the regulations. An additional update has also been introduced respective of a well control emergency and subsurface blowout incident in Pennsylvania that occurred at a Utica shale well in 2019. The document was discussed at the Oil and Gas TAB's meeting on May 20, 2020. OOGM received comments from TAB members on June 26, 2020. The

Pressure Barrier Policy TGD was published on August 29, 2020, as draft in the Pennsylvania Bulletin with a 30-day public comment period that ended on September 28, 2020. A total of 91 comments were submitted from five commenters. OOGM is continuing to evaluate the comments in preparation for publication as final.

### **Guidelines for Chain Pillar Development and Longwall Mining Adjacent to Unconventional Wells Technical Guidance Document**

OOGM presented the updated TGD to the Oil and Gas TAB at its most recent meeting on September 17, 2020. TAB members provided limited comments, and minor updates were made in response to those comments. It is anticipated that this TGD will be published as final in the Pennsylvania Bulletin in the fourth quarter of 2020.

### **PASEIS Accuracy Study and Underground Injection Control (UIC) Permit Conditions Update, October 8**

Representatives from the Pennsylvania State University (PSU), Department of Conservation and Natural Resources' (DCNR) Geologic Survey, and OOGM recently worked to finalize a scientific report addressing the locational accuracy and magnitude of completeness (lowest detectable earthquake in area of lowest resolution) for the Pennsylvania Seismic Network (PASEIS). Through a partnership with DCNR, OOGM has been able to help fund the expansion and oversight of the commonwealth's network, which is now one of the most extensive state networks on the east coast. The network is not only helping advance research aimed at better understanding earth structure and the frequency and occurrence of earthquakes in Pennsylvania, but it has also provided a regulatory tool for managing risks tied to induced seismicity. Thus far, Pennsylvania has only observed one low-magnitude series of induced tectonic earthquakes tied to high volume hydraulic fracturing, which occurred in Lawrence County in 2016. No events have ever been noted in association with the commonwealth's limited disposal well network, although hundreds of non-tectonic events tied to underground and surface mining subsidence and blasting are recorded every year.

In response to the publication of this report, the Bureau of Oil and Gas Planning and Program Management (BOGPPM) coordinated with the Bureau of Oil and Gas District Operations to develop new internal guidelines for considering appropriate permit conditions that rely on PASEIS for UIC well permitting. A copy of the report can be accessed at: <http://paseis.geosc.psu.edu/about> (click on "Uncertainty Report" at bottom of webpage.)

### **Transition to ePermit**

25 Pa. Code Section 78a.15(a) requires all applications for unconventional well permits to be submitted electronically through its website. Since the fall of 2018, OOGM has operated two separate online applications available for the electronic submission of well permit applications: the older eWell application and the newer ePermitting application. Effective January 1, 2021, OOGM will discontinue the use of eWell for the electronic submission of new oil and gas well applications. Instead, applicants must use the ePermitting application exclusively for the electronic submission of new applications to drill, alter, renew and/or operate an oil and/or gas well. Operators that have submitted applications through eWell prior to January 1, 2021, will continue to have access to eWell to complete those applications.

The DEP has been developing the ePermitting application for several years, and a number of well permit applications have already been submitted and permitted through this application. The ePermitting application provides several benefits over the eWell system, with the primary benefit being that ePermitting is an enterprise application used for the electronic submission of permit applications to multiple programs within the PADEP, thereby providing common functionality to users across programs. Additionally, ePermitting is a GIS based system utilizing layer package and shapefile submissions rather than the DWG file submissions (i.e., related to computer aided design) used by eWell. PA DEP will continue to make improvements and enhancements to this application moving forward.

## **Oil and Gas Workload Report**

Please see Attachment 2.

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## **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-producing devices 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. A subcommittee held several conference calls to help provide the Department with recommendations as it relates to the necessary revisions to regulations. The March RPAC meeting, where this proposed rulemaking was going to be discussed further, was postponed due to COVID-19 precautions and rescheduled for July 9, 2020. At the July 9<sup>th</sup> meeting, RPAC concurred with the Department's recommendation to proceed with the proposed rulemaking, and the proposed rulemaking documents are now being prepared to be taken to the Environmental Quality Board in tentatively Quarter 1 2021.

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## **Waste Management**

### **Waste Management Rulemakings**

#### **Draft Proposed Rulemaking: Municipal Waste Permit-by-Rule for Rural Transfer Facilities**

The Bureau of Waste Management (BWM) received approval to develop a rulemaking for Rural Transfer Facilities (RTF) in December 2019. DEP has been working with stakeholders since 2015 on the "Convenience Center" model and exploration of ways to implement rural transfer facilities, including formation of an ad hoc subcommittee on its Solid Waste Advisory Committee (SWAC). This draft proposed rulemaking is the culmination of that effort; it is being developed to create waste management and recycling opportunities for more citizens and in communities that are currently underserved or without collection infrastructure. The draft proposed rulemaking amends the municipal waste regulations at 25 Pa. Code § 271.103 to add a new municipal waste processing permit-by-rule (PBR) for RTFs. The draft proposed rulemaking was scheduled to be presented to SWAC at their March 12 meeting; however, the meeting had to be cancelled due to social distancing requirements. The rulemaking was presented at the June 3, 2020 virtual SWAC meeting, and the Committee unanimously recommended that the draft proposed rulemaking be moved forward to the EQB for consideration for publication. Preparation of the remainder of the rulemaking package is ongoing; presentation to the EQB is tentatively anticipated for the first quarter of 2021.

#### **Draft Proposed Rulemaking: MAX Environmental Technologies, Inc. Delisting – 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, 2019, 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, 2019, 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. DEP completed its evaluation of the petitions and prepared a report that summarized the evaluation and made a recommendation on the petitions.

At the June 16, 2020, Environmental Quality Board meeting, DEP recommended that the sludge generated in the leachate treatment system at both the MAX Bulger facility and the MAX Yukon facility be delisted as an F039 waste and that the petitions be accepted for rulemaking. The EQB voted to accept the delisting petitions and advance them for rulemaking.

The two petitions are being advanced as a single proposed rulemaking. The Hazardous Waste Management Division made a presentation at the September 10, 2020, Solid Waste and Recycling Fund Advisory Committees (SWAC/RFAC) virtual meeting providing the above background on the petitions and the resulting draft proposed regulatory language for the petitions for SWAC's consideration. At the meeting, SWAC concurred with the Department's recommendation to advance the draft proposed regulatory language to the EQB for consideration. *Preparation of the remainder of the proposed rulemaking package is ongoing, and presentation to the EQB is tentatively anticipated for the first quarter of 2021.*

### **Residual Waste General Permit No. WMGR123**

The BWM published notice on April 18, 2020, of its intent to modify and renew an existing general permit (GP) WMGR123, which is set to renew on October 4, 2020. This permit authorizes permittees to process, transfer, and beneficially use oil and gas liquid waste to develop or hydraulically fracture an oil or gas well. DEP received a significant level of public interest on the proposed modifications to WMGR123 during the 60-day public comment period. Due to the volume and extensiveness of the comments received, DEP has determined that WMGR123 will be renewed with the existing permit language for three months, until January 4, 2021, to allow DEP to finish the routing process for proposed revisions to WMGR123. During the three-month timeframe, DEP will complete its review of the proposed final revisions to WMGR123 and the proposed final responses to the comments received during the public comment period. At this time, DEP will not be taking final action on pending renewal applications for permittees under WMGR123 until the revised WMGR123 general permit has been issued. Until DEP is able to act on the pending renewal applications, existing coverage under WMGR123 will automatically continue under the renewed general permit.

### **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 closed on November 18, 2019. *Preparation of the comment/response document is ongoing.*

### **Solid Waste Advisory Committee (SWAC)**

*The December 9, 2020, meeting of SWAC is cancelled. The next regular meeting of SWAC has not been scheduled yet, but information will be provided on the [SWAC website](#) once available.*

### **Recycling Fund Advisory Committee (RFAC)**

The next annual RFAC meeting will be held in September 2021. Additional information is available on the [SWAC website](#).



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## Water Programs

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### Water Program Rulemakings

#### Chapter 105 Dam Safety and Waterway Management Rulemaking

Bureau of Waterways Engineering and Wetlands drafted a rulemaking to revise several portions of Chapter 105 to: clarify existing requirements; delete or update obsolete and antiquated requirements; incorporate new or revised sections and definitions; and correct previous minor errors discovered in certain sections since the previous rulemaking. The draft annex was presented to the Agricultural Advisory Board on January 27, 2020, and the Water Resources Advisory Committee on January 30, 2020. Both committees concurred with DEP's recommendation to present the proposed rulemaking to the Environmental Quality Board. The annex was also presented to the State Conservation Commission on February 11, 2020, and the Citizens Advisory Council on February 18, 2020. The proposed regulation was adopted by the Environmental Quality Board on July 21, 2020.

#### Manganese Rulemaking

On October 30, 2017, subsection (j) (known as Act 40) was added to The Administrative Code of 1929. Act 40 directed the Environmental Quality Board (Board) to propose regulations requiring that the water quality criteria for manganese, established under 25 Pa. Code Chapter 93, be met consistent with the exception in 25 Pa. Code § 96.3(d). Act 40 directed the Board to propose a regulation that moves the point of compliance for manganese from the point of discharge to any downstream drinking water intake. The Bureau of Clean Water presented a rulemaking to revise the water quality standards for manganese to the Board on December 17, 2019. This proposed rulemaking includes the following updates to 25 Pa. Code Chapter 93: (1) deleting the Potable Water Supply criterion of 1.0 mg/L from § 93.7, Table 3 and (2) adding a Human Health criterion of 0.3 mg/L to § 93.8c, Table 5. In addition, the proposed rulemaking includes language in 25 Pa. Code Chapter 96 describing two alternative points of compliance for meeting the manganese criterion. The first alternative, consistent with Act 40, is to move the point of compliance from all surface waters (i.e., at the point of discharge) to the point of all existing or planned surface potable water supply withdrawals. The second alternative, consistent with the Clean Streams Law and mindful of the responsibilities of drinking water suppliers' obligations under the Pennsylvania Safe Drinking Water Act, is to maintain the existing point of compliance in all surface waters (i.e., at the point of discharge). The Department recommended the Board receive comments on both alternatives to assist the Board in its determination of the appropriate point of compliance. The Board voted to adopt the proposed rulemaking with both alternatives. The proposed rulemaking was published in the Pennsylvania Bulletin on Saturday, July 25, 2020, opening a public comment period that closed on September 25, 2020. The Board has also held three virtual public hearings on September 8, 9 and 10, 2020. During the comment period and public hearings, 950 individuals provided comments or testimony on the rulemaking. On September 30, 2020 the House Environmental Resources and Energy Committee voted to send a letter to IRRC expressing the Committee's disapproval of the proposed rulemaking. *IRRC's comments were received on October 26, 2020.*

#### Triennial Review of Water Quality Standards 2017

On November 19, 2019, the EQB adopted the final rulemaking for the Triennial Review of Water Quality Standards. On December 31, 2019 the final rulemaking package was provided to the Independent Regulatory Review Commission (IRRC) for their review and consideration. IRRC approved this final rulemaking at their January 31, 2020, public meeting. The final Triennial Review of Water Quality Standards was published in the Pennsylvania Bulletin on July 11, 2020. The Triennial Review *has been* submitted to the EPA for their review and approval.

#### Class A Streams Redesignations

On December 18, 2018, the EQB adopted the proposed rulemaking for Class A Streams Redesignations, and the proposal was published in the Pennsylvania Bulletin on March 23, 2019, (49 Pa.B. 1367) beginning a 45-day comment period that ended on May 7, 2019. The Board received comments from 777 commenters including

EPA Region 3 and the Independent Regulatory Review Commission. The regulatory changes in this final rulemaking are the result of stream evaluations of protected water uses conducted by the Department in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC) under 25 Pa. Code § 93.4c(a)(1)(i) (relating to implementation of antidegradation requirements) and § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use). In this regulation, stream redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for High Quality designations based upon their classifications as Class A wild trout streams. These regulations include High Quality stream redesignations in the Delaware, Susquehanna and Ohio River basins. This final rulemaking package is anticipated to be presented to the EQB in the fourth quarter of 2020.

#### Dunbar et al Stream Redesignations

*A proposed stream redesignation rulemaking is tentatively scheduled to be presented to the EQB in the first half of 2021. The proposed rulemaking includes redesignation recommendations for seven streams in response to stream evaluations conducted by the Department. Stream evaluations were conducted in response to three rulemaking petitions that were previously accepted by the EQB, requests by the DEP Regional Programs and the Pennsylvania Fish and Boat Commission, ongoing statewide monitoring activities, and an error identified in Chapter 93. Redesignation recommendations include more restrictive use and less restrictive use recommendations.*

#### Water Quality Permit Fees

DEP proposed a rulemaking that would increase some fees for Water Quality Management (WQM) permit applications and 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 has been developed and some changes to the proposed rulemaking were made in response to comments. The revised annex was presented to the Agricultural Advisory Board (AAB) on January 27, 2020, and the Water Resources Advisory Committee (WRAC) on January 30, 2020. Additional information regarding the rulemaking was discussed with the AAB at their October 22, 2020, meeting and is also planned for discussion at the November 19, 2020, WRAC meeting. DEP is tentatively planning to present the final rulemaking to the Environmental Quality Board in early 2021.

#### 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 on the draft permit through October 28, 2019, and is working toward publication of the final PAG-01 General Permit.

#### PAG-12

DEP anticipates amending the PAG-12 NPDES General Permit for Operation of Concentrated Animal Feeding Operations (CAFOs) during 2020 to ease administrative burdens and to correct an omission in the existing PAG-12, which became effective on April 1, 2018. DEP is proposing to 1) remove the general permit language that results in an automatic expiration of coverage if an annual report or annual fee is not submitted on time; 2) clarify that the annual fee of \$500 is an installment payment of the NOI fee; and 3) correct the error in omitting

certain CAFOs from needing to perform daily water line inspections. DEP discussed the proposed changes with the Agricultural Advisory Board at the board's May 21, 2020, July 1, 2020, and the August 27, 2020, meeting, and with the Water Resources Advisory Committee at their May 28, 2020, meeting. DEP will continue consultation with both the Agricultural Advisory Board and the Water Resource Advisory Committee throughout the process of amending the permit. The changes will require EPA approval prior to being incorporated in a final permit. DEP published notice of the availability of a draft amended PAG-12 General NPDES Permit for the operation of CAFOs in the Pennsylvania Bulletin on August 15, 2020, opening a 30-day public comment period that closed on September 14, 2020. Four individuals commented on the draft amended permit. *The final amended PAG-12 was published in the Pennsylvania Bulletin on October 31, 2020.*

### **Agricultural Advisory Board Meeting**

The next Agricultural Advisory Board meeting is tentatively scheduled for *December 17, 2020.*

### **Chapter 102 ePermitting**

ePermitting is being used by multiple DEP programs for the management of electronic permit applications. Since 2018 DEP has been working toward implementing ePermitting for Chapter 102 NPDES permits for earth disturbance activities. The launch of ePermitting for PAG-02 General NPDES Permit Notices of Intent (NOIs) was scheduled for Summer 2020 but was postponed. DEP is currently coordinating Chapter 102 improvements to the ePermitting system with improvements for Chapter 105 permits. The Chapter 105 program has been utilizing ePermitting for the past two years. The Bureau of Clean Water and DEP IT staff continue to work towards launch of the new system. *A tentative date for go live is planned for mid-January 2021. Since work on the system is ongoing, a final determination on go live for the system will depend on the results of user acceptance testing prior to the planned launch.*

### **Integrated Report**

DEP received EPA approval on the final 2018 Pennsylvania Integrated Water Quality Monitoring and Assessment Report (Integrated Report) Category 5 and 5alt (Federal Clean Water Act (CWA) Section 303(d) List) on November 1, 2019. The Integrated Report is required by EPA and Sections 303(d) and 305(b) of the Federal CWA. 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. DEP's 2018 Integrated Report is the first fully digital interactive Integrated Report in the nation.

The draft 2020 Integrated Report was presented to the Agricultural Advisory Board on January 27, 2020, and the Water Resources Advisory Committee on January 30, 2020. The draft 2020 Integrated Report was published on June 27, 2020, for a 45-day public comment period that ended on August 11, 2020. Staff in the Assessment Section of DEP's Water Quality Division have drafted a comment response document to address all comments received and are working to finalize the 2020 Integrated Report and to submit the final report to EPA through the federal ATTAINS database for review and approval of Category 5 and 5alt.

### **Small Water Systems Technical Assistance Center Board Meeting**

The DEP Small Water Systems Technical Assistance Center (TAC) Advisory Board met virtually on July 23, 2020, to review several draft guidance documents and continue discussion on potential revisions to the bylaws and membership. The next TAC meeting is scheduled for November 10, 2020. *A TAC subcommittee met on October 20, 2020, to discuss revisions to the TAC bylaws. A second meeting of the bylaws subcommittee has been scheduled for November 10, 2020, following the full TAC meeting, to continue the discussion.*

### **Nonpoint Source (NPS) Management Section 319**

The 2020 NPS Management Section 319 Program received 36 grant applications totaling approximately \$9.2 million. The Section 319 NPS Management grant funds are provided by the U.S. Environmental Protection Agency (EPA) and authorized through Section 319(h) of the federal Clean Water Act. The program's primary purpose is to implement Section 319 Program Watershed Implementation Plans (WIP) to improve and protect

Pennsylvania's waters from nonpoint source pollution. Grant application review and online scoring are complete, and DEP's Watershed Support Section staff worked with DEP's Grants Center, Chesapeake Bay Program, regional offices, District Mining Offices and Bureau of Abandoned Mine Reclamation staff to develop a grant recommendation package. *The 2021 NPS Management Section 319 Program grant round closed on October 23, 2020.*

### **Growing Greener Program**

DEP Growing Greener Plus Grants Program received 227 applications totaling approximately \$59 million for watershed restoration and protection, Surface Mining Conservation and Reclamation Act Bond Forfeiture and Abandoned Mine Drainage Set-Aside proposed projects. Grant application review and online scoring are complete, and DEP's Watershed Support Section staff worked with DEP's Grants Center, Chesapeake Bay Program, regional offices, District Mining Offices and Bureau of Abandoned Mine Reclamation staff to develop a grant recommendation package.

### **State Water Plan**

The Regional State Water Plan Water Resources Committees held their third round of meetings virtually via Skype in October. The Statewide State Water Plan Water Resources Committee will have their second meeting held virtually through Skype on November 12, 2020. Online resources are being utilized to keep the State Water Plan Update on track. The Committees have a few vacancies and are close to being full. This update will focus on items such as water resources strategies outlined in the Governor's Climate Action Plan *as well as updated regional watershed priorities, recommendations for action, and legislative priorities.* More information can be found at the [State Water Plan website](#).

### **Coastal Resources Management**

*DEP's Coastal Resources Management Program staff will attend a Coastal Nonpoint Source Workgroup Meeting on Monday, November 16, 2020. This is a monthly recurring meeting hosted by the Coastal States Organization in cooperation with state coastal management programs to discuss issues related to the Coastal Nonpoint Pollution Prevention Program (CNPP) under the federal Coastal Zone Management Act. The agenda for this meeting is being developed and discussion topics are not yet announced.*

*DEP's Coastal Resources Management Program staff will also attend an annual joint meeting of the Partnership for the Delaware Estuary's Scientific and Technical Advisory Committee (STAC) and the Delaware River Basin Commission's Monitoring Advisory and Coordination Committee (MACC) on November 18, 2020. The Coastal Resources Management Program will attend as a representative of the STAC. The purpose of the annual joint meeting is to share information on on-going monitoring activities and discuss future monitoring needs.*

*The Lake Erie Coastal Zone Advisory Committee is scheduled to meet virtually on November 18, 2020. This independent committee is comprised of municipal and interest group representatives from across the Lake Erie Coastal Zone. Members, along with Coastal Resources Management Program (CRMP) staff in attendance, will hear presentations from Fiscal Year 2021 Coastal Zone grant applicants and will provide funding suggestions to CRMP.*

### **Drought Update**

*This year's drought declarations began on August 21, 2020. Currently, there are 3 counties in drought warning and 30 counties on drought watch. Counties on drought warning: Clinton, McKean, and Potter. Counties on drought watch: Armstrong, Blair, Bradford, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Columbia, Cumberland, Elk, Erie, Fayette, Forest, Huntingdon, Indiana, Jefferson, Juniata, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Sullivan, Tioga, Union, Warren, and Wyoming.*

*Drought watch and warning declarations are determined by the Commonwealth Drought Coordinator with the support other DEP staff and in concurrence with the Drought Task Force, which is comprised of various state*

*and federal agencies. Drought emergency declarations follow a similar process and are given final approval by the Governor. A drought emergency has not been declared for any county.*

Residents on drought watch are asked to reduce their individual water use 5-10 percent, based on a statewide average of 62 gallons per person per day. This means a reduction of three to six gallons of water per day. Residents on drought warning are asked to reduce their individual water use 10-15 percent, or by six to nine gallons a day. Varying localized conditions during a drought watch may lead individual water suppliers or municipalities to request more stringent conservation actions by residents. DEP has notified all water suppliers in these counties of the need to monitor their supplies and be prepared by updating their drought contingency plans as necessary. Some public water systems have already begun voluntary and mandatory water restrictions to preserve their drinking water supplies.

DEP makes drought watch, warning, or emergency declaration recommendations based on four numeric indicators. The agency gets stream flow and groundwater level data from a statewide network of gauges maintained by the U.S. Geological Survey. In addition, DEP monitors precipitation and soil moisture. DEP also factors in information it receives from public water suppliers. There are normal ranges for all four indicators, and DEP makes its drought status recommendations after assessing the departures from these normal ranges for all indicators for periods of 3-12 months. Declarations are not based on one indicator alone. *For details on indicator monitoring, see this fact sheet: [Drought Management in Pennsylvania](#).*

More information can be found at [www.dep.pa.gov/drought](http://www.dep.pa.gov/drought).

## Attachment 1

### 2020 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.”

| <b>November</b> |   |
|-----------------|---|
| 4               | Aggregate Advisory Board Meeting, 10 a.m., Virtual meeting only                                       |
| 10              | Small Water Systems Technical Assistance Center Advisory Board, 9 a.m., Virtual meeting only          |
| 12              | Statewide Water Resources Committee Meeting, 9 a.m., Virtual meeting only                             |
| 17              | Environmental Quality Board Meeting, 9 a.m., Virtual meeting only                                     |
| 17              | Environmental Justice Advisory Board Meeting, 9 a.m., Virtual meeting only                            |
| 17              | Citizens Advisory Council Meeting, 12:30 p.m., Virtual meeting only                                   |
| 18              | PA State Board for Certification of Sewage Enforcement Officers, 10 a.m., Virtual meeting only        |
| 19              | Water Resources Advisory Committee Meeting, 9:30 a.m., Virtual meeting only                           |
| <b>December</b> |   |
| 1               | Laboratory Accreditation Advisory Committee Meeting, 9 a.m., Virtual meeting only                     |
| 2               | Storage Tank Advisory Committee Meeting, 10 a.m., Virtual meeting only                                |
| 8               | Board of Coal Mine Safety, 10 a.m., Virtual meeting only  |
| 9               | State Board for Certification of Water and Wastewater System Operators, 10 a.m., Virtual meeting only |
| 10              | Air Quality Technical Advisory Committee Meeting, 9:15 a.m., Virtual meeting only                     |
| 15              | Environmental Quality Board Meeting, 9 a.m., Virtual meeting only                                     |
| 16              | Oil and Gas Technical Advisory Board Meeting, 10 a.m., Virtual meeting only                           |
| 16              | Cleanup Standards Scientific Advisory Board Meeting, 1 p.m., Virtual meeting only                     |
| 17              | Agricultural Advisory Board Meeting, 9 a.m., Virtual meeting only                                     |
| 22              | Climate Change Advisory Committee Meeting, 9 a.m., Virtual meeting only                               |

## Attachment 2

### Oil and Gas Workload Report (As of October 23, 2020)

| YTD WELL PERMIT APPLICATIONS - 1/1/2020 to 10/23/2020 |              |              |              |                |                 |                    |
|---|--------------|--------------|--------------|----------------|-----------------|--------------------|
|   | RECEIVED     | UNDER REVIEW | PROCESSED    | PERMITS ISSUED | WELLS PERMITTED | OTHER DISPOSITIONS |
| CONVENTIONAL  | 85           | 10           | 86           | 85             | 84              | 1                  |
| UNCONVENTIONAL  | 811          | 63           | 800          | 777            | 753             | 23                 |
| <b>Sub Total</b>                                      | <b>896</b>   | <b>73</b>    | <b>886</b>   | <b>862</b>     | <b>837</b>      | <b>24</b>          |
| AUTHORIZATIONS  | 736          | 86           | 709          | 625            | N/A             | 84                 |
| <b>Total</b>  | <b>1,632</b> | <b>159</b>   | <b>1,595</b> | <b>1,487</b>   | <b>1,395</b>    | <b>108</b>         |

| WEEKLY WELL PERMIT APPLICATIONS - 10/17/2020 to 10/23/2020 |           |              |           |                |                 |                    |
|--|-----------|--------------|-----------|----------------|-----------------|--------------------|
|  | RECEIVED  | UNDER REVIEW | PROCESSED | PERMITS ISSUED | WELLS PERMITTED | OTHER DISPOSITIONS |
| CONVENTIONAL   | 0         | 0            | 1         | 1              | 1               | 0                  |
| UNCONVENTIONAL   | 13        | 13           | 6         | 6              | 6               | 0                  |
| <b>Sub Total</b>   | <b>13</b> | <b>13</b>    | <b>7</b>  | <b>7</b>       | <b>7</b>        | <b>0</b>           |
| AUTHORIZATIONS   | 43        | 13           | 30        | 30             | N/A             | 0                  |
| <b>Total</b>   | <b>56</b> | <b>26</b>    | <b>37</b> | <b>37</b>      | <b>37</b>       | <b>0</b>           |

| HISTORICAL WELL PERMIT APPLICATIONS AS OF 10/23/2020 |                |                |                |                 |                    |                |
|--|----------------|----------------|----------------|-----------------|--------------------|----------------|
|  | RECEIVED       | PROCESSED      | PERMITS ISSUED | WELLS PERMITTED | OTHER DISPOSITIONS | ACTIVE PERMITS |
| CONVENTIONAL   | 198,146        | 198,133        | 196,879        | 190,633         | 1,254              | 100,920        |
| UNCONVENTIONAL                                       | 28,813         | 28,746         | 28,153         | 21,856          | 593                | 12,332         |
| <b>Sub Total</b>                                     | <b>226,959</b> | <b>226,879</b> | <b>225,032</b> | <b>212,489</b>  | <b>1,847</b>       | <b>113,252</b> |
| AUTHORIZATIONS                                       | 45,816         | 45,723         | 44,687         | 43,151          | 1,036              | 19,420         |
| <b>Total</b>   | <b>272,775</b> | <b>272,602</b> | <b>269,719</b> | <b>255,640</b>  | <b>2,883</b>       | <b>132,672</b> |

| YTD INSPECTIONS - 1/1/2020 to 10/23/2020 |               |                      |              |              |
|--|---------------|----------------------|--------------|--------------|
|  | INSPECTIONS   | FACILITIES INSPECTED | VIOLATIONS   | ENFORCEMENTS |
| CONVENTIONAL                             | 7,664         | 5,571                | 2,789        | 249          |
| UNCONVENTIONAL                           | 8,573         | 5,119                | 737          | 134          |
| CLIENT/SITE                              | 2,877         | 1                    | 3,487        | 238          |
| <b>Total</b>                             | <b>19,114</b> | <b>10,691</b>        | <b>7,013</b> | <b>621</b>   |

| WEEKLY INSPECTIONS - 10/17/2020 to 10/23/2020 |             |                      |            |              |
|---|-------------|----------------------|------------|--------------|
|   | INSPECTIONS | FACILITIES INSPECTED | VIOLATIONS | ENFORCEMENTS |
| CONVENTIONAL                                  | 227         | 207                  | 11         | 3            |
| UNCONVENTIONAL                                | 307         | 297                  | 6          | 3            |
| CLIENT/SITE                                   | 69          | 1                    | 11         | 1            |
| <b>Total</b>                                  | <b>603</b>  | <b>505</b>           | <b>28</b>  | <b>7</b>     |

| WELLS DRILLED  |   |  |  |  |                  |
|----------------|---|--|--|--|------------------|
|                | Two Years Prior<br>1/1/2018 to 10/23/2018 | One Year Prior<br>1/1/2019 to 10/23/2019 | Year To Date<br>1/1/2020 to 10/23/2020 | Week of<br>10/17/2020 to<br>10/23/2020 | As of 10/23/2020 |
| CONVENTIONAL   | 111                                       | 154                                      | 38                                     | 2                                      | 201,592          |
| UNCONVENTIONAL | 629                                       | 519                                      | 400                                    | 2                                      | 12,720           |
| <b>Total</b>   | <b>740</b>                                | <b>673</b>                               | <b>438</b>                             | <b>4</b>                               | <b>214,312</b>   |

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