

June 2021 Report to the Citizens Advisory Council
(New and updated information in italics)

DEP Highlights

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, is 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.

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 challenges associated with PFAS and the 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. DEP expects to finalize this regulation in mid-2021.

At its August 15, 2017 meeting, the Environmental Quality Board (Board) accepted for further study a petition for rulemaking to set a drinking water maximum contaminant level for PFOA. DEP has completed its review of the petition and intends to present its recommendation to the Board *at its June 15, 2021 meeting*.

The Bureau of Safe Drinking Water's PFAS Sampling Plan *was completed in March 2021. The Bureau intends to post the remaining sample results in early summer.*

Work on the PFAS Toxicology Services Contract with Drexel University has been completed. A final report with recommendations on toxicity values and MCLGs was submitted at the end of January 2021.

In late 2019, the U.S. Geologic Survey (USGS), DEP, and Susquehanna River Basin Commission 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. This data is available on the [DEP website](#) and the [USGS website](#). DEP and USGS will continue to collect PFAS surface water samples at approximately 20 locations throughout Pennsylvania based on the results of the 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 Chesapeake Bay Office submitted the 2020 Milestone Programmatic Progress Report to EPA by the deadline on January 15, 2021. This document is also published to the Phase 3 WIP "Tracking Pennsylvania's Progress" [webpage](#). In addition, the Chesapeake Bay Office submitted the 2020 Annual Numeric Progress through the National Environmental Information Exchange Network (NEIEN) as well as the updated Quality Assurance Program Plan (QAPP) to EPA on December 1, 2020. Numeric Progress is entered into the Chesapeake Assessment Scenario Tool (CAST); over the course of a two month period, EPA Chesapeake Bay Program Office (CBPO) and DEP Chesapeake Bay Office staff have been in correspondence, following the iterative reporting and feedback timeline set forth by the Chesapeake Bay Program Partnership. *EPA's assessment of numeric data has been provided to DEP and DEP has met, and will continue to meet with, EPA to discuss the results more fully in the coming weeks. A meeting with EPA Region 3 and CBPO staff and DEP, SCC, and DCNR staff is scheduled for the beginning of June to discuss Phase 3 WIP progress and assistance needed from EPA moving forward.*

The [State Team](#) for Pennsylvania's Phase 3 WIP met January 26, 2021, for the team's first biannual meeting of 2021. The recording of the meeting as well as the presentation materials are currently available on the website.

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 were submitted by October 15, 2020, for eligible counties: the pilot counties (Lancaster, York, Adams, Franklin) and the tier 2 counties (Bedford, Center, Cumberland, Lebanon). Over \$6 million in Environmental Stewardship Funds were announced as awarded on November 20, 2020. The funding is 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. Tier 3 and 4 Counties are entering into agreements and have been awarded funds for CAP coordination. 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. We recently have worked with the EPA Chesapeake Bay Program Office to

produce an introductory BMP Verification module, with opportunity for additional more specific modules in the near future.

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. The Conowingo WIP Steering Committee is reviewing the comments with the Center for Watershed Protection in an effort to address public comments. *On May 5, 2021, EPA provided their evaluation of the draft CWIP to the Steering Committee and published the evaluation on May 6, 2021. On June 2, 2021, the Principals Staff Committee (PSC) will meet to discuss the proposed revisions to the CWIP and identify a strategy moving forward.* The CWIP, a webinar that provides information about the CWIP, the CWIP Financing Strategy, and other communications materials can be found on [the CWIP Steering Committee webpage](#).

The Chesapeake Bay Program Office and its partners continue to evaluate 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 Questions on the WIP and Pennsylvania's Chesapeake Bay Program can be submitted to 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. The litter workgroup efforts are currently underway with the workgroups meeting throughout May and June.

Regulatory Update (Detailed summaries included in respective program sections)

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

- *Proposed Rulemaking – Radiation Safety Requirements for Non-Healing Arts Radiation Generating Devices (#7-555): The rule was adopted by the EQB on May 19, 2021.*

- Proposed Rulemaking – Additional RACT Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS (RACT III Major Sources) (#7-561): The rule was adopted by the EQB on May 19, 2021.
- Proposed Rulemaking – Water Quality Standards – Dunbar Creek et al. Stream Redesignations (#7-557): The rule was adopted by the EQB on April 15, 2021.
- Proposed Rulemaking – Prohibiting Electronic Liquid Vaporizing Devices at Underground Bituminous Coal Mines (#7-558): The rule was adopted by the Board of Coal Mine Safety on September 1, 2020. The proposed rule was published in the Pennsylvania Bulletin on March 13, 2021, with a 30-day public comment period that closed on April 12, 2021. The Board received one *public* comment on the proposed rule. *IRRC’s comments were received on May 12, 2021.*
- Proposed Rulemaking – Noncoal Mining Clarifications and Corrections (#7-554): The rule was adopted by the EQB on November 17, 2020. The proposed rule was published in the Pennsylvania Bulletin on March 20, 2021, with a 45-day public comment period that closed on May 4, 2021. *The Board received four public comments on the proposed rule. IRRC’s comments were received on June 3, 2021.*
- Proposed Rulemaking – CO₂ 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. Ten (10) virtual public hearings were held December 8 – 14, 2020. The public comment period closed on January 14, 2021, with approximately 13,870 comments received. On January 12, 2021, 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 February 16, 2021. Comments received were discussed with the Air Quality Technical Advisory Committee (AQTAC) on April 8, 2021 and the Citizens Advisory Council (CAC) on April 20, 2021. *The draft final Annex A was presented to the AQTAC on May 17, 2021, and the CAC and the Small Business Compliance Advisory Committee (SBCAC) on May 19, 2021.*
- 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. The rule was published on December 5, 2020, for a 60-day public comment period ending on February 3, 2021. On February 24, 2021, 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 March 5, 2021.
- 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.
- Draft Final 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 closed on November 30, 2020. IRRC’s comments were received on December 30, 2020. The draft final Annex A was presented to the AQTAC on April 8, 2021 *and the SBCAC on May 19, 2021.*
- Draft Final Rulemaking – Administration of the Land Recycling Program (#7-552): The rule was 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 and the draft final Annex A was presented on December 16, 2020. *The final rulemaking is scheduled for consideration at the June 15, 2021 EQB meeting.*

- Final Rulemaking – Water Quality Standards – Class A Stream Redesignations (#7-548): The proposed rule was published on March 23, 2019, opening a 45-day public comment period. A public hearing was held on April 26, 2019. The comment period closed on May 7, 2019. IRRC’s comments were received on June 6, 2019. The final rule was adopted by the EQB on November 17, 2020. IRRC approved the final rule at its April 15, 2021 public meeting.
- 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. The final rule was adopted by the EQB on November 17, 2020. IRRC approved the final rule at its April 15, 2021 public meeting.
- Final Rulemaking – Water Quality Management and NPDES Fee Amendments (25 Pa. Code Ch. 91 and 92a) (#7-533): The rule was published on March 30, 2019, opening a 45-day public comment period that closed on May 14, 2019. IRRC’s comments were received on June 13, 2019. The draft final Annex A was presented to the Agricultural Advisory Board (AAB) January 27, 2020, and to the Water Resources Advisory Committee (WRAC) January 30, 2020. A revised draft final Annex A was presented to AAB on October 22, 2020, and to WRAC on November 19, 2020. The final rule was adopted by the EQB on March 16, 2021. *On May 4, 2021, the House Environmental Resources and Energy Committee voted to send a letter to IRRC disapproving the final rulemaking. IRRC approved the final rule at its May 20, 2021 public meeting.*

Public Comment Periods

Proposals Open for Public Comment

- N/A

Recently Closed Comment Periods

- Environmental Assessment Approval for PENNVEST Funding Consideration – Apr 2021 (Closed 5/3/21)
- Proposed Rulemaking: Noncoal Mining Clarifications and Corrections (#7-554) (Closed 5/4/21)
- Draft 2016-2021 Assessment and Strategy of Pennsylvania’s Coastal Resources Management Program (Closed 5/10/21)

Communications Monthly Press Releases

Press Releases Issued

April 28 - DEP Reaches Agreement with Westmoreland Sanitary Landfill and County Hauling for Waste Transportation Safety Act Violations

May 4 – ADVISORY – TOMORROW – VIRTUAL BRIEFING – Wolf Administration to Announce Projected Climate Impact Risks

May 4 - Governor Wolf Recognizes Two DEP Employees for Efforts to Restore Chesapeake Bay Watershed, Combat Climate Change

May 5 - Gov. Wolf: DEP 2021 Climate Impacts Report Projects Pennsylvania Will Be 5.9° F Warmer by Midcentury, Targets Areas to Reduce Risk

May 7 - DEP to Receive Comments, Host Virtual Public Hearing on Amendment Applications for Mariner East 2 Pipeline, Chester County

May 12 – DEP Report Finds Clean Energy Workforce Development Will Boost Job Creation, Economy

May 13 – DEP Awards More Than \$3.4 Million to Cleaner Fuel Transportation Projects Statewide to Improve Air Quality, Reduce Greenhouse Gas Emissions

May 14 – DEP Issues Code Orange Air Quality Action Day for Fine Particulate Matter for Saturday, May 15, 2021, in the Liberty-Clairton Area of Allegheny County

May 18 – DEP To Host Virtual Public Hearing on Hercules Cement Application for Quarry Expansion in Northampton County

May 19 - DEP Issues Code Orange Air Quality Action Day for Ozone for Thursday, May 20, 2021, in Southcentral Counties and Lehigh Valley-Berks Area

May 25 - DEP Issues Code Orange Air Quality Action Day for Ozone for Wednesday, May 26, 2021, in Southeastern Counties

Active and Abandoned Mine Operations

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. The EQB unanimously voted to adopt the final rulemaking on November 17, 2020. The final rule was approved by IRRC at the April 15, 2021 public meeting. Final publication of the rule is anticipated for June 26, 2021.

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. The EQB unanimously voted to adopt the draft rulemaking on November 17, 2020. The proposed rule was published in the Pennsylvania Bulletin on March 20, 2021, with a 45-day public comment period that closed on May 4, 2021.

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. DEP will present the proposed rulemaking to the EQB in June.

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 form a workgroup with an outside expert on slurry impoundments in order to further review this guidance. The workgroup met on December 7, 2020, to discuss revisions to the draft. *A revised draft was sent to the workgroup on May 12.*

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 2020 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 working draft was delivered to the CAC workgroup in late May.*

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 ended on January 28, 2021. The program is currently reviewing the comments received, preparing a comment/response document, and revising the guidance as needed.

Act 54 Effects of Underground Mining Report

The Bureau of Mining Programs (BMP) released the 5th report from the University of Pittsburgh on the DEP website in December 2019. The report was required by the Bituminous Mine Subsidence and Land Conservation Act (Act 54) of 1994. BMP has since published a response table that includes all the recommendations from the latest report on DEP's Act 54 webpage. In addition, the BMP has created a web-based report to show the data regarding the effects of underground mining for 2018 and 2019. BMP has started

to publish the data on water supplies, structural damage, streams, wetlands and additional information on its website. Ongoing data reports will allow for more timely public input, more effective understanding of problem resolution, and increase transparency and timeliness.

Air Quality

Final 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. In response, the Department has proposed regulations which would require the 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. On May 19, 2020, the EQB voted unanimously to adopt the proposed rulemaking. The proposed rulemaking was published for public comment, three virtual public hearings were held, and the public comment period ended on November 30, 2020. DEP presented the draft final-form rulemaking to AQTAC on April 8, 2021, *the SBCAC on May 19, 2021, and anticipates presenting it to the CAC on June 15, 2021.*

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. On September 15, 2020, the EQB adopted the proposed rulemaking by a vote of 13-6. The proposed rulemaking was published for public comment, ten virtual hearings were held and the public comment period closed on January 14, 2021. Over 14,000 comments were received. DEP presented an update to AQTAC and the CAC on April 8 and 20, 2021, respectively. *DEP presented the draft final-form rulemaking to AQTAC on May 17, 2021, and the CAC and SBCAC on May 19, 2021. By a roll-call vote, each committee voted to recommend to DEP that the final-form regulation be presented to the EQB. This is expected to occur during the third 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). The proposed rulemaking establishes RACT requirements for volatile organic compounds (VOCs) from existing oil and natural gas production facilities, compressor stations, processing plants, and transmission stations. On December 17, 2019, the EQB adopted the proposed rulemaking by a vote of 13-6. The proposed rulemaking was published for public comment, three virtual hearing were held, and the comment period ended on July 27, 2020. The Department received 4,509 comments from approximately 36,211 commentators. DEP anticipates advancing the draft final-form rulemaking to the advisory committees during the third quarter of 2021.

In response to a suit, EPA issued a finding on October 29, 2020 that five states – California, Connecticut, New York, Pennsylvania, and Texas – failed to submit the O&G CTG required SIP revisions. The SIP revisions were due on October 27, 2018. The finding triggers CAA deadlines for EPA to impose sanctions if a state does not make a complete SIP submission for the CTG and for EPA to promulgate a Federal Implementation Plan if it does not approve a state's SIP revision. Specifically, 18 months after the effective date of EPA's finding, a 2-to-1 offset ratio for the nonattainment New Source Review permitting program will go into effect. Six months after the date of offset sanctions, highway funding may be withheld in nonattainment areas.

Proposed Rulemakings

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 (NO_x) and/or VOCs statewide. DEP presented draft proposed RACT III rulemaking language to AQTAC, SBCAC and CAC in April and May 2020. *On May 19, 2021, the EQB voted to publish the proposed rulemaking for public comment.*

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

This proposed RACT rulemaking is based on EPA's Control Technique Guidelines (CTG) for these three industries. The proposed rulemaking would control VOC emissions from certain existing sources to meet requirements under the Clean Air Act and the U.S. Environmental Protection Agency's (EPA) 2015 Ozone Implementation Rule. The Department presented the draft proposed rulemaking to AQTAC, SBCAC, CAC PRO and CAC on October 15, October 28, November 11, and November 17, 2020, respectively. DEP anticipates presenting the proposed rulemaking to the EQB during the third quarter of 2021.

Proposed Amendments to the Pennsylvania Clean Vehicles (PCV) Program

The Bureau of Air Quality is developing amendments to the PCV Program (Chapter 126, Subchapter D) that would adopt the California Air Resource Board (CARB) Zero Emission Vehicle (ZEV) program beginning for model year 2025 and require automakers to demonstrate compliance with the already adopted CARB greenhouse gas (GHG) fleet average requirement based on Pennsylvania sales and not California sales. *The Department is currently evaluating how recently announced proposed updates to CARB's Advanced Clean Cars program would affect a rulemaking in Pennsylvania.*

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 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. 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.

In late November 2020, DEP and the Allegheny County Health Department issued letters to facilities with coal-fired boilers equipped with SCR requiring that they submit case-by-case RACT evaluations no later than April 1, 2021. The case-by-case evaluations have been received and are being reviewed.

VOC RACT SIP Revisions for the 2008 Ozone NAAQS

On August 13, 2018, DEP submitted two SIP revisions to EPA to address reasonably available control technology (RACT) requirements related to control technique guidelines (CTGs) for volatile organic compounds (VOCs) and the addition of regulations controlling VOC emissions from industrial cleaning

solvents. EPA published approval of these SIP revisions on December 14, 2020. On February 12, 2021, the Center for Biological Diversity filed a petition for review in the US District 3rd Circuit Court challenging EPA's approval. EPA and DEP are reviewing the complaint.

Non-Regulatory SIP Revisions

2010 Sulfur Dioxide (SO₂) 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.

On December 18, 2020, Sierra Club, Clean Air Council, and Citizens for Pennsylvania's Future sued EPA in the Third Circuit regarding the agency's approval of the attainment plan. EPA and DEP are reviewing the complaint.

On April 5, 2021, the U.S. Department of Justice (DOJ) filed a motion in the U.S. Court of Appeals for the Third Circuit requesting the court to remand without vacatur EPA's October 19, 2020 approval of Pennsylvania's attainment demonstration. Pennsylvania, as an intervenor in the case, takes no position on the DOJ's motion.

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

On June 2, 2020, the OTC Commissioners voted 9-2-2 to send a 184(c) petition to EPA recommending daily control technology optimization requirements and daily nitrogen oxide (NO_x) emission limits at coal-fired electricity generating units (EGUs) in Pennsylvania. EPA acknowledged receipt in the July 7, 2020 Federal Register and held a virtual public hearing on February 2, 2021, at which the Department provided testimony. DEP submitted comments on April 7, 2021.

Driving PA Forward Grants and Rebates

- **Onroad Rebate Program:**
 - **CY20:** \$6.4 million was offered. Sixty-four projects were awarded \$6.473 million to replace 181 older, diesel powered vehicles (mostly school buses). All rebate vouchers were issued by the end of February 2021. Projects must be completed within 365 days of voucher issue date.
 - **CY21:** The application period will open concurrently with the CY21 Truck & Bus Fleet Grant Program, by the end of *June*. Approximately \$6.0 million will be available under this Program during this funding year.
- **The Truck and Bus Fleet Grant Program:**
 - **CY20:** \$3.0 million was offered. Fourteen applications are under review.
 - **CY21:** The application period will open concurrently with the CY21 Onroad Rebate Program, by the end of *June*. Approximately \$3.0 million will be available to award during this funding year.
- **PA State Clean Diesel Grant Program (DERA):**
 - **FY19:** \$2.6 million was offered. Nine projects were awarded \$2.4 million to replace 39 older, diesel-powered school buses, 22 Class 8 trucks, and one heavy bulldozer. Projects must be completed by September 30, 2021.
 - **FY20:** The application period is anticipated to open by late May-early June. Approximately \$2.6 million will be available to award during this funding year.
- **Electric Cargo Handling Grant Program:**
 - **CYs 19 & 20:** \$3.0 million was offered. \$435,960 was awarded to fund the replacement of two older, diesel-powered yard tractors. This project must be completed within three years of the

project start date, as established in the executed grant agreement. Approximately \$2.5 million remained available after closure of this funding year. This amount will be rolled into the available funding for CY21.

- CY21: Program documents will be revised, and this Program will re-open for applications in mid to late summer 2021. Approximately \$5.5 million will be available to award for this funding year. Program outreach to PA-based airports, ports, distribution centers, and intermodal facilities is planned for this summer.
- Marine & Rail Freight Movers Grant Program:
 - CYs 20 & 21: \$10.0 million in funding offered. Round 1: A single award of \$1.26 million is funding to locomotive replacement project in and around the Philadelphia MSA. This project must be completed within three years of the project start date, as established in the executed grant agreement. Approximately \$8.7 million remained available for a second round of funding. Round 2: DEP received three applications - each requesting funding for freight switcher/work locomotive replacement projects. The applications are under review.
- The Ocean-Going Vessel Shorepower Grant Program:
 - CYs 20 & 21: \$3.0 million in funding offered. Application period closed without any submissions on 10/30/19 and has not re-opened. Program staff are currently evaluating the program requirements and expect to re-open in mid to late 2021. Program outreach is planned for this summer, in and around the Erie and Philadelphia ports.
- The Direct Current Fast Charging & Hydrogen Fueling Grant Program:
 - CY20: \$1.8 million in funding offered. Round 1: Four projects received funding for a combined total of \$936,619. Round 2: DEP received 29 applications which are under review.
 - CY21: This Program is anticipated to re-open in June, with approximately \$1.8 million in available funding.
- Level 2 Electric Vehicle (EV) Charging Rebate Program:
 - Version 1 (original 'Tier 1' funding levels): \$3.184 million awarded to install 690 charging plugs.
 - Version 2 (lower 'Tier 2' funding levels): \$2.604 million awarded so far for the installation of 735 charging plugs.

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

Energy Programs Office

Climate Change Advisory Committee

The most recent Climate Change Advisory Committee (CCAC) meeting was conducted virtually on April 27, 2021. DEP's contractor, ICF, presented the draft final version of Pennsylvania's 2021 Climate Action Plan (CAP). *On May 5th, the final Pennsylvania Climate Impacts Assessment was released, which had undergone multiple reviews by the CCAC since last fall.* The next CCAC meeting will be held on June 22nd, when the final CAP will be presented.

Industrial Energy Efficiency Technical Assistance

For state fiscal year (SFY) 2020-21, DEP has been working 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. To date, PennTAP has completed *twenty* site assessments, and ETAC has completed *twelve* site assessments this fiscal year for various companies throughout Pennsylvania representing the mining, food processing,

agricultural, metal fabrication, mining, household and dental care products, health and beauty products, and biomedical industries.

Energy Assurance

EPO worked with ICF to develop a program of Energy Assurance Resiliency Outreach for Healthcare/Medical Facilities. The virtual trainings were held on May 26th & 27th which included online materials to help healthcare facilities test their preparedness for a diverse range of energy emergency events. Presently, this project's final report is being reviewed. The takeaways and conclusions from this report will be used in considering future projects. During the critical winter months, EPO and the DEP Director of Emergency Response have coordinated with PEMA monthly Fuels Sector Calls to provide situational awareness regarding supply concerns related to heating and transportation fuels. These calls prepared EPO staff to provide support to the DEP Director of Emergency Response and PEMA in response to the Colonial Pipeline Cyberattack. An after-action call is scheduled for June 9, 2021.

Commonwealth – University Capstone Partnership

Through the Commonwealth-University Capstone Partnership, EPO has been working with the Governor's Office of Performance through Excellence (OPE) since December to match five local governments with college students in order to assist in their Climate Action Plan (CAP) implementation. East Stroudsburg University (ESU) has been matched with Jermyn Borough in Lackawanna County to research various green infrastructure methods that could be installed and/or incentivized, as well as tackling the invasive species issue in the Lackawanna River, which flows through the Borough. A graduate student from the University of Pittsburgh has been paired with the Triboro Ecodistrict (Etna Borough, Sharpsburg Borough, and Millvale Borough in Allegheny County) to assist in conducting solar PV feasibility assessments in those communities. *On May 5, ESU and University of Pittsburgh students closed out their semester-long projects by providing final presentations on their efforts to OPE staff.*

Building Energy Code Trainings

DEP is working 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. Funding is provided by the U.S. Department of Energy's (DOE) State Energy Program (SEP). 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) are being held in SFY 2020. PML and PSD conducted two residential, two commercial, and *two* duct and envelope testing virtual energy code trainings in *May*.

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. 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. *Awards for the 2020 AFIG were announced on May 13th. A total of 20 projects were awarded \$3.4 million in AFIG funding including 15 Vehicle Purchase projects, four Refueling Infrastructure projects, and one Innovative Technology project. The AFIG program will be reopening soon for 2021 and applications will be accepted via the DCED Electronic Single Application system. The program will have two application acceptance periods, one ending in the summer and the other in December of 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. EPO staff, with stakeholder input, developed a set of outreach and technical assistance initiatives based on the EnSave analysis and

recommendations. EPO has issued a purchase order to 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 *included* virtual outreach to the dairy and poultry sectors *and general agriculture community*, utility bill analyses for farms, and creation of online agriculture energy calculator tools to assist farmers with determining cost savings from energy efficiency projects. Farm energy day webinars were held every Thursday *for 8 weeks, with the final webinar held on May 6, 2021 on the topic of poultry farm energy efficiency*. Over 1,300 individuals *registered for the webinars*.

Energy Workforce Development

BW Research Partnership has delivered to DEP a draft of the first of two Pennsylvania-specific reports for 2021 that will help determine the future direction of energy workforce development activities. This includes a Pennsylvania Clean Energy Employment 2021 Report (PACEER) and a Pennsylvania Energy Employment 2021 Report (PAEER). 2020 versions of these reports were released in August and are located on EPO's [Workforce Development](#) web page. *On May 12, 2021, EPO released the 2021 Pennsylvania Clean Energy Industry Workforce Development Needs Assessment & Gap Analysis that identifies clean energy workforce development gaps and makes recommendations to address them. EPO and DEP Policy Office staff will be engaging with L&I and DCED on ways that our agencies can work together to help entry level workers into the workforce and to create employment opportunities for displaced workers. EPO will present findings from the report to the Citizens Advisory Council in June.*

Food Waste-to-Energy Assessment

EPO has partnered with the DEP Bureau of Waste Management (BWM) and MSW Consultants on a Food Waste-to-Energy Assessment as part of a Pennsylvania Waste Characterization Study. 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. *EPO and BWM have received a final version of the assessment and anticipate publishing the report in mid-summer 2021.*

Environmental Cleanup and Brownfields

Environmental Cleanup and Brownfields Rulemakings

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

The Land Recycling Program developed a proposed rulemaking to update Statewide health standard medium-specific concentrations (MSCs) listed in Appendix A of Chapter 250 *in 2019*. 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 shared proposed responses with the Cleanup Standards Scientific Advisory Board (CSSAB) at the July 30, 2020 meeting.

DEP presented proposed changes for the final-form regulation to the CSSAB at its December 16, 2020 meeting. The CSSAB's discussion focused on the status of vanadium and lead soil numeric values. In the fall of 2020, the CSSAB Lead and Vanadium Workgroup provided analyses and recommendations regarding the vanadium and lead soil values. DEP considered the information from the Workgroup as part of its analysis for the final-form rulemaking. DEP provided a presentation at the meeting explaining why DEP does not plan to change the vanadium direct contact soil numeric value for this particular rulemaking and the proposed changes to the lead soil direct contact numeric values. CSSAB members disagree with DEP's interpretation of the Commonwealth

Document Law and strongly opposed its decision to retain the current Direct Contact Medium-Specific Concentration for Vanadium. The CSSAB also expressed concern about the comments encouraging DEP to amend the Target Blood Lead Level from 10 micrograms per deciliter to 5 micrograms per deciliter.

EPA announced the publication of a new toxicity assessment for Perfluorobutane Sulfonate (PFBS) on April 8, 2021. The updated toxicity assessment included a revised toxicity value that was used in the proposed rulemaking. This change substantially lowered the proposed MSCs for PFBS between the proposed and final rulemakings. This change was made in an effort to use the most current and accurate science to calculate the newly proposed MSC values as required by § 250.11.

The final-form rulemaking will be presented to the Environmental Quality Board at their June 15, 2021 meeting.

Storage Tank Advisory Committee (STAC)

The June 8, 2021 meeting of the Storage Tank Advisory Committee (STAC) is cancelled. The next STAC meeting is scheduled for Wednesday, September 8, 2021, and will be held as a virtual meeting, beginning at 10 a.m. Questions concerning the September meeting can be directed to Kris A. Shiffer at kshiffer@pa.gov or (717) 772-5809. The agenda and meeting materials will be available through the Public Participation tab on the DEP web site at www.dep.pa.gov (select “Public Participation,” then “Advisory Committees,” then “Cleanup and Brownfields Advisory Committees,” and “Storage Tank Advisory Committee”).

Cleanup Standards Scientific Advisory Board (CSSAB)

The next CSSAB meeting is scheduled for 9:30 a.m. on August 11, 2021. Information on how to join the meeting, as well as agenda and meeting materials, will be posted on the CSSAB’s webpage within two weeks of the meeting date. This information can be found through the Public Participation tab on the DEP web site at www.dep.pa.gov (select “Public Participation,” then “Advisory Committees,” then “Cleanup and Brownfields Advisory Committees,” then “Cleanup Standards Scientific Advisory Board”).

Land Recycling Program Technical Guidance Manual (TGM) Addendum

The final revised Land Recycling Program TGM was published on January 19, 2019. DEP plans to add information as an appendix to the TGM regarding the use of vertical soil mixing as a remediation technology to address historic pesticide contamination on agricultural lands. DEP is planning to evaluate aspects of this proposed TGM addendum using 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 meeting.

The next comprehensive revision to the TGM is planned for 2022. Proposed revisions will be presented to the CSSAB for discussion in 2022 as well.

Environmental Education

DEP Environmental Education Grants Program

On Earth Day 2021, Governor Wolf announced \$459,823 in Environmental Education Grants for projects addressing environmental justice, climate change, and water quality. Eighty-eight percent of grant funds will support projects that engage youth and adults living and/or working within Environmental Justice Areas. Grants were awarded by the Department of Environmental Protection to schools, institutions, conservation districts, and environmental and community organizations. Thirty-four local projects received mini grants of up to \$3,000. Sixteen projects with a broad or statewide reach received general grants of up to \$20,000 and one project, designed to engage students and teachers at the local, state, and national levels, received a grant of \$80,219.

An important aspect of the Environmental Education Grant program is equitable, geographic distribution of DEP Environmental Education Grants across Pennsylvania. Ten grants were awarded in the Southeast Region, six in Southcentral, thirteen in the Southwest, four in the Northeast, four in the Northcentral and seven in the Northwest. An additional five grants were awarded to programs that cover multiple counties or regions.

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).

PA Falcon Reintroduction Program

All four eggs successfully hatched. *Unfortunately, the fourth was underdeveloped and did not survive. On May 17th all three eyasses were banded in a cooperative effort between the Game Commission and DEP. During the process, all three were weighed (each weighed between 630-650 grams), were treated for lice, checked for disease (negative) and banded. Their growth can be monitored on the DEP Falcon Cam at: [DEP Falcon Cam](#). Due to continued COVID precautions, the RCSOB nest site will be the only location where falcon banding will occur in 2021.*

DEP continues to collaborate with the PA Game Commission, Penn State University's Shavers Creek, Hawk Mountain and the Motus system on delivering a virtual raptor workshop for formal and non-formal educators. These virtual workshops are scheduled to begin on May 5 and conclude on June 9, 2021. Registration is required for each session: Register at [Wild About Raptors Educator Workshop Series | Hawk Mountain Sanctuary: Learn Visit Join](#)

Update from the PA Environmental Literacy Task Force

DEP continues to support the Pennsylvania Environmental Literacy Task Force and its efforts to encourage Pennsylvania teachers to incorporate the Meaningful Watershed Educational Experience (MWEE) framework into their classrooms.

New initiatives, including professional development opportunities for formal and non-formal educators, are planned for 2021. Two MWEE Ambassador Trainings are scheduled:

- *The first is scheduled for June 23 and 24 and hosted by the County of Erie, in collaboration with the Erie County Conservation District and DEP.*
- *The second, to be held in Monroe County, is scheduled for August 17-19 in collaboration with Waste Management, Monroe County Municipal Waste Management Authority, the Monroe County Conservation District and DEP.*

The virtual aspect of this MWEE training will be made available to all educators (formal and non-formal) throughout the Commonwealth. For more information about MWEEs, please visit the Chesapeake Bay Foundation's [MWEE webpage](#).

A key member of this task force, Penn State Extension, will be holding the annual Dive Deeper Summit on September 23, 2021. The Summit is a multi-state environmental education summit spotlighting innovative teaching about water. This summit is being offered in both an in-person and virtual format. To register: [Dive Deeper Summit Registration](#)

Environmental Education & Chesapeake Bay Watershed Agreement

Scheduled for June 15, 2021, Pennsylvania will be hosting the 2021 Environmental Literacy Summit consisting

of all Chesapeake Bay Jurisdictions and will include practitioners of MWEs throughout Pennsylvania. Secretary McDonnell will be providing remarks and will moderate Session 2 -- EMPOWERING A CLIMATE-READY GENERATION. He will be joined by DCNR Secretary Cindy Adams-Dunn and PA Department of Education Secretary Noe Ortega.

US Green Ribbon Schools and the PA Pathways to Green Schools Update

As reported previously, the U.S. Department of Education announced that 40 educational institutions nationwide have been recognized as 2021 U.S. Department of Education Green Ribbon Schools, District Sustainability Awardees, and Postsecondary Sustainability Awardees. Schools are honored for their innovative efforts to reduce environmental impact and utility costs, improve health and wellness, and ensure effective sustainability education. Congratulations to three Pennsylvania schools on being honored as Green Ribbon Schools:

- Hance Elementary School (Pine Richland School District)
- Commonwealth Charter Academy (Harrisburg Campus)
- Lehigh University

Central Cambria School District received a state finalist designation through the PA Pathways to Green Schools program that guides aspiring Pennsylvania schools to US Department of Education Green Ribbon Award status.

The Department of Education announced the honorees. To see the announcement video, go to: [Video Message from the Secretary Announcing the 2021 Honorees](#)

Environmental Justice

Continuing to reflect the priority of Environmental Justice within the DEP Environmental Education Grant program, over 88% of the projects awarded for 2021 are for Environmental Justice Areas.

The EE&IC staff continues to collaborate with the DEP Office of Environmental Justice to further address environmental justice issues, including developing an EJ Viewer to show school districts and buildings located within EJ Areas.

Environment and Ecology Standards Update

EE&IC staff have been directly involved in the process to update the state's environment and ecology standards by serving on the Steering Committee. The revised Environment and Ecology standards have been drafted, and PDE is proposing the E&E standards be embedded in the Science Standards.

The revised standards will be published for public comment in 2021, and the EE&IC will share information about the public comment period once it is announced. The proposed revised standards can be viewed on the PDE's [website](#).

Teaching Green Newsletter

The latest edition of the "Teaching Green" newsletter was released on Earth Day 2021. The current issue provides information on the DEP Environmental Education Grant Program, the First Lady's Earth Day celebration, information on DEP actions to address climate change and the announcement of the US Green Ribbon Schools and PA Pathways to Green Schools awardees. To see the entire issue go to: [Teaching Green, Issue 11](#)

This newsletter is produced quarterly by EE&IC staff to keep the environmental education community up to date on the work of DEP and to share information on new environmental education opportunities and programs designed to strengthen environmental literacy within the Commonwealth.

Celebrating the 50th Anniversary of the Passing of Article I, Section 27

DEP is participating in a new exhibit that officially opened on May 14, 2021 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.” This exhibit is currently on display at the Ned Smith Center for Nature and the Arts, located in Millersburg, PA. In addition to DEP, PA’s other natural resource agencies and commissions (DCNR, the PA Game Commission and the PA Fish and Boat Commission) are also participating.

Environmental Justice

Environmental Justice Advisory Board (EJAB)

The EJAB’s most recent meeting was held virtually on Thursday, May 20, 2021, and included DEP updates from Secretary McDonnell, presentations on the Regional Greenhouse Gas Initiative (RGGI) from DEP and Delta Institute, and a presentation from Keep Pennsylvania Beautiful. EJAB voted in favor of a recommendation to advance the final-form regulation to the EQB. The next EJAB meeting will be held virtually on Thursday, August 19, 2021 and will focus on issues and initiatives within the southcentral region of the state. The meeting will also include a review of the revised EJ Policy.

EJAB recently formed a Subcommittee on Public Participation and Outreach. The committee is exploring meaningful public participation and outreach practices particularly 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 is working to assist OEJ and DEP around issues involving environmental justice and environmental health. This committee is examining existing EJ mapping tools and provided guidance to the Department of Health on their EJ and Environmental Health Map that is being developed.

EJAB members and OEJ together with other partners planned and hosted an Environmental Justice symposium, titled “[EJ in PA](#)” on April 6, 2021. The partners are now establishing a framework for future collaboration and action around environmental justice.

Community and Stakeholder Engagement

Public Meetings & Stakeholder Engagement

OEJ is scheduled to engage in several virtual meetings and events throughout June. This includes meetings with community organizations and various workgroups and committees including: the American Planning Association Pennsylvania Chapter, US Climate Alliance Just Transition Work Group, Healthy Communities in PA, COVID-19 Health Equity Response Team, Pennsylvania Interagency Health Equity Team, Faith Alliance for Revitalization, Healthy Environment and Schools Reopening Workgroup, Future Forces Workgroup, Chesapeake Bay Program Diversity, Equity, Inclusion and Justice (DEIJ) Action Team, Chesapeake Bay Program Diversity Workgroup, Capital Region Water Community Ambassadors, Remediation of the Philadelphia Energy Solutions Refinery, Internal Lead Workgroup, Superfund Community Advisory Groups (CAG), Chesapeake Bay County Wide Action Plan Team, Climate Change Professional’s Summit, and others.

Roundtables

The most recent roundtable meeting was held on Tuesday, October 6, 2020, with stakeholders in Scranton. There have been two follow up meetings with the Scranton EJ Roundtable Group (December 6 and January 29). This group also worked to form an EJ Community Hub for the “[EJ in PA](#)” event on April 6. 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 is in the process of collecting feedback internally and externally on revisions to the EJ Policy. OEJ hosted two [EJ Policy Public Engagement Sessions](#) through WebEx on March 22 and March 31. These 2-hour sessions enabled DEP to gather feedback on the EJ Policy from environmental justice stakeholders across the Commonwealth as we move forward to develop a revised EJ Policy. OEJ gathered valuable verbal feedback from participants and written feedback using Mentimeter from participants.

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. In December, OEJ led six (6) internal trainings on environmental justice with over 1,500 DEP employees participating in the trainings. The purpose of the trainings is for all DEP staff to have a baseline knowledge of environmental justice and to discuss and obtain staff feedback about the current EJ Policy and how to improve and expand environmental justice within the agency. OEJ is reviewing feedback from the trainings and identifying next steps and how feedback can be utilized to revise the EJ Policy.

OEJ continues to convene the Environmental Justice Internal Work Group (EJ IWG) and Environmental Justice Interagency Group to solicit feedback on critical environmental justice initiatives within DEP and align environmental justice issues, such as grantmaking, across Commonwealth agencies.

In June, OEJ will begin regular meetings with EPA Region 3 EJ staff to discuss EJ work and initiatives across the agencies.

OEJ Initiatives

Language Access 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 language access services and assisted the Policy Office with their translation of RGGI materials and Spanish language interpretation for RGGI hearing. 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 available language access services have been shared internally with DEP staff. *Language Access Coordinators were identified from the Communications and Policy Offices, and OEJ staff worked with them on the progress completed so far. The Language Access Coordinators are being included in commonwealth wide language access coordinator calls arranged by the Office of Administration.*

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 facilitated making this connection again for 2021 and is looking to 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 has awarded DEP a Small Communities Assistance pilot grant for the past three years 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. The Scope of Work for the project was reviewed by the Advisory Committee and the consultant, AECOM, was hired and introduced in a meeting with the Delaware County Planning Department on April 21. The kickoff with the Advisory Committee was held on May 4, 2021. DEP was awarded the Small Communities Assistance grant again for the 2022 fiscal year to work with Oil City in Northwest Pennsylvania.*

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. OEJ is also participating in an interagency group assessing overarching principles for advancing equity in grantmaking.

Outreach on Key DEP Initiatives

OEJ is working with the Policy and Energy Programs Offices (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. OEJ has worked with RGGI staff and EJ community stakeholders to develop draft equity principles supporting the initiative and discuss investments in EJ communities.

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 also coordinated with the EPO to connect them with the freight committee of the Lehigh Valley Planning Commission (LVPC) to help them understand existing resources on vehicle electrification. The issue of transportation related emissions was identified in the Lehigh Valley Roundtable in July 2020.

OEJ is also working with EPO regarding inclusion and evaluation of equity and EJ considerations in the next Climate Action Plan. *OEJ will work with EPO community partners around outreach for the Climate Impacts Assessment.*

Oil and Gas

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.” From 2016 to the present, 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.

Because discussions so far have not resulted in viable legislation, DEP is proceeding with the development of a proposed conventional oil and gas rulemaking and advanced the regulatory 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) 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. On September 17, 2020, DEP also informed TAB of the discussion of the proposed rulemakings that occurred with CDAC and shared copies of both proposed rulemakings with TAB. At its December 3, 2020, meeting, CDAC and OOGM staff continued discussion and initial review of the proposed rulemakings. A motion was proposed to schedule a meeting for CDAC to continue its review of the rulemakings in February 2021, but the motion failed by a vote of 7 to 8. On December 16, 2020, DEP updated TAB regarding the discussion and actions taken at the CDAC meeting that occurred on December 3, 2020. *The proposed rulemakings were again discussed with CDAC at its meeting on April 22, 2021; however, due to time constraints, DEP was only able to fully discuss the proposed rulemaking that pertains to environmental protection performance standards. The proposed rulemaking on waste management issues will be fully discussed with CDAC at its next regularly scheduled meeting in August 2021. On May 5, 2021, the Department fully discussed the proposed rulemaking pertaining to environmental protection performance standards with TAB and is now preparing to advance this proposed rulemaking to the Environmental Quality Board.*

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 Department presented revised documents to the Oil and Gas TAB at its December 16, 2020, meeting. The draft documents are anticipated to be published for comment in the Pennsylvania Bulletin in the second quarter of 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. *The Department has completed its review of the comments received and made updates to the TGD as needed. The updated guidance was discussed with TAB at the May 5, 2021 meeting. The guidance document will now be reviewed internally and likely published as final in the Pennsylvania Bulletin in the third quarter of 2021.*

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 on September 17, 2020. TAB members provided limited comments, and minor updates were made in response to those comments. Publication of this document as final is anticipated for the second quarter of 2021.

Area of Review (AOR) TGD

The final version of the AOR TGD is expected to be published in the Pennsylvania Bulletin in the third quarter of 2021.

Federal Bills to Cleanup Orphan and Abandoned Oil and Gas Wells

On April 8, 2021, Congresswoman Teresa Leger Fernández introduced the Orphaned Wells Cleanup and Jobs Act of 2021 to clean up over 56,000 known abandoned oil and gas wells throughout the United States. This bill would invest \$8 billion to help stimulate rural economies and create jobs to clean up these sites on federal, state, private, and Tribal lands. Specifically, the bill authorizes \$7.25 billion in grant funding for abandoned wells on state and private lands, \$400 million for cleanup on public lands and \$300 million for clean up on Tribal lands. The bill also increases minimum bonding amounts to \$150,000 and \$500,000 for all of an operator's wells on an individual lease or in an entire state, respectively. Finally, this bill allocates \$50 million for related research and development to identify, characterize, and mitigate undocumented orphaned wells. On April 13, 2021, U.S. Senators Ben Ray Lujan and Kevin Cramer introduced the Revive Economic Growth and Reclaim Orphaned Wells (REGROW) Act of 2021 to clean up orphaned oil and gas wells. The REGROW Act would provide \$4.275 billion for orphaned well cleanup on state and private lands; \$400 million for orphaned well cleanup on public and Tribal lands; and \$32 million for related research, development, and implementation.

DEP's Office of Oil and Gas Management has started the coordination of field activities in preparation for the potential receipt of federal stimulus funding as a result of the passage of either of these bills. Preparation includes the development of maps and spreadsheets of proposed projects and the development of an application for conducting inspections of orphan and abandoned oil and gas well sites. This novel technology project will help facilitate construction of a contract-development/well risk database. On June 10, DEP oil and gas staff will receive training on the new inspection application.

Oil and Gas Workload Report

Please see Attachment 2.

Radiation Protection

Radiation Protection Rulemakings

Chapter 227

The Radiation Protection Act directs DEP to develop and conduct comprehensive programs for the registration, licensing, control, management, regulation and inspection of radiation-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 9th meeting, RPAC

concurrent with the Department's recommendation to proceed with the proposed rulemaking and the proposed rulemaking *was adopted* by the Environmental Quality Board (EQB) at the May 19, 2021 meeting.

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. Proposed rulemaking documents are now being prepared to be taken to the Environmental Quality Board tentatively in the third 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 planned for the third quarter of 2021.

MAX Environmental Technologies, Inc. – Proposed Hazardous Waste Landfill #7

On March 31, MAX Environmental Technologies, Inc. (MAX) through their consultant, Civil & Environmental Consultants, Inc. (CEC), submitted an electronic copy of the Exclusionary Siting Criteria Review for its

proposed Hazardous Waste Landfill No. 7 via the DEP OnBase Public Upload tool. The landfill is proposed for siting at MAX's Yukon Facility located in South Huntingdon Township, Westmoreland County. The proposal serves as a permit modification to their existing hazardous waste storage and treatment permit.

The application was evaluated for administrative completeness through the commercial hazardous waste facility Siting Team process and determined to be administratively incomplete. DEP notified the applicant of this determination in a letter dated May 7, and the application was returned with a list of deficiencies. The applicant has indicated they will make the necessary revisions with the intent to resubmit. There is no timeframe or deadline associated with this portion of the application process. Once the application is determined to be administratively complete, a detailed five-month technical review will begin.

Proposed Revisions to, and Renewal of, Regulated Fill General Permit No. WMGR096

General Permit No. WMGR096 authorizes the beneficial use of regulated fill as a construction material when moved to a site for use in a construction project. The BWM previously proposed revisions to WMGR096 in October 2018, and extensive comments were received during the associated 60-day public comment period. At the same time, DEP was also proposing revisions to the Management of Fill Policy (MoFP), which serves as a companion to WMGR096. As a result, WMGR096 was renewed "as-is" until June 23, 2021, to allow the DEP to fully consider the public comments received and to finalize the revisions to the MoFP. The BWM has proposed additional revisions to WMGR096 (based upon the comments received during the 2018 comment period) and will provide another 60-day public comment period. In addition, DEP will renew the current version of WMGR096 for up to one additional year, until June 23, 2022, at the latest. Notice of the proposed revisions and renewal was published in the Pennsylvania Bulletin on June 5, 2021.

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

On June 6, 2020, 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. The Department has completed its review of the comments received and made updates to the TGD as needed. The draft final version of the guidance will be presented to the Radiation Protection Advisory Committee on June 10, 2021; the Solid Waste Advisory Committee on June 17, 2021; and the Oil and Gas Technical Advisory Board on September 9, 2021.

Solid Waste Advisory Committee (SWAC)

The next SWAC meeting is scheduled for Thursday, June 17, via WebEx. Additional information is available on the [SWAC website](#).

Recycling Fund Advisory Committee (RFAC)

The next RFAC meeting is scheduled for Thursday, September 16; the meeting will be held virtually. Additional information is available on the [SWAC website](#).

Water Programs

Water Programs 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. The proposed rulemaking was published in the Pennsylvania Bulletin on December 5, 2020, for a 60-day public comment period. The comment period ended on February 3, 2021.

The Department received comments from nearly 1,700 unique public commenters and received comments from the Independent Regulatory Review Commission (IRRC) on March 5, 2021. On February 24, 2021, the House Environmental Resources and Energy Committee voted to send a letter to IRRC expressing the committee's disapproval of the proposed rulemaking.

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. As suggested in IRRC's comments, staff discussed the rulemaking with the Mining and Reclamation Advisory Board on January 21, 2021 and the Aggregate Advisory Board on May 5, 2021.

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 was adopted by the EQB on November 17, 2020 and approved by the Independent Regulatory Review Commission on April 15, 2021. Final publication of the rule is anticipated for *July 10, 2021*. The rulemaking will now be submitted to EPA for their review and approval.

Dunbar et al Stream Redesignations

Section 303(c)(1) of the Federal Clean Water Act (33 U.S.C.A. § 1313(c)) requires states to periodically review and revise, as necessary, water quality standards. The water quality standards evaluated in this rulemaking are the designated uses of surface waters. The regulatory changes in this proposed rulemaking are the result of stream evaluations conducted by the Department. 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. The proposed rulemaking was adopted by the EQB on April 20, 2021.

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 at the November 19, 2020, WRAC meeting. The final rule was adopted by the Environmental Quality Board on March 16, 2021. *On May 4, 2021, the House Environmental Resources and Energy Committee voted to send a letter to IRRC expressing the committee's disapproval of the final-form rulemaking.* The final-form rulemaking was presented to and approved by IRRC at the May 20, 2021 public meeting.

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. Publication of the Final PAG-01 permit is expected in *summer* 2021. Outreach and training on PAG-01 will be made available following finalization of the permit.

Act 34 of 2020

The planning provisions of the Pennsylvania Sewage Facilities Act (SFA), Act 537 of 1965, aim to ensure that adequate sewage disposal methods are available for a lot(s) prior to the development of those lands and that long-term sewage disposal is provided by the proposed sewage facilities. Specifically, Section 5 of the SFA requires each municipality to submit to DEP an officially adopted plan for sewage services for areas within its jurisdiction, and it establishes the framework for review and approval of these official plans by both the municipality and DEP. These official plans are essentially revised and updated as each sewage planning proposal for subdivision is approved. Sewage planning approval is required for subdivisions with few exceptions.

Act 34 of 2020 amended sections of the SFA that were previously amended by Act 26 of 2017, specifically sections 5(c.1) and 5(c.2). Amendments to Section 5(c.1) seek to provide for the use of alternate (or conventional) systems in planning for new land development. The amendment changed the types of system that could be considered for new land development planning proposals. An integral part of the sewage planning process, when on-lot sewage disposal is being considered, is to demonstrate that the land proposed for development meets general site suitability criteria.

Although Act 34 of 2020 provides the mechanism for the use of alternates in new land development, the existing regulations provide general site suitability criteria requirements for conventional systems which includes absorption areas and spray fields; these systems have standards in regulations. The Department understands that the intent of Act 34 of 2020 is to expand the use of alternate systems to allow for development of lots that are currently unavailable for new land development. More specifically, there is a desire to be able to develop lots with soil depths less than 20 inches to a limiting zone where a spray field may be the only option or on a lot with shallow soils that is too small for a spray field to be sited. The current regulations prohibit the issuance of permits for sites that do not meet the general site suitability requirements.

In order to provide additional opportunities for new development of land in a manner that provides safe, effective long-term sewage disposal and that implements the goals of Act 34 of 2020, a rulemaking is needed to add site suitability provisions for the use of alternate systems on sites that do not meet the current general site suitability requirements. The Department discussed these issues and implementation strategy with the Sewage Advisory Committee on February 23, 2021. On April 27, 2021, the Department testified on implementation of the SFA as amended by Act 34 of 2020 during a joint public hearing convened by the House and Senate Environmental Resources and Energy committees. The Department will be continuing to work in consultation with the Sewage Advisory Committee and other stakeholders towards implementation of the SFA as amended by Act 34 of 2020 in coming months. *The Department has developed an Act 34 Implementation Frequently Asked Questions (FAQ) document to provide information to those with questions on how Act 34 impacts sewage facilities planning and permitting. A link to the Act 34 FAQ can be found at the Bureau of Clean Water's Act 537 Sewage Enforcement Officer's website at:*

<https://www.dep.pa.gov/Business/Water/CleanWater/WastewaterMgmt/Act537/Pages/SewageEnforcementOfficers.aspx>

General Permits for Beneficial Use of Sewage Sludge (AKA Biosolids)

The Department issues general permits for the beneficial use of biosolids (a.k.a. sewage sludge) and residential septage. In the context of these permits, beneficial use is the use or reuse of biosolids or residential septage for any purpose, where the use does not harm or threaten public health, safety, welfare, or the environment. These permits apply to a person who prepares biosolids that will be sold or given away in a bag or other container or biosolids that will be land applied, and to a person who applies biosolids or residential septage to the

land. The Department issues these permits under the authority of Pennsylvania's Solid Waste Management Act and Clean Streams Law.

There are three general permits for the beneficial use of biosolids and residential septage in Pennsylvania:

- PAG-07 allows for the Beneficial Use of Exceptional Quality (EQ) Biosolids. EQ biosolids must meet specific, very strict treatment standards and are therefore not subject to certain management practices, such as land application isolation distances. These EQ biosolids may be licensed by the Pennsylvania Department of Agriculture as a fertilizer or soil amendment. Application and storage of EQ biosolids are required to meet the conditions of the PAG-07 General Permit or an individual permit. User instructions, which include nutrient content and land application rates, are issued by the person who prepares the biosolids and must be followed by the person who land applies the biosolids.
- PAG-08 allows for the Beneficial Use of Non-Exceptional Quality (Non-EQ) Biosolids. Non-EQ biosolids have to meet less strict treatment standards. Beneficial use of non-EQ biosolids must be covered by a PAG-08 General Permit or individual permit. Notice must be submitted to the Department at least 30 days before the first land application of non-EQ biosolids at a new site. Farms receiving biosolids should have either a 30-day notice on file with the Department that includes farm maps and application areas, or have an individual site permit.
- PAG-09 allows for the Beneficial Use of Residential Septage. Septage is defined as, "Liquid or solid material removed from a septic tank, cesspool or similar treatment works that receives only waste or wastewater from human or household operations." The PAG-09 permit requirements for beneficial use of residential septage are similar to the PAG-08 permit requirements for non-EQ biosolids.

The Department has administratively extended these general permits several years. The Department had preliminary discussions on reissuance of these general permits with the Water Resources Advisory Committee and the Agricultural Advisory Board in March 2021. Details on additional opportunities for stakeholder input on reissuance of these general permits will be forthcoming. The Department aims to reissue these permits before the spring of 2022.

Agricultural Advisory Board Meeting

The next Agricultural Advisory Board meeting is scheduled for June 10, 2021.

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 new system successfully launched and became available for use on January 25, 2021 for PAG-02 General Permit NOIs and on April 21, 2021 for Individual NPDES Permits for stormwater discharges associated with construction activities. ESCGP-3 and Erosion and Sedimentation Control individual permit applications are currently under development. The current schedule allows for rollout through the coming calendar year.

Public Water Systems Technical Assistance Center Board Meeting

The DEP *Public Water Systems Technical Assistance Center (TAC) Board* met virtually on *April 29, 2021* to *finalize* revisions to the bylaws and membership, *review and discuss the pre-draft Guidance for Filter Plant Performance Evaluations, review and discuss a new pre-draft SDW General Permit Application and Instructions for Storage Tank Repainting, and to provide other SDW Updates.* The next TAC Board meeting is scheduled for *July 29, 2021.*

Nonpoint Source (NPS) Management Section 319

For Federal Fiscal Year 2022, DEP opened the EPA Section 319 NPS Management Grant round on April 22, 2021. The deadline to apply is June 25, 2021. For Federal Fiscal Year 2021, the Section 319 NPS Management 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, and workplans submitted to EPA for their review on December 7, 2020. EPA submitted their comments on the workplans to DEP on January 29, 2021. EPA officially notified DEP of PA's federal FY2021 allocation on March 5, 2021, which equals \$4,978,200. DEP provided the revised workplans per EPA's comments by the deadline of March 15, 2021. EPA submitted a second round of comments to DEP on April 7, 2021, with a deadline of May 15, 2021. *DEP responded with revisions and EPA has provided the direction to move forward with approval. The goal is to announce the award in late summer / early fall.*

Growing Greener Plus Program

DEP opened the Growing Greener Plus grant round on April 22, 2021. The deadline to apply is June 25, 2021.

State Water Plan

The State Water Plan's Statewide Water Resources Committee had their fifth meeting held virtually through Microsoft Teams on May 19, 2021. The primary focus of the meeting was climate change, flooding, and stormwater. The Committee has a couple vacancies and is close to being full. This update will focus on items such as water resources strategies outlined in the Governor's Climate Action Plan and updated regional watershed priorities. Find more information at the [State Water Plan Website](#).

Attachment 1

2021 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.”

| June | |
|-------------|---|
| 1 | Board of Coal Mine Safety Meeting, 10 a.m., Virtual meeting only |
| 9 | State Board for Certification of Water and Wastewater System Operators Meeting, 10 a.m., Virtual meeting only |
| 10 | Agricultural Advisory Board Meeting, 9 a.m., Virtual meeting only |
| 10 | Air Quality Technical Advisory Committee Meeting, 9:15 a.m., Virtual meeting only |
| 15 | Environmental Quality Board Meeting, 9:00 a.m., Virtual meeting only |
| 15 | Citizens Advisory Council Meeting, 12:30 p.m., Virtual meeting only |
| 16 | Coastal Zone Advisory Committee Meeting, 9:30 a.m., Virtual meeting only |
| 22 | Climate Change Advisory Committee Meeting, 9 a.m., Virtual meeting only |
| July | |
| 13 | Delaware Water Resources Regional Committee Meeting, 9 a.m., Virtual meeting only |
| 13 | Environmental Quality Board Meeting, 9 a.m., Virtual meeting only |
| 14 | Lower Susquehanna Water Resources Regional Committee Meeting, 9 a.m., Virtual meeting only |
| 14 | Technical Advisory Committee on Diesel-Powered Equipment Meeting, 10 a.m., Virtual meeting only |
| 15 | Drive Electric PA Coalition Meeting, 10 a.m., Virtual meeting only |
| 15 | Potomac Water Resources Regional Committee Meeting, 1 p.m., Virtual meeting only |
| 20 | Citizens Advisory Council Meeting, 12:30 p.m., Virtual meeting only |
| 21 | Statewide Water Resources Committee Meeting, 9 a.m., Virtual meeting only |
| 27 | Ohio Water Resources Regional Committee Meeting, 1 p.m., Virtual meeting only |
| 28 | Great Lakes Water Resources Regional Committee Meeting, 9 a.m., Virtual meeting only |
| 28 | Water Resources Advisory Committee Meeting, 9:30 a.m., Virtual meeting only |
| 28 | Small Business Compliance Advisory Committee Meeting, 10 a.m., Virtual meeting only |
| 29 | Public Water System Technical Assistance Center Board, 9 a.m., Virtual meeting only |
| 29 | Upper/Middle Susquehanna Water Resources Regional Committee Meeting, 9:30 a.m., Virtual meeting only |

Attachment 2

Oil and Gas Workload Report (As of May 21, 2021)

| YTD WELL PERMIT APPLICATIONS - 1/1/2021 to 5/21/2021 | | | | | | |
|--|------------|--------------|------------|----------------|-----------------|--------------------|
| | RECEIVED | UNDER REVIEW | PROCESSED | PERMITS ISSUED | WELLS PERMITTED | OTHER DISPOSITIONS |
| CONVENTIONAL | 78 | 31 | 66 | 65 | 65 | 1 |
| UNCONVENTIONAL | 221 | 28 | 306 | 295 | 290 | 11 |
| Sub Total | 299 | 59 | 372 | 360 | 355 | 12 |
| AUTHORIZATIONS | 205 | 37 | 221 | 195 | N/A | 26 |
| Total | 504 | 96 | 593 | 555 | 540 | 38 |

| WEEKLY WELL PERMIT APPLICATIONS - 5/15/2021 to 5/21/2021 | | | | | | |
|--|-----------|--------------|-----------|----------------|-----------------|--------------------|
| | RECEIVED | UNDER REVIEW | PROCESSED | PERMITS ISSUED | WELLS PERMITTED | OTHER DISPOSITIONS |
| CONVENTIONAL | 6 | 6 | 5 | 4 | 4 | 1 |
| UNCONVENTIONAL | 16 | 16 | 9 | 9 | 9 | 0 |
| Sub Total | 22 | 22 | 14 | 13 | 13 | 1 |
| AUTHORIZATIONS | 9 | 1 | 1 | 1 | N/A | 0 |
| Total | 31 | 23 | 15 | 14 | 14 | 1 |

| HISTORICAL WELL PERMIT APPLICATIONS AS OF 5/21/2021 | | | | | | |
|---|----------------|----------------|----------------|-----------------|--------------------|----------------|
| | RECEIVED | PROCESSED | PERMITS ISSUED | WELLS PERMITTED | OTHER DISPOSITIONS | ACTIVE PERMITS |
| CONVENTIONAL | 198,243 | 198,211 | 196,956 | 190,685 | 1,255 | 100,565 |
| UNCONVENTIONAL | 29,241 | 29,198 | 28,591 | 22,170 | 607 | 12,489 |
| Sub Total | 227,484 | 227,409 | 225,547 | 212,855 | 1,862 | 113,054 |
| AUTHORIZATIONS | 46,200 | 46,145 | 45,022 | 43,402 | 1,123 | 19,501 |
| Total | 273,684 | 273,554 | 270,569 | 256,257 | 2,985 | 132,555 |

| YTD INSPECTIONS - 1/1/2021 to 5/21/2021 | | | | |
|---|---------------|----------------------|--------------|--------------|
| | INSPECTIONS | FACILITIES INSPECTED | VIOLATIONS | ENFORCEMENTS |
| CONVENTIONAL | 4,486 | 3,545 | 2,681 | 119 |
| UNCONVENTIONAL | 6,737 | 4,556 | 474 | 50 |
| CLIENT/SITE | 1,575 | 1 | 1,660 | 70 |
| Total | 12,798 | 8,102 | 4,815 | 239 |

| WEEKLY INSPECTIONS - 5/15/2021 to 5/21/2021 | | | | |
|---|-------------|----------------------|------------|--------------|
| | INSPECTIONS | FACILITIES INSPECTED | VIOLATIONS | ENFORCEMENTS |
| CONVENTIONAL | 251 | 249 | 23 | 5 |
| UNCONVENTIONAL | 217 | 216 | 7 | 2 |
| CLIENT/SITE | 65 | 1 | 11 | 3 |
| Total | 533 | 466 | 41 | 10 |

| WELLS DRILLED | | | | | |
|----------------|--|---|---------------------------------------|-----------------------------------|-----------------|
| | Two Years Prior 1/1/2019 to 5/21/2019 | One Year Prior 1/1/2020 to 5/21/2020 | Year To Date 1/1/2021 to 5/21/2021 | Week of 5/15/2021 to 5/21/2021 | As of 5/21/2021 |
| CONVENTIONAL | 47 | 17 | 32 | 3 | 201,380 |
| UNCONVENTIONAL | 301 | 224 | 209 | 7 | 13,006 |
| Total | 348 | 241 | 241 | 10 | 214,386 |

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