

**January 2022 Report to the Citizens Advisory Council**  
(New and updated information in italics)

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**DEP Highlights**

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**DEP PFAS Update**

In 2018, Governor Wolf announced several actions to address growing concerns about PFAS contamination. Through an Executive Order, the Governor established a multi-agency PFAS Action Team. The team, led by DEP, 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. In 2019, the Action Team released a comprehensive [report](#) outlining the challenges associated with PFAS and the Team's efforts to address those challenges in Pennsylvania. The Governor also sent a letter to the EPA to again urge the EPA to move forward with establishing MCLs for PFOA and PFOS. DEP believes that the EPA must take a leadership role and work with other states and federal agencies to address PFAS holistically. More information can be found on DEP's PFAS website: [www.dep.pa.gov/pfas](http://www.dep.pa.gov/pfas).

**PFAS Cleanup Standards**

On September 23, 2021, the Independent Regulatory Review Commission (IRRC) approved the final-form regulatory amendments to Chapter 250: Administration of the Land Recycling Program. This regulation establishes the first ever cleanup standards for three PFAS – PFOA, PFOS, and PFBS. *The final rule was published in the Pennsylvania Bulletin on November 20, 2021.*

**Proposed Rulemaking – PFAS Maximum Contaminant Limit**

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 (MCL) for PFOA. DEP completed its review of the petition and presented its recommendations to the Board at its June 15, 2021 meeting. DEP recommended, and the Board approved, moving forward with a proposed rulemaking to establish an MCL for PFOA. DEP's report on the petition is available with the [June 15, 2021 EQB meeting materials](#).

DEP's proposed rulemaking is based on available data, studies, and science, and considers all factors such as health effects, technical limitations, and costs. To do this, the Department contracted for PFAS Toxicology Services with Drexel University. A final report with recommendations on toxicity values and maximum contaminant level goals (MCLGs) was submitted to the Department at the end of January 2021. The final report was included in DEP's response to the PFOA petition and is available at the link above. DEP's Bureau of Safe Drinking Water also completed its PFAS Sampling Plan in March 2021. The complete and final list of sample results was posted to DEP's [PFAS webpage](#) in June 2021.

The Safe Drinking Water Program is currently moving forward with the proposed rulemaking to set drinking water standards for *PFOA and PFOS*. *The purpose of the proposed rulemaking is to set MCLs and MCLGs for*

PFOA and PFOS, two contaminants that are part of a larger group of perfluoroalkyl and polyfluoroalkyl substances (PFAS), as follows:

Contaminant	MCLG (ng/L or ppt)	MCL (ng/L or ppt)
PFOA	8	14
PFOS	14	18

*In addition, the proposed rule will: establish monitoring requirements for PFOA and PFOS for community, nontransient noncommunity, and bottled, vended, retail, and bulk water systems in order to demonstrate compliance with the MCLs; establish sampling and analytical requirements and acceptable treatment technologies for achieving compliance with the proposed MCLs for PFOA and PFOS; and provide for the increased protection of public health through implementation of the MCLs, routine compliance monitoring, and other provisions including public notification for MCL exceedances. The proposed rulemaking was adopted by the EQB on November 16, 2021. Please see the proposed PFAS MCL rulemaking materials from the EQB's [November 16, 2021 meeting](#) for more information.*

### PFAS Data Collection

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 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.

On March 23, 2021, Pennsylvania's Interagency Fish Consumption Advisory Technical Workgroup voted to adopt the 2019 Great Lakes Best Practices, which includes tiered meal advice for Perfluorooctane Sulfonate (PFOS). This workgroup is responsible for reviewing data and developing fish consumption advisories for Pennsylvania surface waters. Fish consumption advisories are posted on the [DEP website](#) and are included in the Pennsylvania Fish and Boat Commission Regulation Booklet that is provided to licensed anglers.

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

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

*The Phase 3 WIP describes how Pennsylvania intends to move forward and accelerate progress towards meeting the nutrient reduction targets established by the Chesapeake Bay Program 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. On December 31, 2021, DEP submitted an amended Phase 3 WIP to the U.S. Environmental Protection Agency (EPA) that outlines how Pennsylvania will fully meet its nutrient and sediment reduction goals in the Chesapeake Bay watershed by 2025, provided adequate funding support and provided that EPA modeling is updated to accurately reflect pollution reduction measures already on the ground. The amended Phase 3 WIP highlights that the \$324.2 million annual funding need identified in Pennsylvania's original Phase 3 WIP remains. The proposed U.S. Department of Agriculture Chesapeake Resilient Farms Initiative (CRFI), supported by the Wolf Administration, would provide a new investment of \$737 million across the Chesapeake Bay watershed for clean water and climate resiliency. State investments are being proposed in the Pennsylvania legislature, with proposed Clean Streams Fund and Growing Greener*

*III funding that would provide \$750 million statewide for watershed restoration and water quality improvements, with a focus in the Chesapeake Bay watershed and Susquehanna River basin.*

The Phase 3 WIP includes Countywide Action Plans (CAPs) developed by the counties with support from DEP. *All 34 Pennsylvania counties in the Chesapeake Bay watershed that were asked to complete CAPs have now done so, and county teams and partners have begun carrying out the best management practices (BMPs) specified in their plans. To support this crucial work, on December 16, 2021, Governor Tom Wolf announced \$17.4 million in grant funding for projects in 33 counties across the Chesapeake Bay watershed, highlighting their path-breaking work to improve the health of local streams, rivers, and lakes by reducing nutrient and sediment pollution.*

DEP's Chesapeake Bay Office (CBO) has also awarded \$800,000 in state grant funds to continue supporting the eight Tier 1 and 2 county coordinators in the implementation of their CAPs to improve local water quality. The grants are funded through the Environmental Stewardship Fund to support and coordinate local CAP implementation to reduce nutrient pollution. In October 2021, the Community Clean Water Coordinator and the CAP Implementation Grants were opened for all eligible Chesapeake Bay counties (those that have completed their CAPs). DEP has awarded approximately \$1 million in state grant funds to support the 26 Tier 3 and 4 counties in the development of their CAPs to improve local water quality. The grants are also funded through the Environmental Stewardship Fund to support local development of planning teams and coordination of CAPs. DEP's Regional Offices have created teams that are working with the counties and CBO to support this effort. The county CAP coordinators and lead partners are having regular meetings with the DEP Region Support Teams and the CBO. These meetings serve as trainings for the coordinators, provide opportunities for regular updates from the CBO, and a chance for the coordinators to ask questions and network with other coordinators.

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

### **PA Litter Action Plan**

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

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

Following the release of these reports, DEP, PennDOT and Keep Pennsylvania Beautiful formed 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 identified behavior change strategies to address Pennsylvania's littering problem and developed a statewide action plan aimed at reducing litter.

Pennsylvania's first ever [Litter Action Plan](#) Report was released on November 22, 2021. The Litter Action Plan outlines both current initiatives and recommendations for state and local governments, the legislature, businesses and the general public on how to clean up the more than 500 million pieces of litter scattered throughout the Commonwealth and prevent future littering and illegal dumping in PA.

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

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

- Proposed Rulemaking – PFAS Maximum Contaminant Limit (MCL) (#7-569): The rule was adopted by the EQB on November 16, 2021.
- Proposed Rulemaking – Municipal Waste Rural Transfer Facility Permit-By-Rule (#7-564): The rule was adopted by the EQB on November 16, 2021. The proposed rule was published in the Pennsylvania Bulletin on January 15, 2022, with a 30-day public comment period that will close on February 14, 2022.
- Proposed Rulemaking – National Pollutant Discharge Elimination System (NPDES) Schedules of Compliance (#7-563): The rule was adopted by the EQB on October 19, 2021.
- Proposed Rulemaking – VOC RACT Requirements for Shipbuilding and Ship Repair Surface Coating Operations, SOCM Processes, and Large Petroleum Dry Cleaners for the 2015 Ozone NAAQS (#7-568): The rule was adopted by the EQB on September 21, 2021.
- Proposed Rulemaking – Exclusion for Identification and Listing Hazardous Waste at MAX Environmental Technologies, Inc. Bulger and Yukon Facilities (#7-566): The rule was adopted by the EQB on September 21, 2021. The proposed rule was published in the Pennsylvania Bulletin on January 8, 2022, with a 45-day public comment period that will close on February 22, 2022.
- Proposed Rulemaking – Coal Refuse Disposal Revisions (#7-565): The rule was adopted by the EQB on June 15, 2021. The proposed rule was published in the Pennsylvania Bulletin on November 6, 2021, with a 30-day public comment period that closed on December 6, 2021. IRRC's comments were received on January 5, 2022.
- 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. The proposed rule was published in the Pennsylvania Bulletin on August 14, 2021, with a 30-day public comment period that closed on September 13, 2021. IRRC's comments were received on October 13, 2021.
- Proposed Rulemaking – Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS (RACT III Major Sources) (#7-561): The rule was adopted by the EQB on May 19, 2021. The proposed rule was published in the Pennsylvania Bulletin on August 7, 2021, with a 66-day public comment period that closed on October 12, 2021. Three public hearings were held on September 7, 8, and 9, 2021, with no attendees. IRRC's comments were received on November 12, 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. The proposed rule was published in the Pennsylvania Bulletin on July 31, 2021, with a 45-day public comment period that closed on September 14, 2021. Three witnesses provided testimony at a public hearing held on August 30, 2021. IRRC had no comments on the rulemaking.
- 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 – 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.
- Draft Final 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. *The draft final Annex A was presented to the AQTAC on December 9, 2021.*
- Draft Final 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. *The draft final Annex A was presented to the Water Resources Advisory Committee on November 18, 2021, and the Agricultural Advisory Board on December 9, 2021.*
- Draft Final 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. *The draft final Annex A was presented to the Aggregate Advisory Board on November 3, 2021.*
- 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, the SBCAC on May 19, 2021, and CAC on June 15, 2021. *The EQB adopted the final rule on November 16, 2021. IRRC is scheduled to consider the final rule at its January 26, 2022 public meeting.*
- Final Rulemaking – CO<sub>2</sub> Budget Trading Program (#7-559): The rule was adopted by the EQB on September 15, 2020. The rule was published on November 7, 2020, for a 69-day public comment period. 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 (ERE) 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. The EQB adopted the final rule on July 13, 2021 and IRRC approved the final rule on September 1, 2021. The House and Senate ERE Committees voted to report concurrent resolutions to the General Assembly to disapprove the final rule on September 2 and September 14, 2021, respectively. On October 27, 2021, the Senate voted to adopt the concurrent resolution.
- 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-form rulemaking was adopted at the June 15, 2021 EQB meeting. IRRC approved the final rule on September 23, 2021. The final rule *was published* in the Pennsylvania Bulletin on November 20, 2021.

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## **Public Comment Periods**

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

- Draft Stream Evaluation Report: Class A Wild Trout Streams (Closes 1/10)
- Delegation of Authority to Implement and Enforce Federal Municipal Solid Waste Plan (Closes 1/13)
- Environmental Assessment Approval for PENNVEST Funding Consideration (Closes 1/18)
- Advance Notice of Proposed Rulemaking: Calculation of Soil Lead Medium-Specific Concentrations (Closes 1/28)
- Stream Redesignation Evaluation: Angelica Creek (Berks County) and Saltlick Run (Clearfield County) (Closes 1/31)
- Proposed Rulemaking: Municipal Waste Rural Transfer Facility Permit-By-Rule (#7-564) (Closes 2/14)
- Proposed Rulemaking: Exclusion for Identification and Listing Hazardous Waste at MAX Environmental Technologies, Inc. Bulger & Yukon Facilities (#7-566) (Closes 2/22)
- Proposed Rulemaking: National Pollutant Discharge Elimination System (NPDES) Schedules of Compliance (#7-563) (Closes 3/1)

### **Recently Closed Comment Periods**

- Coastal Zone Management Federal Consistency: Northeast Township (Erie County) – Sixteenmile Creek and Twentymile Creek Maintenance Dredging (Closed 12/27)
- Coastal Zone Management Federal Consistency: Penn Terminals – Eddystone Facility Maintenance Dredging (Closed 12/27)
- Draft Technical Guidance: Guidance on Notification Requirements for Spills, Discharges, and other Incidents of a Substance Causing or Threatening Pollution to Waters of the Commonwealth (383-4200-003) (Closed 12/15)
- Proposed Rulemaking: Coal Refuse Disposal Revisions (#7-565) (Closed 12/6)
- Draft Technical Guidance: Laboratory Reporting Instructions for Total Coliform and E. coli Bacteria in Public Water Systems (393-3301-001) (Closed 11/30)
- Draft PAG-10 NPDES General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines (Closed 11/22)
- Draft Stream Evaluation Report: UNT Tohickon Creek (Bucks County) (Closed 11/22)

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## **Communications Monthly Press Releases**

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### **Press Releases Issued**

**November 1** - Gov. Wolf Awards \$9.5 Million to Reduce Pollutants and Increase Clean Transportation

**November 5** - DEP Declares Code Orange Air Quality Action Day for Fine Particulate Matter for Saturday, November 6, 2021, in the Liberty-Clairton Area of Allegheny County

**November 6** - DEP Declares Code Orange Air Quality Action Day for Fine Particulate Matter for Sunday, November 7, 2021, in Susquehanna Valley Area and Liberty-Clairton Area of Allegheny County

*November 7 - DEP Declares Code Orange Air Quality Action Day for Fine Particulate Matter for Monday, November 8, 2021, in Susquehanna Valley Area and Liberty-Clairton Area of Allegheny County*

*November 8 - ADVISORY – VIRTUAL – TOMORROW – DEP to Hold Virtual Hearing on Proposed Remediation Plan for Soil, Groundwater, and Surface Water Contamination at Bishop Tube Site*

*November 9 - ADVISORY – HARRISBURG – TOMORROW – Wolf Administration to Join Penbrook Borough in “Pick Up Pennsylvania” Community Litter Cleanup*

*November 10 - DEP and PennDOT Seek Volunteers to “Pick Up Pennsylvania” to Benefit Streams, Rivers, and Lakes*

*November 12 - ADVISORY – HARRISBURG – MONDAY – Wolf Administration Celebrates National Recycling Day with Release of DEP’s “Guidelines for Recycling in Your Community” Booklet*

*November 15 - DEP Releases “Guidelines for Recycling in Your Community” Booklet on America Recycles Day to Assist Pennsylvanians and Support Local Recycling Programs*

*November 16 - DEP Proposal to Set Stricter PFAS Limits Approved by Environmental Quality Board*

*November 19 - DEP Offers “DEP Grants 101” Webinar for First-Time Applicants*

*December 6 - Wolf Administration Requires Sunoco to Restore Lake at Marsh Creek State Park in Chester County*

*December 13 - ADVISORY – HARRISBURG – TOMORROW – DEP, PUC Offer Tips on Home Winterization for Utility Bill Savings*

*December 14 - DEP Encourages Pennsylvanians to Winterize Their Homes for Savings on Utility Bills*

*December 15 - ADVISORY – EPHRATA – TOMORROW – DEP to Announce \$17.4 Million and Highlight County Progress for Healthy Local Waters in Chesapeake Bay Watershed*

*December 15 - ADVISORY – SCOTT TOWNSHIP – TOMORROW – DEP to Announce \$17.4 Million and Highlight County Progress for Healthy Local Waters in Chesapeake Bay Watershed*

*December 15 - ADVISORY – MONTOURSVILLE – TOMORROW – DEP to Announce \$17.4 Million and Highlight County Progress for Healthy Local Waters in Chesapeake Bay Watershed*

*December 16 - Gov. Wolf Announces \$17.4 Million to Improve Local Water Quality for Chesapeake Bay Watershed*

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## **Active and Abandoned Mine Operations**

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

#### Noncoal Mining Clarifications and Corrections

25 Pa. Code Chapter 77 was finalized in 1990 to implement the Noncoal Surface Mining Conservation and Reclamation Act. A proposed rulemaking seeks to address clarifications and corrections, many of which 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. After considering the comments, no changes were made to the rulemaking. DEP is currently preparing the final rulemaking package for an EQB meeting likely in Spring 2022.

### 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. The EQB adopted the proposed rulemaking at their June 15, 2021, meeting. The proposed rulemaking was published on November 6, 2021, for a 30-day public comment period that *closed* on December 6, 2021.

### Guidance Document Revisions

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

The Liners and Caps for 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 *materials*. 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 and returned with some additional comments. Additional revisions were made to the draft, and the MRAB was notified at the meeting of July 14, 2021, that the draft document was going to be published for public comment. Publication was on August 21, 2021, with a 30-day public comment period. Three sets of comments were received. The Department is in the process of *addressing* the comments and *finalizing* the draft for final publication.

The Surface Water Protection – Underground Bituminous Coal Mining Operations (#563-2000-655) technical guidance document revisions 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 May. *The CAC provided comments and feedback on the draft in November. The Department will review the comments and will prepare a draft of this revised guidance for public comment.*

The draft Engineering Manual for Surface Mining Operations (#563-0300-101) 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 evaluating a different approach to using this information by splitting it up into separate tools than can be more easily updated. This will be discussed with both mining advisory groups.*

### Act 54 Effects of Underground Mining Report

The Bureau of Mining Programs created a web page to show the data regarding the effects of underground



mining from 2018 to the present, which will be updated every 6 months and includes claims for water supplies, structural damage, and also stream and wetlands impacts from underground mining. Ongoing data reports will allow for more timely public input, more effective understanding of problem resolution, and increase transparency and timeliness. The DEP has begun planning for the next 5-year report due in 2023. *OSM has agreed to partner with the DEP for the 6<sup>th</sup> report.*

### **Abandoned Mine Land (AML) Reauthorization and Increased Federal AML Funding for PA**

*On November 15, President Biden signed the Bipartisan Infrastructure Investment and Jobs Act (IIJA) that reauthorized the collection of the coal AML reclamation fee and authorized the deposit of \$11.3 billion in additional US Treasury funding into the national AML Trust Fund for coal AML reclamation. The law fulfills a primary federal legislative goal over the past few years of reauthorization of the coal AML fee collection from industry for 13 years, albeit at 80% of current rates. The IIJA also brings transformative changes to the coal AML program with \$11.3 billion in US Treasury funding that will be distributed over the next 15 years for coal AML. This is almost twice the amount nationally that has been granted to the states for AML work in the 40-year history of the program.*

*Pennsylvania is estimated to receive approximately \$250 million per year of the US Treasury funding totaling \$3.8 billion over the 15-year program. Grants from these funds are in addition to those otherwise received by states under the reauthorization of the AML fee collection, approximately \$20-\$25 million annually for Pennsylvania for 13 years.*

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## **Air Quality**

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### **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. In May 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 in November 2020. DEP presented the draft final-form rulemaking to AQTAC, SBCAC, and CAC on April 8, May 19, 2021, and June 15, 2021, respectively. *The EQB approved the final-form rulemaking on November 16, 2021. The rulemaking is on the Independent Regulatory Review Commission agenda for January 10, 2022.*

#### **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. The EQB adopted the final-form regulation at its July 13, 2021 meeting, and IRRC approved it on September 1, 2021. The House and Senate ERE Committees voted to report concurrent resolutions to the

General Assembly to disapprove the final rule on September 2 and September 14, 2021, respectively. On October 27, 2021, the Senate voted to adopt the concurrent resolution.

### 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. In December 2019 the EQB voted to publish the proposed rulemaking for public comment. The rulemaking was published, three virtual hearing were held, and the comment period ended in July 2020. The Department received about 4,500 letters of comments from approximately 36,100 commentators and 121 oral testimonies at the public hearings. *DEP presented the draft final-form rulemaking to AQTAC on December 9, 2021 and anticipates presenting it to the CAC, SBCAC and the EQB during the first quarter of 2022.*

In November 2020 EPA issued a finding that five states – California, Connecticut, New York, Pennsylvania, and Texas – failed to submit the O&G CTG required SIP revisions for the 2008 ozone standard. *On December 10, 2021, EPA found that New York and Pennsylvania failed to submit timely a SIP revision for the 2015 ozone standard.* The findings trigger 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 Major Sources of NO<sub>x</sub> and VOC for the 2015 Ozone NAAQS

In 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<sub>x</sub>) 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 adopt the proposed rulemaking. The proposed rulemaking was published in the Pennsylvania Bulletin on August 7, 2021, with a 67-day public comment period that closed on October 12, 2021. Three public hearings were held on September 7, 8, and 9, with no attendees. The Department received comments from 24 commenters and is preparing a Comment and Response Document.

#### 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 presented the proposed rulemaking to the EQB on September 21, 2021, and the EQB voted unanimously to adopt the proposed rulemaking. *This proposed rulemaking is tentatively scheduled for publication in the Pennsylvania Bulletin on January 29, 2022, for a 66-day public comment period that will close on April 4, 2022. Three public hearings are scheduled for March 1, 3, and 4, 2022.*

#### 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 2026 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. DEP presented the draft proposed rulemaking to AQTAC on October 14, 2021, SBCAC on October 27, 2021, and the CAC and EJAB on November 16, 2021. DEP anticipates presenting it to the EQB in the first quarter of 2022.

## **Regulatory State Implementation Plan (SIP) Revisions**

### **Title V Fees and Operating Permit Fees**

This rulemaking increases certain existing application and permit-related fees and establishes additional application and permit-related fees. The final-form rulemaking was published in the Pennsylvania Bulletin on January 16, 2021. DEP submitted the SIP revision to the EPA on July 23, 2021.

### **Reasonably Available Control Technology (RACT II)**

In May 2019, EPA conditionally approved Pennsylvania's RACT II SIP revision based on DEP's commitment to submit all remaining case-by-case RACT revisions no later than May 9, 2020. DEP successfully submitted all case-by-case SIP revisions to the EPA before May 9, 2020.

In July 2019, the Sierra Club and Earthjustice filed a petition in the US Court of Appeals for the Third Circuit challenging EPA's Conditional Approval. In August 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 (SCR) 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 made and amended Operating Permits have been published for public comment.*

### **VOC RACT SIP Revisions for the 2008 Ozone NAAQS**

In August 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 3<sup>rd</sup> Circuit Court challenging EPA's approval.

On August 2, 2021, the U.S. Department of Justice (DOJ), on EPA's behalf, filed a motion in the U.S. Court of Appeals for the Third Circuit requesting the court to remand without vacatur EPA's December 14, 2020 approval of Pennsylvania's attainment demonstration. Pennsylvania, as an intervenor in the case, took no position on the DOJ's motion.

## **Non-Regulatory SIP Revisions**

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

DEP submitted to EPA the required SIP revision for Indiana and Armstrong Counties in October 2017. EPA published its intent to approve the SIP in July 2018. EPA received seven comments. In response to these comments, DEP submitted supplemental SIP information to the EPA in January 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. On April 5, 2021, the U.S.

Department of Justice on EPA's behalf 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, took no position on the DOJ's motion.

On August 17, 2021, the Third Circuit granted EPA's motion to remand without vacatur. The order states that the remand proceedings shall be concluded within 12 months of the date of the order and directs the parties to file a status report 11 months from the date of the order.

### **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<sub>x</sub>) 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 (ORR) Program:** The CY21 Program application period closed on October 15, 2021, and the Department received 55 applications requesting total project funds of over \$7.0 million. Applications will be processed, and rebate vouchers issued in the coming weeks. CY22 is anticipated to open for applications in late spring/early summer 2022.
- **Truck & Bus Fleet Grant (T&BFG) Program:** The CY21 Program application period closed on October 9<sup>th</sup>, and the Department received 12 applications requesting total project funding of over \$7.8 million. Applications are being reviewed and scored. CY22 is anticipated to open for applications in late spring/early summer 2022.
- **PA State Clean Diesel Grant Program (DERA):** The FY19 projects are underway; the project completion deadline is September 30, 2021. FY20 opened for applications on November 5, 2021, and *closed* on December 31, 2021, *with* approximately \$2.7 million available to award. FY21 is anticipated to open for applications in spring/summer 2022.
- **Electric Cargo Handling (ECH) Grant Program:** Approximately \$2.5 million remained unawarded after closure of the CYs 19-20 ECH Grant Program, which will be rolled into CY21. The CY21 ECH Grant Program will re-open for applications in Quarter 1 2022 with \$5.5 million available.
- **Marine & Rail Freight Movers (M&R) Grant Program:** A total of \$10 million was awarded for the replacement of five switcher locomotives during both rounds of the CYs 20-21 M&R Grant Program. The CY22 program is anticipated to open for applications in early 2022.
- **The Ocean-Going Vessel Shorepower Grant Program:** \$3.0 million in funding was offered for CYs 19-20. The application period closed on October 30, 2019, without any submissions and has not re-opened since. Program staff are currently evaluating the program requirements.
- **The Direct Current Fast Charging & Hydrogen Fueling Grant (DCFC) Program:** Approximately \$1.7 million was awarded (or recommended for award) during both rounds of the CY20 DC Fast Charge and Hydrogen Fueling Grant Program. The CY21 program opened on November 5, 2021, and will close on January 31, 2022. Approximately \$1.8 million is available to award in this round.
- **Level 2 Electric Vehicle (EV) Charging Rebate Program:** Version 3 (or Tier 3) of this program opened on May 5, 2021, with lower reimbursement levels than Versions 1 and 2. Version 3 will remain open until rebates have been awarded for the installation of 750 charging plugs. To date, approximately 1,190 Level 2 EV charging plugs have been installed across PA under this Program.

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

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## **Energy Programs Office**

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### **Climate Change Advisory Committee**

The most recent Climate Change Advisory Committee (CCAC) meeting was conducted on *December 14, 2021* with both in-person and virtual attendance options. *The meeting featured a presentation by Bill DiCroce, president and CEO of Vicinity Energy, on the company's district steam utility decarbonization efforts. DEP Air Quality Director, Mark Hammond, provided a presentation on the Department's proposal to adopt California's ZEV rulemaking. Robert Young and Lawrence Holley of DEP also provided a presentation on the Department's Food Waste report.* The next CCAC meeting will be held on *February 22, 2022*.

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

For state fiscal year (SFY) 2021-22, 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, ETAC and PennTAP have completed *thirteen* site assessments this fiscal year for companies throughout Pennsylvania representing the biopharmaceutical, metal fabrication, precision tubing, and agricultural industries.

### **Energy Assurance**

EPO and the DEP's Director of Emergency Response have coordinated monthly Fuels Sector Calls with PEMA to provide situational awareness regarding supply concerns related to heating and transportation fuels. EPO *has hired a contractor for the next Energy Assurance project which will focus on energy storage at critical facilities. The contractor will be developing webinars that will introduce the microgrid/energy storage topic to the local government audience. After the webinar series, the contractor with EPO staff will assist up to five participants from the webinars to help develop a feasibility study.* This project is *also part of US DOE's Technology Action Group that facilitates partnership with other states and National Labs. EPO staff has been participating in monthly meetings as part of the Technology Action Group, and the next step of the partnership is to develop a prioritization list of critical facilities. The prioritization list will be gathered by the National Laboratories.*

### **US Department of Energy (DOE) State Energy Program State Fiscal Year (SFY) 2021 Application**

EPO and Fiscal staff received a State Energy Program Formula Grant award from US DOE for \$2,081,280. Programs include local government climate action plan assistance, education and technical assistance programs for agriculture, wastewater treatment plant operators, and manufacturers; clean energy workforce development; energy assurance and resiliency planning and training activities; energy storage outreach; and building energy code trainings. An energy storage and resiliency project submitted in the plan will include technical assistance from US DOE staff through the duration of the project. Each program will include an emphasis on serving communities in environmental justice areas. EPO staff executed contracts and grants for *eight* of the projects out of the 12 submitted projects to begin work.

### **PA Climate Leadership Academy**

The second training opportunity of the PA Climate Leadership Academy *ended in December 2021* for 55 registered participants from state and local government, as well as representatives from nonprofits and higher education institutions. The Certified Climate Change Professional (CC-P) training was conducted by SEP-funded contractor, the Association of Climate Change Officers. This intensive, online training series was designed to help participants build competencies to effectively integrate climate change into their decision-making and professional activities, as well as to prepare for the CC-P exams. The Academy Advisory Board met virtually on *December 7<sup>th</sup>* to learn about upcoming training opportunities offered through the Academy, as well as to brainstorm ideas for promoting those offerings throughout the Commonwealth and how best to engage alumni of the training programs. A second round of Climate Leadership Activator and CC-P trainings will begin on *January 14<sup>th</sup>* and *24<sup>th</sup>*, respectively.

### **Local Climate Action Program**

The third annual cohort of DEP's Local Climate Action Program (LCAP) continued with an *additional training webinar on December 7<sup>th</sup>*. *The webinar was hosted by SEP-funded contractor ICLEI and focused on climate communications. The student-local government teams finalized their greenhouse gas inventories in December 2021 and will now focus on developing draft climate action plans through June 2022.* Twelve local governments are participating, including Lehigh Valley Planning Commission, Delaware County, as well as the Boroughs of Millersville, Milford, Lewisburg and Camp Hill. Twenty students from ten different higher education institutions in Pennsylvania are assisting the local governments in their efforts.

### **Agriculture Energy Efficiency Rebate Program**

DEP opened a new agriculture energy efficiency rebate program on September 20<sup>th</sup>. DEP is offering \$2,000 rebates for energy efficiency measures for agricultural producers including LED lighting, Variable Frequency Drives (VFDs) for milk vacuum pumps, and VFDs for ventilation. An applicant may apply for funding for more than one type of project, not to exceed a total of \$5,000 for all projects. Applications are being accepted on a first-come, first-served basis. The rebate program is one of the recommendations presented in a 2020 report (Energy Use, Energy Savings, and Energy Efficiency Policy Recommendations for Pennsylvania Agriculture) that DEP is implementing to better assist the agriculture sector with lowering energy usage. An informational webinar for potential applicants was held on October 14<sup>th</sup>.

### **Pennsylvania Partnership for Energy Efficiency in Wastewater Treatment Plants (WWTP)**

DEP's Energy Programs Office joined the US DOE's Sustainable Wastewater Infrastructure of the Future (SWIFt) in December of 2020. In 2021 DEP started the PA Partnership for Energy Efficiency in WWTP (PEW2) with the main goal of helping municipal WWTP across the Commonwealth find the best ways to reduce their energy usage and costs. Participants will receive guidance in their energy efforts and provide EPO input in developing a longer-term plan for WWTP energy efficiency to be implemented over the next few years. Eight municipal authorities operating nine WWTP have signed on to receive SWIFt Toolkit Training from US DOE, an energy data analysis of their operations by EPO, an assessment of their facilities by a third-party EPO-funded contractor, an opportunity to participate in networking and peer exchanges, and the opportunity to inform the EPO long-term plan for WWTP energy outreach. *Facility data analysis is almost completed for the contractor when they are in place, which should be by mid-January.*

### **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.

*The second application acceptance period for the 2021 AFIG program closed on December 17<sup>th</sup>. A total of 46 applications requesting \$8,365,369 in AFIG funding were received, including 14 Refueling Infrastructure, 3 Innovative Technology, and 29 Vehicle Purchase applications. The received applications will be reviewed and evaluated by EPO staff and recommendations for awards will be developed. AFIG will reopen for 2022 in the spring.*

### **Pennsylvania Energy Storage Consortium**

The Energy Programs Office, along with hired contractor Strategen, *held the second session of the Pennsylvania Energy Storage Consortium on December 7<sup>th</sup>*. The purpose of the Consortium is to identify and engage stakeholders on policy and market topics that can lead to the advancement of energy storage for a modern, resilient, low-carbon grid for all Pennsylvanians. *The meeting agenda included an overview of the value proposition of energy storage followed by case studies and a panel discussion on the policy, deployment, and economics of current storage initiatives in Pennsylvania. More than 125 individual organizations were*

represented by 188 registrants for this second Consortium meeting including various stakeholder groups such as battery manufacturers, renewable energy project developers, utilities, state and local government, trade associations, PJM and the PA Public Utility Commission. The next Consortium meeting is scheduled for March 1, 2022.

### **Food Waste to Renewable Energy Assessment**

EPO partnered with the DEP Bureau of Waste Management (BWM) and MSW Consultants on a Food Waste to Renewable Energy Assessment as part of a Pennsylvania Waste Characterization Study. The purpose of this project was 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. The final version of the report was released in December 2021. A briefing about the contents of the report was provided to the Climate Change Advisory Committee at their December 2021 meeting, and a briefing is planned for the Citizen's Advisory Council in January 2022.

### **Grid-Scale Solar Development Outreach to Local Government Officials**

As part of on-going efforts to educate local government officials about the potential impacts of grid-scale solar development across the Commonwealth, EPO contracted with Penn State Extension for a second phase of a project to conduct outreach and technical assistance sessions to address common questions raised by community members and other types of stakeholders about this type of development. This outreach is conducted in two formats: general sessions open to local government officials from across Pennsylvania that provide a broad overview of the development process and resources available, and targeted sessions for focused geographic areas where specific challenges are addressed. This type of outreach will continue through June 2022, with one type of each session planned each month. The first general session conducted under this phase of the contract was held on December 21<sup>st</sup>, and the first area of targeted outreach is tentatively planned for Mercer County in January 2022. Extension's outreach is being funded through DEP's State Energy Program funds from the U.S. Department of Energy.

### **Shared Energy Manager**

On December 6<sup>th</sup>, EPO staff, along with their SEP-funded contractor Wilson Engineering Services (Wilson), conducted a kickoff call with the City of Shamokin to initiate their participation in the Shared Energy Manager (SEM) program. The purpose of this call was to brainstorm project ideas for the Shared Energy Manager, who was selected to serve in this role for the second consecutive year. The work will be performed by Wilson through June 2022. This meeting was the final kickoff conducted for the five SEM participants; the others being Abington Township, City of Easton, Cumberland County, and Ben Avon Borough. These local governments were selected for the SEM program based on their work in EPO's Local Climate Action Program from August 2020-June 2021. The goal of the Shared Energy Manager program is to provide remote support in the form of technical expertise and implementation guidance to local governments in order to lower their energy consumption and improve their energy management practices.

### **Commonwealth-University Capstone Partnership**

On December 10<sup>th</sup>, students from East Stroudsburg University and Penn State University gave their final presentations to the Governor's Office, as part of their participation in the Commonwealth-University Capstone Partnership. Two students from East Stroudsburg worked this past semester to support Middletown Township in Bucks County on an energy efficiency educational and outreach campaign for homeowners and businesses. One student from Penn State assisted the City of Lancaster in researching the benefits of green, white, and blue roofs, as well as supporting policy approaches. EPO staff worked alongside these two local governments and students during the semester to provide them with guidance. This semester was the second time that EPO participated in the Commonwealth-University Capstone Partnership, which is offered via the Governor's Office

*of Performance through Excellence. EPO was selected to again participate in this Partnership in the 2022 spring semester and is currently trying to match interested local governments with universities.*

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## **Environmental Cleanup and Brownfields**

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### **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 *were* 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.

The CSSAB expressed concerns regarding the status of the vanadium and lead soil numeric values and offered to form a workgroup to provide guidance and recommendations to DEP regarding these issues. In the fall of 2020, the CSSAB Lead and Vanadium Workgroup provided analyses and recommendations regarding the vanadium and lead soil values. DEP presented proposed changes for the final-form regulation to the CSSAB at its December 16, 2020 meeting. DEP explained the proposed changes to the lead soil direct contact numeric values and why they did not plan to change the vanadium direct contact soil numeric value for this rulemaking. CSSAB members disagreed with DEP's interpretation of the Commonwealth Document Law and strongly opposed its decision to retain the current direct contact MSC for vanadium. The CSSAB also expressed concern about DEP's decision to reduce the default Target Blood Lead Level from 10 micrograms per deciliter to 5 micrograms per deciliter. Considering the procedural limitations for vanadium and the need to gather additional data for lead, DEP decided to address these substances in separate, subsequent rulemakings. (Please see the proposed rulemaking summary below for additional details.)

The final-form rulemaking was adopted by the Environmental Quality Board at their June 15, 2021, meeting, and was approved by the Independent Regulatory Review Commission at their September 23, 2021, meeting. The final-form rulemaking *became effective upon publication in the November 20, 2021 edition of the PA Bulletin.*

#### **Proposed 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 MSCs, including vanadium, listed in Appendix A of Chapter 250 in June 2021. The proposed rulemaking addresses the vanadium toxicity value and the corresponding changes to the soil and groundwater numeric values. DEP will develop a separate proposed rulemaking to address other Statewide health standard MSCs including lead and possibly Polycyclic Aromatic Hydrocarbons (PAHs).

At the August 11, 2021 CSSAB meeting, DEP and the CSSAB agreed to collaboratively evaluate the remaining lead concerns and questions regarding PAHs via workgroups. The workgroups consist of CSSAB members, members of their staffs, and DEP staff. Additionally, DEP *published* an Advance Notice of Proposed Rulemaking (ANPR) *in the October 30, 2021 edition of the PA Bulletin* to collect data regarding the target blood lead level. The ANPR serves as notice to the public that DEP plans to update the lead models in an upcoming proposed rulemaking and provides the public with an opportunity to provide input prior to the development of the proposed rulemaking.

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

CSSAB held a meeting on October 4, 2021 to discuss the chapter 250 rulemaking annex (vanadium) and the



draft ANPR for lead. The agenda, proposed annex, draft ANPR and other meeting materials are available on the CSSAB's webpage. This information can be found through the Public Participation tab on the DEP web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Cleanup and Brownfields Advisory Committees," then "Cleanup Standards Scientific Advisory Board").

The December 15, 2021 CSSAB meeting was cancelled to allow for the lead and PAHs workgroups to continue their evaluations of these issues and to allow the public to provide input on the lead questions posed in the ANPR.

### **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 to begin in 2022. Proposed revisions will be presented to the CSSAB for discussion.

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

*The Storage Tank Advisory Committee (STAC) met on December 7, 2021, in a hybrid format. Richard Burgan, Director, Bureau of Special Funds for the PA Department of Insurance, provided an update regarding the Underground Storage Tank Indemnification Fund. Matt Leuck, Technical Manager, Renewable Road Transportation at Neste, presented information on renewable diesel fuel. Specifically, Mr. Leuck, explained what renewable diesel fuel is, how it's made, why it's different than biodiesel, and some performance benefits related to storage, combustion, and emissions. DEP updates included an overview of robotic inspections as part of out-of-service inspections on large aboveground storage tanks and mobile inspection and e-permitting updates. Meeting dates for STAC in 2022 were approved as follows: March 8, June 7, September 7, and December 6.*

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## **Environmental Education**

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

Annually, Pennsylvania invests in its schools, county conservation districts, and other non-profit organizations to improve environmental literacy among students and adults alike through the Environmental Education Grant Program. The Environmental Education Grant Program was established by the Environmental Education Act of 1993, which mandates that five percent of all pollution fines and penalties collected annually by the Department of Environmental Protection (DEP) be set aside for environmental education. Since the inception of the environmental education grant program, DEP has awarded more than \$12 million in grants to support environmental education efforts throughout Pennsylvania. For the 2022 Environmental Education Grant round, over \$750,000 in funding is available.

*The 2022 DEP Environmental Education Grant program application period closed on December 10, 2021. The Environmental Education and Information Center (EE&IC) staff looks to make the announcement of the grant recipients in the Spring of 2022.*

### **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.

*The PA Environmental Literacy Task Force was funded through a Chesapeake Bay-Watershed Education and Training (B-WET) Grant and works closely with National Oceanic Atmospheric Administration (NOAA) on the continued implementation of MWEEs across Pennsylvania. Related to these efforts, NOAA is offering a series of webinars and funding opportunities:*

- *NOAA's Environmental Science Training Center is hosting a series of free virtual workshops for educators this winter: [Climate Change and MWEE Webinars for Educators from NOAA](#)*
- *NOAA B-WET Grants Announcement - The NOAA Chesapeake Bay Office is announcing the availability of approximately \$1.35 million in funding for new NOAA B-WET grants through two funding opportunities. First, the [School District MWEE Programming](#) grant will support projects to help school districts deliver MWEEs to students or to increase school districts' capacity to deliver environmental education. Second, the [Statewide Capacity Building](#) grant will support statewide or multi-state environmental literacy capacity building initiatives. Applications are due March 3, 2022.*

### **PA STEM Coalition Update**

The Pennsylvania STEM Coalition is a statewide, cross-sector network representing more than 430 stakeholders with a focus on equitable access to STEM learning experiences for every learner, from early childhood to higher education.

*Through support of the Overdeck Family Foundation and Afterschool Alliance, the Pennsylvania Statewide Afterschool/Youth Development Network (PSAYDN) has partnered with the Education Policy and Leadership Center (EPLC) and national STEM Education Coalition to launch the 2022 cohort of the Pennsylvania STEM Ambassador program. This program is a 10-month advocacy training program targeted to leaders in business, education, out-of-school time and/or other STEM-related fields to meet directly with Pennsylvania policymakers, stakeholders and elected officials to help shape STEM policy in the Commonwealth. The program cultivates strategic partnerships with local, state, and federal leaders to advance STEM policy goals that help build tomorrow's workforce. Additional program details are available on the [PSAYDN website](#).*

### **Environmental Justice**

The EE&IC continues to reflect this priority for the 2022 DEP Environmental Education Grant program. In 2021, 88% of the projects awarded were for designated Environmental Justice Areas.

*To further address DEI issues, the Chesapeake Bay Trust in partnership with the Chesapeake Bay Funders Network and DEIJ experts in the region's environmental coalitions, engaged ThirdSpace Action Lab (TSAL) to design and implement a Racial Equity and Inclusion (REI) learning series for funder and nonprofit participants. Given the watershed's history as well as the broader history and present sociopolitical context of the country, the partnership group hopes to leverage a robust and extended learning series to build relationships among funders and advocates to advance racial equity in the Chesapeake Bay's environmental and water movements. The REI learning series will take place from February – July 2022.*

### **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 proposed revised standards can be viewed on the Pennsylvania Department of Education's (PDE) [website](#).

The Pennsylvania Department of Education (PDE) have re-engaged the Science Standards Content and Steering Committees, as designated by the State Board of Education in May 2020, to develop recommendations for the Committee's consideration that address concerns raised by stakeholders during the public comment period

specific to the new revised standards.

### **Green Ribbon Schools**

*As part of the Green Ribbon Schools program, PDE provides support to assist schools in developing different levels of sustainability. DEP provides support to the Green Ribbon Schools program primarily through the DEP EE Grant Program in the form of assistance in environmental literacy plan development, professional development opportunities, partner organization checklists and audit tools, and a multi-tiered approach to encourage initial and continued gains across the pillars as the school, district or institution of higher education is ready for each new set of goals. The application period for the latest round of the Green Ribbon Schools program is currently open through the end of January 2022.*

### **Teaching Green Newsletter**

*The latest edition of the DEP “Teaching Green” environmental education newsletter is scheduled for release in early January. This issue provides updates on the DEP Environmental Education Grant Program, projects previously funded by the Environmental Education Grant program, information on the 2021 Climate Action Plan, the winners of the 2021 Radon poster contest, the new Litter Action Plan, the RCSOB falcons, and professional development opportunities for formal and non-formal educators.*

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.

### **Litter Hawk Youth Award Program**

*Keep Pennsylvania Beautiful, with support from DEP, recently announced the new Litter Hawk Youth Award Program. This is a recognition program for students in Kindergarten through Sixth Grade, who complete a designated project specific to their grade level to share their hope, optimism and concerns about litter and inspire others to care for their communities through art, words, or video. Students can participate individually or as part of a lesson initiated by schools, home-schools, scout troops, 4-H clubs, environmental clubs, or other organized groups.*

*The deadline to participate is January 31, 2022. Winners will be announced in April in time for Earth Day celebrations. For more information, please visit <https://www.keppabeautiful.org/grants-awards/awards/litter-hawk/>.*

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## **Environmental Justice**

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

*EJAB’s most recent meeting was held in-person and virtually on Tuesday, November 16 and included presentations on the Pennsylvania Climate Action Plan 2021 and Zero Emission Vehicle (ZEV) Rulemaking. The meeting also included a review of the revised EJ Policy and Executive Order 2021-07 on Environmental Justice signed by Governor Wolf. A portion of the meeting was held jointly with the Citizens Advisory Council (CAC). The next EJAB meeting will be held virtually and in-person on February 17, 2022.*

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 and held a meeting to rethink the approach of the group on December 6, 2021.

## **Environmental Justice Executive Order**

*Governor Wolf signed an Environmental Justice Executive Order 2021-07 in October 2021 making permanent the Office of Environmental Justice and Environmental Justice Advisory Board and creating the Environmental Justice Interagency Council. Under the terms of the Executive Order, DEP will develop an agency EJ Strategic Plan and may also revise the EJ Policy and create EJ mapping tools.*

## **Community and Stakeholder Engagement**

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

OEJ is scheduled to engage in several virtual meetings and events throughout *January*. 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, Future Forces Workgroup, Chesapeake Bay Program Diversity, Equity, Inclusion and Justice (DEIJ) Action Team, Chesapeake Bay Program Diversity Workgroup, Capital Region Water Community Ambassadors, Commonwealth Black History Month Committee, Remediation of the Philadelphia Energy Solutions Refinery, Internal Lead Workgroup, Superfund Community Advisory Groups (CAG), Chesapeake Bay County Wide Action Plan Team, and others.

### **Strategy and Planning**

#### **Environmental Justice Planning**

OEJ presented an initial draft of the revised EJ Policy to the EJAB during the August 19, 2021, meeting. *OEJ intends to post the draft EJ Policy for public comment in early 2022.*

OEJ continues to convene the Environmental Justice Internal Work Group (EJ IWG) to inform and educate DEP staff about key EJ work and policy and solicit feedback on critical environmental justice initiatives within DEP, such as the EJ Policy.

*As of October 2021, OEJ has been tracking and publishing permits subject to the current Environmental Justice Public Participation Policy on the DEP website.*

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. In December 2020, OEJ led six (6) internal trainings on environmental justice with over 1,500 DEP employees participating in the trainings. *OEJ delivered the training with DOH staff to the DOH's Division of Environmental Health Epidemiology on December 14, 2021.*

## **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 hearings. 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. The Language Access Coordinators are being included in commonwealth wide language access coordinator calls arranged by the Office of Administration and are starting the process of creating a Language Access Plan for DEP.

### 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 was awarded the Small Communities Assistance grant again for the 2022 fiscal year and is working with Oil City in Northwest Pennsylvania. A kickoff meeting with Oil City was held in fall 2021. OEJ assisted in getting application support materials for the 2023 fiscal year applicant, Mahanoy City Borough in Schuylkill County.*

### Alternative Fuel Vehicle Rebate Information Sheet

*OEJ worked with the Energy Programs Office and Office of Communications to develop a sheet that highlights the available resources that can make an electric or plug-in hybrid vehicle purchase more affordable. In particular, the sheet was developed to address the lack of awareness around the rebate's applicability to the purchase of a one-time pre-owned vehicles, and the availability of additional funds for low-income households. In addition, the sheet describes available federal and electric distribution company incentives. It will soon be displayed on the OEJ and EPO webpages.*

### 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 supporting the Grants Office and other offices in developing outreach materials about the DEP grantmaking process. OEJ is also participating in an interagency group assessing overarching principles for advancing equity in Commonwealth 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 engaged with 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 worked with EPO regarding inclusion and evaluation of equity and EJ considerations in the development of the 2021 Pennsylvania Climate Action Plan. OEJ will now work with EPO and community partners on outreach and engagement for the Pennsylvania Climate Action Plan 2021.

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## **Oil and Gas**

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### **Oil and Gas Rulemakings**

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

In 2016, the General Assembly passed Act 52, which abrogated the ongoing rulemaking process regarding conventional oil and gas wells and established the Pennsylvania Grade Crude Oil Development Advisory Council (CDAC). Act 52 directed the Department to work with CDAC to “examine and make recommendations regarding existing technical regulations promulgated under 58 Pa.C.S. (relating to oil and gas) ... that impact the conventional oil and gas industry of this Commonwealth and explore the development of a regulatory scheme that provides for environmental oversight and enforcement specifically applicable to the conventional oil and gas industry.” 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 had not resulted in viable legislation, DEP proceeded with the development of a draft 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.

On August 6, 2020, the Office of Oil and Gas Management presented these two draft proposed rulemakings to CDAC. On September 17, 2020, DEP also informed the Oil and Gas Technical Advisory Board (TAB) of the discussion of the draft proposed rulemakings that occurred with CDAC and shared copies of both draft proposed rulemakings with TAB. At its December 3, 2020, meeting, CDAC and OOGM staff continued discussion and initial review of the draft proposed rulemakings. A motion was proposed to schedule a meeting for CDAC to continue its review of the draft proposed 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 draft 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 draft proposed rulemaking that pertains to environmental protection performance standards. On May 5, 2021, the Department fully discussed the draft proposed rulemaking pertaining to environmental protection performance standards with TAB. DEP fully discussed the draft proposed rulemaking that pertains to waste management issues with CDAC on August 19, 2021, and then with TAB on September 9, 2021.

*At its regularly scheduled meeting on December 16, DEP shared the final version of the Environmental Protection Performance Standards for Conventional Oil and Gas Operators draft proposed Annex with CDAC members. This was shared to provide CDAC with an opportunity to adopt written comments to the Environmental Quality Board (EQB) in accordance with section 5 of Act 52 of 2016 (58 P.S. § 1205). CDAC members agreed to work on compiling their formal comments over February and March and then will vote at CDAC's April 2022 meeting to accept the comments and send to the EQB.*

#### **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. This TGD was published as draft for public comment in the Pennsylvania Bulletin on August 28, 2021, kicking off a 30-day public comment period that closed on September 27, 2021. The Department received 194 comments and is currently in the process of reviewing the comments and preparing responses.

### **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 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 is expected to be published as final in the Pennsylvania Bulletin in the *first* quarter of 2022.

### **Federal Infrastructure Investment and Jobs Act**

*On Monday, November 15, President Biden signed the federal infrastructure bill into law that allocates more than \$1 trillion to advance various infrastructure projects across the nation. Among other things, this legislation provides potentially more than \$400 million to Pennsylvania to plug abandoned oil and gas wells across the commonwealth. There are several key deadlines that require DEP to take immediate action in order to enable Pennsylvania to be eligible to receive its share of federal funding. The first deadline is December 30, 2021, to submit a Notice of Intent to the U.S. Department of Interior (DOI) relating to Formula Grants (\$300 million over 5 years), and May 16, 2022, is the last day Pennsylvania can request the initial grant of \$25 million from the DOI.*

To develop data to support future Departmental efforts, the Bureau of Oil and Gas Planning and Program Management (BOGPPM) developed an online Plugging and Plugging Support Contractor Survey. BOGPPM sent out an invitation to complete the survey to industry groups and contractors via email and posted the survey on the Oil and Gas website in October. To date, 62 oil and gas well operators and plugging support contractors have responded. All operators have expressed an interest in opportunities to plug orphan and abandoned wells via the federal stimulus project and about half of the respondents indicated that they are currently registered as a supplier under the Commonwealth's "Supplier Portal." The BOGPPM is following up with the remaining contractors to provide guidance on how they can also register to be a supplier under this portal.

### **Oil and Gas Workload Report**

Please see Attachment 2.

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## **Radiation Protection**

### **Radiation Protection Rulemakings**

## Chapter 227

The Radiation Protection Act directs DEP to develop and conduct comprehensive programs for the registration, licensing, control, management, regulation and inspection of radiation-producing devices and users of such devices. The areas in need of review and update relate to non-medical X-ray equipment. There have been important advances in technology and use of X-rays and other ionizing radiation particles for industrial radiography, non-contact level monitoring, foreign body detection, chemical purification, melting, welding, polymerization, sterilization, and security screening. The proposed package was discussed with the Radiation Protection Advisory Committee (RPAC) and a subcommittee in 2019 and 2020. At the July 9, 2020 meeting, RPAC discussed the revisions and concurred with the Department's recommendation to proceed with the proposed rulemaking. The proposed rulemaking was adopted by the Environmental Quality Board (EQB) at the May 19, 2021 meeting and was published for public comment on August 14, 2021, with a 30-day public comment period that closed on September 13, 2021. *One commentator and IRRC* submitted comments, and the Bureau of Radiation Protection is currently reviewing the comments received and preparing a final rulemaking package.

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## **Waste Management**

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### **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.

*The proposed rulemaking was presented to the EQB for consideration at its November 16, 2021 meeting, where the Board adopted a motion to accept the proposed rulemaking. This proposed rulemaking was published in the Pennsylvania Bulletin on January 15, 2022, for a 30-day public comment period that will close on February 14, 2022.*

#### 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 that the delisting petitions be accepted for rulemaking; the EQB adopted a motion to accept the delisting petitions and advance them for rulemaking at its June 16, 2020 meeting.



The proposed rulemaking was presented to the Solid Waste and Recycling Fund Advisory Committees on September 10, 2020, and to the EQB for consideration at its September 21, 2021, meeting, where the Board adopted a motion to accept the proposed rulemaking. *The proposed rulemaking was published in the Pennsylvania Bulletin on January 8, 2022, opening a 45-day public comment period that will conclude on February 22, 2022. The Board will also hold three virtual public hearings on the proposed rulemaking on January 19, 20, and 26, 2022.*

### **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. Preparation of the comment/response document is nearing completion and the draft final version of the policy was presented to applicable advisory committees and boards. Publication of the final guidance is planned for the *first* quarter of 2022.

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

*SWAC held a joint meeting with the Recycling Fund Advisory Committee on December 16. DEP provided final White Papers on Act 101: The Municipal Waste Planning, Recycling and Waste Reduction Act, and the Covered Device Recycling Act (CDRA) for presentation and discussion. The Committee’s 2022 meeting schedule has not yet been determined. Additional information is available on the [SWAC website](#).*

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

*A special meeting of the RFAC was called to be held jointly with the SWAC on December 16, 2021. Notice of the meeting was published in the Pennsylvania Bulletin on November 20, 2021. The special meeting was called due to the agenda items presented for discussion and RFAC’s direct interest and involvement in previous discussions regarding the items. The Committee’s regular meeting for 2022 has not yet been scheduled. Additional information is available on the [SWAC website](#).*

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## **Water Programs**

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### **Water Programs Rulemakings**

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

DEP’s Bureau of Waterways Engineering and Wetlands drafted a proposed 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 proposed 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 draft proposed 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 that 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 Water Quality Standard 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 or EQB) 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 with the Aggregate Advisory Board on May 5, 2021.

*The draft final-form rulemaking was provided to the Water Resources Advisory Committee on November 18, 2021, and the Committee recommended the Department advance the rulemaking to the EQB. The draft final-form rulemaking was also provided to the Agricultural Advisory Board on December 9, 2021, and will be provided to the Mining and Reclamation Advisory Board on January 20, 2022, the Aggregate Advisory Board on February 2, 2022, and the Public Water Systems Technical Assistance Center on February 8, 2022. The Department anticipates advancing the final-form rulemaking to the EQB in the third quarter of 2022.*

#### Dunbar Creek 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. The proposed rule was published in the Pennsylvania Bulletin on July 31, 2021, with a 45-day public comment period that closed on September 14, 2021. A public hearing was held on August 30, 2021, where three witnesses provided testimony. The Department is now reviewing the comments received and preparing the draft final-form rulemaking documents. *The Department anticipates advancing the final-form rulemaking to the EQB in the third quarter of 2022.*

#### NPDES Schedules of Compliance

*This proposed rulemaking would amend § 92a.51(a) for NPDES permit schedules of compliance to allow the Department to approve permits for combined sewer overflow dischargers with compliance schedules beyond the 5-year period currently established in the regulations, but not longer than the implementation period in the discharger's approved long term control plan. The draft proposed annex was presented to the Water Resources Advisory Committee on July 28, 2021, which concurred with DEP's recommendation to present the proposed rulemaking to the Environmental Quality Board. The proposed regulation was adopted by the Environmental Quality Board on October 19, 2021. The proposed rulemaking was published in the Pennsylvania Bulletin on January 15, 2022, for a 45-day public comment period that will end on March 1, 2022.*

#### **Chapter 105 Alternatives Analysis Draft Technical Guidance Document (DEP ID: 310-2100-002)**

This TGD provides guidance on the preparation of a Chapter 105 alternatives analysis. This TGD consolidates existing guidance and expands upon that guidance as follows: Clarifies the appropriate level of analysis required for evaluating alternatives for projects requiring an Individual Water Obstruction and Encroachment Permit under 25 Pa. Code Chapter 105 (relating to dam safety and waterway management); Provides guidelines for determining if an alternative should be considered practicable; and Establishes a common, complete and consistent level of understanding of the information needed by the Department to adequately review alternatives analyses for Water Obstruction and Encroachment Permit applications proposing impacts to aquatic resources. Notice of availability of this draft technical guidance document was published in the Pennsylvania Bulletin on September 4, 2021 [51 Pa.B. 5757]. The public comment period ended on October 4, 2021, and DEP received 4 comment letters. Next steps will include reviewing the comments received, preparing a comment and response document and making any necessary changes to the guidance document.

#### **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. *DEP published notice of the availability of the final PAG-01 permit in the Pennsylvania Bulletin on November 13, 2021. To allow time for outreach and training on this new permit, the effective date of the PAG-01 General Permit is March 1, 2021.*

#### **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; PAG-08 allows for the Beneficial Use of Non-Exceptional Quality (Non-EQ) Biosolids; and PAG-09 allows for the Beneficial Use of Residential Septage.

The Department has administratively extended these general permits for several years. The Department had preliminary discussions on reissuance of these general permits with the Water Resources Advisory Committee

(WRAC) and the Agricultural Advisory Board (AAB) in March 2021. Both committees decided to form workgroups to better understand the proposed changes and to provide input on the impact of those proposed changes to their respective stakeholders. *To date, the AAB workgroup has had three meetings and will have at least one more in January 2022.* The WRAC workgroup has not yet had a meeting.

The Bureau of Clean Water has also organized a workgroup to gather input on the proposed changes to the general permits. The group includes biosolids generators, land applicators, farmers, consultants, and interested third parties (including the Chesapeake Bay Foundation and the Delaware River Keeper Network). The first meeting of the DEP Outreach workgroup occurred on September 28, 2021, and focused on the biosolids land application program, the proposed changes to the permit, and PFAS in biosolids. *The next meeting was held on for November 3, 2021. The primary point of discussion was managing biosolids considering the phosphorus content of the biosolids and the soil phosphorus level. The third meeting with stakeholders was held on Tuesday, December 7, 2021. The main topic of discussion was addressing Department concerns associated with the impacts of hauled-in residual waste into the biosolids treatment process. A fourth meeting is planned for January 5, 2022. The discussion will continue on the hauled-in-waste concerns as well as the proposed changes to field storage of biosolids on land application sites. A fifth and final meeting is yet to be scheduled.*

### **Federal Infrastructure Funding - Bipartisan Infrastructure Investment and Jobs Act (IIJA)**

*EPA's State Revolving Fund Program staff held an information meeting on the IIJA. Participants included EPA Headquarters, EPA Regional Offices and states that will be administering programs that will be applying for and likely receiving grant funding under the bipartisan infrastructure law. The existing State/EPA State Revolving Fund Workgroup is being used to organize the IIJA implementation efforts and will result in guidance for the states and potential applicants to the State Revolving Fund programs. Additional meetings are planned to inform guidance development for the funding programs and new requirements. Meetings will be held every two weeks. DEP and PENNVEST are coordinating these efforts.*

*There are some changes anticipated as result of the bipartisan infrastructure law that will affect how DEP and PENNVEST administer the program. The increase in funding will be significant. The typical State Revolving Fund Capitalization Grant is approximately \$90 million. Currently PA's additional allocation is estimated to be over \$240 million annually for federal fiscal years 2023 - 2027.*

### **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; on April 21, 2021 for Individual NPDES Permits for stormwater discharges associated with construction activities; and on August 4, 2021 for Erosion and Sedimentation Control individual permit applications. ESCGP-3 NOIs are tentatively planned for release by *February 16, 2022*. A [Chapter 102 ePermit Training Center](#) was developed in DEP's Clean Water Academy and is available for public use.

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

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. For Federal Fiscal Year 2022, DEP opened the EPA Section 319 NPS Management Grant round on April 22, 2021. The deadline to apply was June 25, 2021. For Federal Fiscal Year 2022, DEP received 14 applications, totaling more than \$4.9 million.

For Federal Fiscal Year 2021, the Section 319 NPS Management Program received 36 grant applications totaling approximately \$9.2 million. 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 on May 12, 2021, and EPA approved the workplans on May 14, 2021. EPA has awarded DEP the FY2021 grant. DEP announced the FY2021 subawards on October 14, 2021. The press release can be found at [www.ahs.dep.pa.gov/NewsRoomPublic/articleviewer.aspx?id=22014&typeid=1](http://www.ahs.dep.pa.gov/NewsRoomPublic/articleviewer.aspx?id=22014&typeid=1)

### **Growing Greener Plus Program**

DEP opened the Growing Greener Plus grant round on April 22, 2021. The deadline to apply was June 25, 2021. Grant application review and online scoring are complete, and DEP's Watershed Support Section staff worked with DEP's Grants Center, regional offices, District Mining Offices and Bureau of Abandoned Mine Reclamation staff to develop a grant recommendation package. *On December 17, 2021, Governor Tom Wolf announced \$17.4 million in grant funding – including \$15 million from the Pennsylvania Environmental Stewardship Fund, primarily the Growing Greener Program – for projects in 33 counties across the Chesapeake Bay watershed to improve the health of local streams, rivers, and lakes by reducing nutrient and sediment pollution.*

### **State Water Plan**

The State Water Plan's *eighth* Statewide Committee meeting was held on *November 17, 2021* using the hybrid meeting format to accommodate both virtual and in-person meeting attendees. The primary focus of this meeting was *an update on "Legislative Priorities" progress since 2009.*

The State Water Plan's Regional Water Resources Committees had their seventh round of meetings held in a hybrid format between October 12 and 28, 2021. *The focus of this round of meetings was committee feedback on the State Water Plan Update draft StoryMap and development of a logic model for implementation of the committees' priorities and recommendations for action.*

Find more information at the [State Water Plan Website](#).

### **Coastal Zone Grants**

The Coastal Resources Management Program has been awarded federal funding from the National Oceanic and Atmospheric Administration for Federal Fiscal Year (FFY) 2021. This annual award marks the 41st year Pennsylvania has been given funding to protect and enhance the coastal resources of the Commonwealth. This year's funding will provide over \$700,000 in grants to projects located in Pennsylvania's coastal zones. Grant awards are expected to be announced this *winter* and include projects for education and stewardship, public access creation, coastal cleanups, stream restoration planning, historical structure preservation, and research on harmful algal blooms in Lake Erie. The FFY2022 Coastal Zone Grant round closed on October 18, 2021, and applications are currently under review.

## Attachment 1

### 2022 Events Calendar

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

<b>January</b>	
11	Delaware Regional Water Resource Committee Meeting, 9 a.m., Virtual and in-person attendance options
12	Lower Susquehanna Regional Water Resource Committee Meeting, 9 a.m., Virtual and in-person attendance options
12	Coastal Zone Advisory Committee Meeting, 9:30 a.m., Virtual and in-person attendance options
12	Technical Advisory Committee on Diesel-Powered Equipment Meeting, 10 a.m., Virtual and in-person attendance options
13	Coal and Clay Mine Subsidence Insurance Board Meeting, 10 a.m., Virtual and in-person attendance options
13	Potomac Regional Water Resource Committee Meeting, 1 p.m., Virtual and in-person attendance options
14	Oil and Gas Technical Advisory Board Meeting, 9 a.m., Virtual and in-person attendance options
18	Citizens Advisory Council Meeting, 12:30 p.m., Virtual and in-person attendance options
19	Statewide Water Resources Committee Meeting, 9 a.m., Virtual and in-person attendance options
20	Water Resources Advisory Committee Meeting, 9:30 a.m., Virtual and in-person attendance options
20	Mining and Reclamation Advisory Board Meeting, 10 a.m., Virtual and in-person attendance options
25	Ohio Regional Water Resource Committee Meeting, 1 p.m., Virtual and in-person attendance options
26	Great Lakes Regional Water Resource Committee Meeting, 9 a.m., Virtual and in-person attendance options
27	Upper/Middle Susquehanna Regional Water Resource Committee Meeting, 9 a.m., Virtual and in-person attendance options
27	Small Business Compliance Advisory Committee Meeting, 10 a.m., Virtual and in-person attendance options
<b>February</b>	
2	Aggregate Advisory Board Meeting, 10 a.m., Virtual and in-person attendance options
3	Chesapeake Bay Phase 3 Watershed Implementation Plan State Team Meeting, 9 a.m., Virtual and in-person attendance options
8	Public Water System Technical Assistance Center Board Meeting, 9 a.m., Virtual and in-person attendance options
9	State Board for Certification of Water and Wastewater System Operators Meeting, 10 a.m., Virtual and in-person attendance options

10	Air Quality Technical Advisory Committee Meeting, 9:15 a.m., Virtual and in-person attendance options
15	Environmental Quality Board Meeting, 9 a.m., Virtual and in-person attendance options
15	Citizens Advisory Council Meeting, 12:30 p.m., Virtual and in-person attendance options
17	Environmental Justice Advisory Board Meeting, 9 a.m., Virtual and in-person attendance options
22	Climate Change Advisory Committee Meeting, 9 a.m., Virtual and in-person attendance options



## Attachment 2

### Oil and Gas Workload Report (As of December 17, 2021)

YTD WELL PERMIT APPLICATIONS - 1/1/2021 to 12/17/2021						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	221	16	225	223	223	2
UNCONVENTIONAL	719	66	776	754	739	22
<b>Sub Total</b>	<b>940</b>	<b>82</b>	<b>1,001</b>	<b>977</b>	<b>962</b>	<b>24</b>
AUTHORIZATIONS	577	4	625	573	N/A	52
<b>Total</b>	<b>1,517</b>	<b>86</b>	<b>1,626</b>	<b>1,550</b>	<b>1,476</b>	<b>76</b>

WEEKLY WELL PERMIT APPLICATIONS - 12/11/2021 to 12/17/2021						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	6	6	0	0	0	0
UNCONVENTIONAL	14	13	36	30	30	6
<b>Sub Total</b>	<b>20</b>	<b>19</b>	<b>36</b>	<b>30</b>	<b>30</b>	<b>6</b>
AUTHORIZATIONS	25	1	38	38	N/A	0
<b>Total</b>	<b>45</b>	<b>20</b>	<b>74</b>	<b>68</b>	<b>60</b>	<b>6</b>

HISTORICAL WELL PERMIT APPLICATIONS AS OF 12/17/2021						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	198,386	198,370	197,114	190,824	1,256	100,505
UNCONVENTIONAL	29,739	29,668	29,050	22,504	618	12,686
<b>Sub Total</b>	<b>228,125</b>	<b>228,038</b>	<b>226,164</b>	<b>213,328</b>	<b>1,874</b>	<b>113,191</b>
AUTHORIZATIONS	46,572	46,549	45,400	43,665	1,149	19,455
<b>Total</b>	<b>274,697</b>	<b>274,587</b>	<b>271,564</b>	<b>256,993</b>	<b>3,023</b>	<b>132,646</b>

YTD INSPECTIONS - 1/1/2021 to 12/17/2021				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	11,359	8,533	4,304	264
UNCONVENTIONAL	17,577	7,471	967	116
SITE	4,058	2,115	2,632	137
CLIENT	35	27	67	26
<b>Total</b>	<b>33,029</b>	<b>18,146</b>	<b>7,970</b>	<b>543</b>

WEEKLY INSPECTIONS - 12/11/2021 to 12/17/2021				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	193	173	18	2
UNCONVENTIONAL	330	327	3	2
SITE	56	56	12	5
CLIENT	1	1	8	2
<b>Total</b>	<b>580</b>	<b>557</b>	<b>41</b>	<b>11</b>

WELLS DRILLED					
	Two Years Prior 1/1/2019 to 12/17/2019	One Year Prior 1/1/2020 to 12/17/2020	Year To Date 1/1/2021 to 12/17/2021	Week of 12/11/2021 to 12/17/2021	As of 12/17/2021
CONVENTIONAL	168	49	122	3	201,410
UNCONVENTIONAL	605	468	502	17	13,300
<b>Total</b>	<b>773</b>	<b>517</b>	<b>624</b>	<b>20</b>	<b>214,710</b>

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