

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

DEP Highlights

DEP PFAS Update

In 2018, Governor Wolf announced several actions to address growing concerns about perfluoroalkyl and polyfluoroalkyl substance (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 maximum contaminant levels (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.

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 Levels

The Safe Drinking Water Program is currently moving forward with a proposed rulemaking to set drinking water standards for select PFAS. 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. DEP 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 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 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 Environmental Quality Board (EQB) on November 16, 2021. Please see the proposed PFAS MCL rulemaking materials from the EQB's [November 16, 2021 meeting](#) for more information. *It is anticipated that the proposed rulemaking will be published in the Pennsylvania Bulletin for public comment during the first quarter of 2022.*

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 surface water quality network (WQN) stations. Additionally, 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 WQN. 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's Regulation Booklet that is provided to licensed anglers.

Subsequent to the adoption of tiered meal advice for PFOS, Pennsylvania analyzed tissue samples collected from surface waters throughout the Commonwealth. Samples from locations on Neshaminy Creek and Little Neshaminy Creek had results that exceeded Do Not Eat advisory thresholds. In response to the sample results, the Interagency Fish Consumption Advisory Technical Workgroup voted to issue a Do Not Eat advisory for the entire Neshaminy Creek basin. Additional data collection throughout the Commonwealth and the Neshaminy Creek basin will be conducted in 2022 in an effort to evaluate the need for additional fish consumption advisories and to refine the delineation of fish consumption advisories throughout the Neshaminy Creek basin.

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. *On January 14, 2022, DEP submitted Pennsylvania's Draft 2021 Programmatic Progress report, Draft 2022-2023 Programmatic Milestone Commitments, and Draft 2022-2023 Numeric Milestone Commitments to EPA, per the Chesapeake Bay Program Partnership-approved Two-year Milestone schedule. The Programmatic Progress and Milestone Commitments are combined into one document, as there are many ongoing efforts that have and will take place throughout the prior two-year period and through the next two-year cycle. These documents are published to the DEP [Tracking Pennsylvania's Progress](#) website.*

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 Phase 3 WIP is accessible here: www.dep.pa.gov/chesapeakebay/phase3 Questions on the WIP and Pennsylvania's Chesapeake Bay Program can be submitted to RA-EPChesBay@pa.gov.

PA Litter Action Plan

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

In tandem, Keep Pennsylvania Beautiful commissioned a [study](#) to document how much it costs nine cities in Pennsylvania to manage litter and illegal dumping. The study found that Allentown, Altoona, Erie, Harrisburg,

Lancaster, Philadelphia, Pittsburgh, Reading and Scranton collectively spend more than \$68 million annually on cleanup, education, enforcement and prevention efforts to address litter and illegal dumping.

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.

Regulatory Update (Detailed summaries included in respective program sections)

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. *The proposed rule was published in the Pennsylvania Bulletin on January 15, 2022, with a 45-day public comment period that will close on March 1, 2022. One virtual public hearing is scheduled for February 16, 2022.*
- 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. *The proposed rule was published in the Pennsylvania Bulletin on January 29, 2022, with 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 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. *Three virtual public hearings were held on January 19, 20, and 26, 2022, with 9 witnesses providing testimony.*
- 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. IRRRC'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. IRRRC's comments were received on October 13, 2021.
- Proposed Rulemaking – Additional RACT Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS (RACT III Major Sources) (#7-561): The rule was adopted by the EQB on May 19, 2021. 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, *CAC on January 18, 2022, and SBCAC on January 27, 2022.*
- 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, the Agricultural Advisory Board on December 9, 2021, *the Mining and Reclamation Advisory Board on January 20, 2022, the Aggregate Advisory Board on February 2, 2022, and the Public Water System Technical Assistance Center Board on February 8, 2022.*
- 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 *approved* the final rule at its January 26, 2022 public meeting.
- Final Rulemaking – CO₂ Budget Trading Program (#7-559): The rule was adopted by the EQB on September 15, 2020. The rule was published on November 7, 2020, for a 69-day public comment period. Ten (10) virtual public hearings were held December 8 – 14, 2020. The public comment period closed on January 14, 2021, with approximately 13,870 comments received. On January 12, 2021, the House

Environmental Resources and Energy Committee (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.

Public Comment Periods

Proposals Open for Public Comment

- 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)
- Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Stormwater Associated with Industrial Activity (PAG-03) (Closes 2/22)
- Proposed Rulemaking: National Pollutant Discharge Elimination System (NPDES) Schedules of Compliance (#7-563) (Closes 3/1)
- Draft 2022 Integrated Water Quality Monitoring and Assessment Report (Closes 3/1)
- Draft General Permit: Short Duration Processing and Beneficial Use of Oil and Gas Liquid Waste (WMGR163) (Closes 3/15)
- Proposed General Plan Approval and/or General Operating Permit for Gas and No. 2 Oil Fired Small Combustion Units (BAQ-GPA/GP-1) (Closes 3/29)
- Proposed Rulemaking: VOC RACT Requirements for Shipbuilding, Large Petroleum Dry Cleaning, SOCMI Processes for the 2015 Ozone NAAQS (#7-568) (Closes 4/4)

Recently Closed Comment Periods

- Stream Redesignation Evaluation: Angelica Creek (Berks County) and Saltlick Run (Clearfield County) (Closed 1/31)
- Advance Notice of Proposed Rulemaking: Calculation of Soil Lead Medium-Specific Concentrations (Closed 1/28)
- Environmental Assessment Approval for PENNVEST Funding Consideration (Closed 1/18)
- Delegation of Authority to Implement and Enforce Federal Municipal Solid Waste Plan (Closed 1/13)
- Draft Stream Evaluation Report: Class A Wild Trout Streams (Closed 1/10)

Communications Monthly Press Releases

Press Releases Issued

January 4 - ADVISORY – DELAWARE COUNTY – TOMORROW – DEP to Announce Funding to Protect Delaware Estuary Coastal Zone, Visits Grant Site in City of Chester

January 5 - Wolf Administration Announces How Pennsylvania Will Meet Its 2025 Pollution Reduction Goals in Chesapeake Bay Watershed

January 5 - Wolf Administration Announces Funding to Protect Delaware Estuary Coastal Zone

January 7 - DEP to Host Virtual Public Information Meeting on Permit Application for Surface Mine in Cambria and Somerset Counties

January 7 - ADVISORY – MIDDLETOWN – MONDAY – Wolf Administration to Announce How Pennsylvania Can Meet 100 Percent of Its Pollutant Reduction Targets in Chesapeake Bay Watershed

January 11 - ADVISORY – HARRISBURG – TOMORROW – DEP and Second Lady to Encourage Pennsylvanians to Test Their Homes for Radon

January 12 - ADVISORY – CHESTER COUNTY – TOMORROW – DEP Encourages Residents in East Whiteland Township to Test for Radon, Provides Instruction to Receive Free Kits

January 12 - DEP to Host Virtual Public Hearing Regarding Warehouse Permit Application and Logistics Center Project in Northampton County

January 12 - DEP and Second Lady Encourage Pennsylvanians to Test Their Homes for Radon During National Radon Action Month

January 12 - DEP Declares Code Orange Air Quality Action Day for Fine Particulate Matter for Thursday, January 13, 2022, in Multiple Areas of Pennsylvania

January 13 - Wolf Administration Encourages Residents to Test for Radon, Highlights Opportunity to Request Free Testing Kit

January 14 - ADVISORY – VIRTUAL EVENT – TUESDAY – DEP to Host Virtual Public Information Meeting on Permit Application for Surface Mine in Cambria and Somerset Counties

January 18 - DEP Releases Draft 2022 Pennsylvania Integrated Water Quality Report, Invites Public Comment

January 19 - CORRECTION: ADVISORY – MONTGOMERY COUNTY – TOMORROW – DEP to Announce Funding for Watershed Restoration and Protection Projects

January 20 - Deer Tick Virus (DTV) Detected at High Levels in Clearfield County Park

January 20 - ADVISORY – HARRISBURG – TOMORROW – Wolf Administration Announces \$2.7 Million in Awards for Cleaner Fuel Transportation Projects Statewide

January 20 - Wolf Administration Announces \$3.5 Million for Watershed Restoration and Protection Projects in Southeast PA

January 21 - Wolf Administration Announces Over \$2.7 Million for Alternative Fuel Transportation Projects to Improve Air Quality and Public Health

January 21 - Wolf Administration Joining Department of Interior Secretary Haaland to Highlight Infrastructure Investments in Legacy Pollution Clean-up

January 24 - DEP To Conduct HSCA Investigation at Erie Coke, Inc. Property

January 24 - Gov. Wolf Announces \$25 Million Investment in Economic Recovery for Abandoned Mine Lands

January 24 - ADVISORY – BLOOMSBURG – TUESDAY – DEP to Announce \$245,000 Grant for Kinney Run Watershed Improvements

January 25 - ADVISORY – ERIE COUNTY – TOMORROW – DEP to Announce Funding for Local Water Cleanup Projects

January 25 - ADVISORY – CARBON COUNTY – WEDNESDAY – DEP to Discuss Growing Greener Grant for Jim Thorpe Creek Restoration Project

January 25 - DEP Announces \$245,000 Growing Greener Grant for Kinney Run Watershed Improvements

Active and Abandoned Mine Operations

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 *required* substantial reworking to reflect its applicability to capping of coal refuse disposal sites. This document also *required* 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 addressed the comments and is finalizing the version for final publication. In their meeting of January 20, 2022, the MRAB requested a meeting to discuss the changes to the final version to be published. This meeting will be in February or March.*

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 in a joint meeting in the upcoming weeks.

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 6th 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.

Air Quality

Final Rulemakings

Stage II Vapor Recovery Revision

With the advent of onboard vehicle vapor recovery systems, Stage II vapor recovery at the gasoline pump has become redundant and, in some cases, counterproductive. In response, the Department has proposed regulations which would require the decommissioning of vacuum-assisted vapor recovery systems at gasoline dispensing facilities in the 5-county Philadelphia and 7-county Pittsburgh-Beaver Valley areas. However, the proposed rulemaking would add requirements for annual leak testing, low-permeation hoses, and dripless nozzles. 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 Independent Regulatory Review Commission approved the final-form rulemaking at its January 26, 2022, public meeting.*

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. 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. *Governor Wolf vetoed the concurrent resolution on January 10, 2022.*

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 and 121 oral testimonies at the public hearings. When the multiple signatories to individual letters and petitions are included, the total number of individuals and organizations expressing an opinion on the proposed rulemaking is over 36,000. *DEP presented the draft final-form rulemaking to AQTAC, the CAC and Small Business Compliance Advisory Committee on December 9, 2021, January 18, 2022, and January 27, 2022, respectively.*

The CAC voted unanimously with one abstention to send a letter of support to the EQB. The Department anticipates presenting the final-form rulemaking to 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_x 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_x) and/or VOCs statewide. DEP presented draft proposed RACT III rulemaking language to AQTAC, SBCAC and CAC in April and May 2020. On May 19, 2021, the EQB voted to 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. *The Department anticipates bringing the draft final-form rulemaking to the advisory committees, the CAC and the EQB in the second quarter of 2022.*

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 *was published* 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.

Regulatory State Implementation Plan (SIP) Revisions

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 3rd 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 (SO₂) 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.

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, and the Department received 12 applications requesting total project funding of over \$7.8 million. *Applications have been 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 January 7, 2022, with approximately \$2.7 million available to award. Review and scoring currently are underway.* 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 is rolled into CY21. The CY21 ECH Grant Program will 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. *This grant is anticipated to open in spring 2022.*
- 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 \$2.2 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. *At the current rate, Version 3 should close in summer 2022. To date, approximately 1,340 Level 2 EV charging plugs have been installed across PA under this Program. Version 4 will reopen shortly after Version 3 closes with lower reimbursement levels.*

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

Energy Programs Office

Climate Change Advisory Committee

The most recent Climate Change Advisory Committee (CCAC) meeting was conducted 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 *fourteen* 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. *Webinars are scheduled for March 3, 9, and 15.* After the webinar series, the contractor will assist up to five participants from the webinars to help develop *preliminary feasibility studies*. *Participants in environmental justice areas will be given higher priority.* 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 *prioritized* list of critical facilities. The *prioritized* list will be gathered by the National Laboratories.

US Department of Energy (DOE) State Energy Program State Fiscal Year (SFY) 2022 Application

EPO and Fiscal staff are developing projects for the FY 2022 application with an estimated amount of U.S. DOE State Energy Program Formula funds of \$2,081,280. Programs may include, but are not limited to, EV infrastructure planning, 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. EPO staff are also currently managing twelve 2021 FY State Energy Program projects.

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. *A second round of Climate Leadership Activator (“Activator”) training began on January 28, for which there were 87 people registered. The Activator is a high-level/abbreviated version of CC-P training and is meant for leaders/decision-makers. The first of four additional CC-P cohorts will begin on February 7. Twenty-one people are currently registered for these four CC-P cohorts. The next Academy Advisory Board meeting will be held on February 2.*

Agriculture Energy Efficiency Rebate Program

DEP opened a new agriculture energy efficiency rebate program on September 20. 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. *As of January 24, eight rebate vouchers were approved, and one rebate voucher was redeemed for reimbursement. EPO is also making slight modifications to the program guidelines based on feedback received from the agricultural sector to expand ventilation and milk pumping equipment that is eligible to include motors and pumps, not only the VFDs.* 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.

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

DEP’s Energy Programs Office *is participating in US DOE’s Sustainable Wastewater Infrastructure of the Future (SWIFt).* 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. *In late January the WWTP met the US DOE SWIFt team, and the purchase order was issued so the contractor can begin conducting the plant assessments.*

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.

On January 21, 2022, DEP announced awards for projects submitted in the first round of the program. Projects awarded for this round included 13 alternative fuel vehicle purchase of retrofit projects resulting in a total award amount of \$1,757,749; four refueling infrastructure projects resulting in a total award amount of \$554,042; and one Innovative Technology project receiving an award amount of \$600,000 of AFIG funds. The second application acceptance period for the 2021 AFIG program closed on December 17. 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 are currently being 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, 2021. 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 to 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. *The first general session conducted under this phase of the contract was held on December 21, 2021, and the first session of targeted outreach took place in Mercer County on February 3, 2022. These activities will continue to be conducted through June 2022, with one type of each session planned each month.* Extension's outreach is being funded through DEP's State Energy Program funds from the U.S. Department of Energy.

Shared Energy Manager

On January 5, 2022, EPO staff, held an update call with the SEP-funded contractor Wilson Engineering Services (Wilson) on the Shared Energy Manager program. Wilson provided information regarding the current

plans and actions taken for the five SEM participant governments: Abington Township, Ben Avon Borough, Cumberland County, City of Easton, and City of Shamokin. Abington is planning a level 2 energy audit of their community center and a study on heating method feasibility as well as energy benchmarking for their township building. A site visit was conducted on January 25-27. Wilson completed site visits to multiple borough buildings as well as a church for Ben Avon. They put together a list of energy conservation measures and will be looking at an analysis of conversion to heat pumps. Energy assessments will be completed in February. Surveys of various departments which use fleet vehicles are being conducted for Cumberland County. The scope of the fleet study will be fully understood between March and April, at which time Wilson will be able to determine if a solar study can be completed as well. A renewable natural gas feasibility study (related to their biogas study) was completed for City of Easton, as the return on investment is faster due to the increasing value of RINs. The first draft of an energy management plan with benchmarking of 12 buildings and a waste-water treatment plant for Easton will be complete this month. Finally, an energy inventory is underway for the City of Shamokin, the results of which will determine what energy projects are pursued.

Commonwealth-University Capstone Partnership

On January 14, 2022, EPO staff held an introduction call for the Forest Hills Capstone project with Forest Hills, the participating Carnegie Mellon University professor, and the Governor's Office of Performance through Excellence. The discussion consisted of introductions, an explanation of the Capstone program by the Governor's Office, an explanation of the LCAP program by EPO staff, and ideas and concepts for the Capstone between the Borough of Forest Hills, PA and CMU. Finally, there was an agreement to follow-up on setting a meeting schedule for the spring semester after the first classes for the semester are completed the week of January 17-21. On January 20, EPO staff, along with Centre Region COG and the students from East Stroudsburg University, conducted a kickoff call for the Centre Region COG spring semester Capstone. The students were introduced to DEP staff and Pam Adams from Centre Region COG and provided with a presentation on the current status of the COG LCAP as well as some ideas for the Capstone project.

Pennsylvania Energy Development Authority

On January 14, 2022, the Pennsylvania Energy Development Authority (PEDA) issued a Request For Proposals (RFP) for a third-party administrator to finance and implement a clean energy financing product in Pennsylvania. The administrator will design and implement a program that partners \$1,000,000 in PEDA funds with private capital to develop clean energy projects. Clean energy includes many technologies, including renewable energy, energy efficiency, low carbon transportation, etc. and is detailed in PEDA's 2020 Energy Development Plan. The RFP closes on February 18th, after which the PEDA Board will select a program administrator. The work is expected to begin on July 1, 2022.

Drive Electric PA Coalition

PennDOT and DEP jointly led a virtual quarterly Drive Electric PA Coalition meeting on January 20, 2022. The meeting included a presentation from the Federal Highway Administration's Volpe Center regarding electric programs that will be administered by the federal Departments of Transportation and Energy as a result of the recently enacted Bipartisan Infrastructure Bill as well as a presentation from DEP's Bureau of Air Quality regarding the proposed light-duty ZEV program rulemaking. The meeting was attended by more than 110 individuals representing a broad range of industry, government, and organizations.

Electric Vehicle Charging Electricity Rate Design Study

DEP released an RFP for an electric vehicle charging electricity rate design study on December 21, 2021, and bids subsequently closed on January 18, 2022. DEP will now score the received proposals and select a contractor to complete the study over the following 9 months. The final report is intended to provide recommendations for alternative electricity rate designs that would incentivize faster adoption of electric vehicles and maximize their benefits, without negatively impacting electric utilities or electricity ratepayers.

Environmental Cleanup and Brownfields

Environmental Cleanup and Brownfields Rulemakings

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

The Land Recycling Program developed a proposed rulemaking to update the Statewide health standard medium-specific concentrations (MSCs) for 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. *The deadline for the public to submit information for the ANPR was January 28, 2022.*

Cleanup Standards Scientific Advisory Board (CSSAB)

The CSSAB is currently scheduled to meet three times in 2022 on the following dates: April 6, August 17, and December 14. Information on the meetings can be found through the Public Participation tab on the DEP web site at www.dep.pa.gov (select “Public Participation,” then “Advisory Committees,” then “Cleanup and Brownfields Advisory Committees,” then “Cleanup Standards Scientific Advisory Board”).

Land Recycling Program Technical Guidance Manual (TGM) Addendum

The final revised Land Recycling Program TGM was published on January 19, 2019. DEP plans to add information as an appendix to the TGM regarding the use of vertical soil mixing as a remediation technology to address historic pesticide contamination on agricultural lands. DEP is planning to evaluate aspects of this proposed TGM addendum using a DEP workgroup made up of technical and legal staff from both Central Office and the Regional Offices. The technical concepts that will form the foundation of this proposed guidance addendum will be provided to the CSSAB for discussion at a future meeting.

The next comprehensive revision to the TGM is planned 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.

The next hybrid STAC meeting is scheduled for Tuesday, March 8, 2022, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg PA 17105. The agenda and meeting materials will be available through the Public Participation tab on the Department's website at www.dep.pa.gov (select

“Public Participation,” then “Advisory Committees,” then “Cleanup and Brownfields Advisory Committees,” and “Storage Tank Advisory Committee”).

Environmental Education

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 annual meeting of the Pennsylvania Environmental Literacy Taskforce is scheduled for February 17, 2022. During the upcoming virtual Pennsylvania Association of Environmental Educators (PAEE) Conference scheduled for March 21 and 22, this Task Force will be recognizing the MWEE School of Excellence and the MWEE Partner of Excellence awards. In addition, during this conference DEP will be presenting a session entitled “DEP Funding: Beyond the DEP Environmental Education Grant Program.”

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. *The PA STEM Coalition met on January 27, 2022, to discuss Meaningful Watershed Educational Experiences (MWEEs).*

Environmental Justice

The EE&IC continues to reflect this priority for the 2022 DEP Environmental Education Grant program. In 2021, 88% of the projects were awarded for environmental education projects in 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 involved in updating 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](#).

On Thursday, January 13, 2022, the State Board of Education unanimously voted to approve the final-form amendments to Chapter 4 (Academic Standards and Assessments). The Board approved all the recommended changes based on the work completed last fall, including the updated Environmental Literacy and Sustainability domain standards, and were presented to the Chapter 4 Committee on December 1, 2021. The State Board of Education will now prepare the final-form regulation. If approved by IRRC, the standards will take effect on July 1, 2025.

Green Ribbon Schools

As part of the Green Ribbon Schools program, the PA Department of Education (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 *closed at* the end of January 2022.

Recycling Education

Recycling presents an opportunity for teachers to utilize the Meaningful Watershed Educational Experience (MWEE) framework for engaging students in projects that help improve a school's sustainability practice. Bay Backpack is an excellent resource with tools for developing or improving a school's recycling program: <https://www.baybackpack.com/action-projects/recycling-waste-reduction-programs>

DEP's recently released "Guidelines for Recycling in Your Community" is a useful resource to help students, residents and businesses understand how to recycle correctly. The booklet provides information to help maximize the social, environmental, and economic benefits of recycling including locating local recycling programs and local recycling rules. See: dep.pa.gov/recycling.

Teaching Green Newsletter

The latest edition of the DEP "Teaching Green" environmental education newsletter was released 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, the 2022 PA Integrated Water Quality Report, 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 was January 31, 2022. Winners will be announced in April in time for Earth Day celebrations. For more information, please visit <https://www.keeppbeautiful.org/grants-awards/awards/litter-hawk/>.

Environmental Justice

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.

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 February. 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, Shamokin Creek Restoration Alliance, 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 publish the draft EJ Policy for public comment in spring 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 collaborated 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.

Oil and Gas

Oil and Gas Rulemakings

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

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

Because discussions 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, Department staff 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). DEP anticipates bringing this rulemaking to the EQB for consideration as proposed in spring 2022. If CDAC would like to submit comments on the proposed rulemaking that would be included in the proposed rulemaking package provided to the EQB, the comments would need to be finalized by CDAC and provided to the Department in advance of the meeting. 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.

Three Year Permit Fee Report

Pursuant to 25 Pa Code §§ 78.19(e) 78a.19(b), at least every three years, the Department must provide the Environmental Quality Board (EQB) with an evaluation of fees collected and recommend regulatory changes to the EQB to address any disparity between the program income generated by the fees and the Department's cost of administering the program with the objective of ensuring fees meet all program costs and programs are self-sustaining. The Department is tentatively scheduled to present this report to the EQB on February 15, 2022.

Infrastructure Investment and Jobs Act (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 potentially provides significant funds 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 Department met the first major milestone by submitting the Notice of Intent to apply for the Formula Grant to the U.S. Department of Interior by the December 30, 2021, deadline. The deadline for Pennsylvania to request the initial grant of \$25 million from the DOI, is May 16, 2022 and the Department will meet this deadline.*

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, 133 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.

Oil and Gas Technical Advisory Board (TAB) Meeting

TAB convened a regular meeting on January 14, 2022. The meeting agenda included: an update on the draft proposed Chapter 78 rulemakings, an update on the Infrastructure Investment and Jobs Act, discussion of legacy wells, discussion of the “Erosion and Sediment Control Plan Template for Well Plugging Activities & Geologic Hazard Mitigation Planning Guidance for Erosion and Sediment Control General Permits”, a summary of the status of Class II disposal Underground Injection Control (UIC) permit applications, a discussion of Class VI (carbon capture) UIC wells, a discussion of data management issues, a discussion of the “Draft Guidelines for the Development and Implementation of Oil and Gas Well Site Integrated Contingency Plans for Unconventional Well Sites”, and several additional miscellaneous topics. No individuals from the public registered to provide public comment during this meeting. The next regularly scheduled TAB meeting is April 25, 2022.

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 *continuing* 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.

Request for Approval of Alternative Waste Management Practices and Previously Approved Alternative Waste Management Practices, forms 8000 PM OOGM0071 AU & BU

On January 6, 2022, Bureau of Oil and Gas Planning and Program Management (BOGPPM), Division of Well Development and Surface Activities posted newly updated OG-71 A & B forms in eLibrary. Some of the updates were due to agreed upon changes as outlined in the Marcellus Shale Coalition v. DEP settlement, some clarifying language in existing sections and new sections for alternate waste management practices already being employed by the industry that were not on the previous versions of the forms which were last updated

October 2016. Checklists were also added as appendixes to the form for when Modular Aboveground Storage and Alternate Storage Structures are being requested to be used at a well pad. No updates were made to the Request for Approval of Alternative Waste Management Practices (Conventional Operations Only), form 8000-PM-OOGM0071.

Notice of Intent Authorization for Coverage under the Erosion and Sediment Control Permit (ESCGP) for Earth Disturbance associated with Oil and Gas Exploration, Production, Processing, Or Treatment Operations or Transmission Facilities 8000 PM OOGM0006

On January 6, 2022, Bureau of Oil and Gas Planning and Program Management (BOGPPM), Division of Well Development and Surface Activities posted a revised ESCGP Notice of Intent (NOI) Form and Instructions in eLibrary. One of the updates included agreed upon changes as outlined in the Marcellus Shale Coalition v. DEP settlement. Additional edits were made to the documents in order to provide clarification and corrections since the NOI form and instructions were initially posted in October 2018.

Oil and Gas Workload Report

Please see Attachment 2.

Radiation Protection

Radiation Protection Rulemakings

Chapter 227

The Radiation Protection Act directs DEP to develop and conduct comprehensive programs for the registration, licensing, control, management, regulation and inspection of radiation-producing devices and users of such devices. The areas in need of review and update relate to non-medical X-ray equipment. There have been important advances in technology and use of X-rays and other ionizing radiation particles for industrial radiography, non-contact level monitoring, foreign body detection, chemical purification, melting, welding, polymerization, sterilization, and security screening. The proposed package was discussed 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.

Three Year Fee Report

The Radiation Protection Act directs the Department to set annual fees in an amount at least sufficient to cover the Department's costs of administering its programs. Accordingly, the Bureau of Radiation Protection reviews its fees every three years and prepares a fee report with an evaluation of fees collected. The Department is tentatively scheduled to present this report to the EQB on February 15, 2022.

Waste Management

Waste Management Rulemakings

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

The Bureau of Waste Management (BWM) received approval to develop a rulemaking for Rural Transfer Facilities (RTF) in December 2019. DEP has been working with stakeholders since 2015 on the "Convenience

Center” model and exploration of ways to implement rural transfer facilities, including formation of an ad hoc subcommittee on its Solid Waste Advisory Committee (SWAC). This draft proposed rulemaking is the culmination of that effort; it is being developed to create waste management and recycling opportunities for more citizens and in communities that are currently underserved or without collection infrastructure. The draft proposed rulemaking amends the municipal waste regulations at 25 Pa. Code § 271.103 to add a new municipal waste processing permit-by-rule (PBR) for RTFs.

The draft proposed rulemaking was scheduled to be presented to SWAC at their March 12 meeting; however, the meeting had to be cancelled due to social distancing requirements. The rulemaking was presented at the June 3, 2020 virtual SWAC meeting, and the Committee unanimously recommended that the draft proposed rulemaking be moved forward to the EQB for consideration for publication.

The proposed rulemaking was presented to the EQB for consideration at its November 16, 2021, meeting, where the Board unanimously adopted a motion to accept the proposed rulemaking. The proposed rulemaking was published in the Pennsylvania Bulletin on January 15, 2022, opening a 30-day public comment period that closes 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 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 concludes on February 22, 2022. The Board also *held* three public hearings on the proposed rulemaking on January 19, 20, and 26, 2022.

New General Permit WMGR163 for the Processing and Beneficial Use of Oil and Gas Liquid Waste at Temporary Facilities

The Bureau of Waste Management has drafted a new General Permit (GP) No. WMGR163 (WMGR163) to authorize the processing, transfer and beneficial use of oil and gas liquid waste to develop or hydraulically fracture an oil or gas well. The creation of this general permit is a result of legislation originally referred to Commerce on January 29, 2021, as House Bill 336, and became law on July 9, 2021, as Act 70. The language in Act 70 requires DEP, by July 1, 2022, to submit to the Legislative Reference Bureau, for final publication in the Pennsylvania Bulletin, a general permit pursuant to 25 Pa Code § 287.643 (relating to registration) for use for the transfer, storage or processing of oil and gas liquid waste at temporary facilities which will be in operation for no more than 180 consecutive days at any one time. The draft permit was published for comment in the Pennsylvania Bulletin on January 15, 2022, opening a 60-day public comment period that closes on March 15, 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)

The *next* regular SWAC meeting *will be* held on *Wednesday, March 9*, in Room 105 of the Rachel Carson State Office Building. A virtual participation option *will also be* available *through* WebEx. Additional information is available on the [SWAC website](#).

Recycling Fund Advisory Committee (RFAC)

The *annual* RFAC meeting is *scheduled for Thursday, September 16, 2022*, in Room 105 of the Rachel Carson State Office Building. A virtual participation option *will also be* available. The meeting *will be* held *jointly with* SWAC. Additional information is available on the [SWAC website](#).

Water Programs

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.

The Department continues to work through the public comments received on the Chapter 105 proposed rulemaking and anticipates bringing the final-form rulemaking to DEP's water-focused advisory bodies in the second quarter of 2022 and presenting the final-form rulemaking to the EQB in the third quarter of 2022.

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; 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 presenting 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. *One virtual public hearing is scheduled on February 16, 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 *two* meetings and *is planning additional meetings* in 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 Riverkeeper Network). The first meeting of the workgroup organized by DEP 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 *occurred on* January 5, 2022. The discussion on the hauled-in-waste concerns continued. The *topic of* the proposed changes to field storage of biosolids on land application sites *was also discussed. The workgroup members decided to provide formal written comments to the Department. Following receiving those comments, a fifth and final meeting will be scheduled to clarify any of the stakeholder concerns. DEP will then develop use the information gathered during the outreach process to draft any revisions to the permit documents prior to issuing draft permits for public comment.*

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 *March 9, 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. *DEP staff reviewed the applications and submitted the recommended workplans to EPA on September 30, 2021. On January 7, 2022, EPA provided their comments, and DEP staff have until March 4, 2022, to respond and submit revisions as necessary. EPA has the opportunity for a second round of comments based on DEP's responses, and then the Department will move toward submitting the final recommended package to EPA by July 1, 2022, for a start date of October 1, 2022.*

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

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. *For 2021 Growing Greener Plus, more than \$18.2 million has been awarded to 65 grants across the state. More than \$10 million was awarded to 25 grants in the Chesapeake Bay watershed. More than \$7.9 million was awarded to 40 grants in Pennsylvania counties outside the Chesapeake Bay watershed. Statewide, more than \$9.9 million was awarded to 25 grants in Environmental Justice (EJ) areas. Regional media events have been held to announce these awards throughout mid-late January and into early February 2022.*

State Water Plan

The State Water Plan's *ninth* Statewide Committee meeting was held on *January 19, 2022* using the hybrid meeting format to accommodate both virtual and in-person meeting attendees. The primary focus of this meeting was *to review draft components of the State Water Plan Update document.*

The State Water Plan's Regional Water Resources Committees had their *eighth* round of meetings held in a hybrid format between *January 11 and 27, 2022*. The focus of this round of meetings was *to finalize the regional materials for the State Water Plan Update and conclude the 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 for projects in the Delaware Estuary Coastal Zone were announced on January 5, 2022. Grant award announcements for projects in the Lake Erie Coastal Zone are expected to be announced shortly. Projects include 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.”

February	
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 Advisory 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
March	
2	Board of Coal Mine Safety Meeting, 10 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
16	Statewide Water Resources Committee Meeting, 9 a.m., Virtual and in-person attendance options
17	Water Resources Advisory Committee Meeting, 9:30 a.m., Virtual and in-person attendance options
24	Agricultural Advisory Board Meeting, 9 a.m., Virtual and in-person attendance options
30	Sewage Advisory Committee Meeting, 10 a.m., Virtual and in-person attendance options

Attachment 2

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

YTD WELL PERMIT APPLICATIONS - 1/1/2022 to 1/21/2022						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	16	16	5	5	5	0
UNCONVENTIONAL	29	24	59	59	59	0
Sub Total	45	40	64	64	64	0
AUTHORIZATIONS	29	15	23	23	N/A	0
Total	74	55	87	87	89	0

WEEKLY WELL PERMIT APPLICATIONS - 1/15/2022 to 1/21/2022						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	14	14	0	0	0	0
UNCONVENTIONAL	4	3	28	28	28	0
Sub Total	18	17	28	28	28	0
AUTHORIZATIONS	21	11	13	13	N/A	0
Total	39	28	41	41	43	0

HISTORICAL WELL PERMIT APPLICATIONS AS OF 1/21/2022						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	198,402	198,380	197,124	190,834	1,256	100,495
UNCONVENTIONAL	29,799	29,743	29,125	22,567	618	12,734
Sub Total	228,201	228,123	226,249	213,401	1,874	113,229
AUTHORIZATIONS	46,644	46,612	45,461	43,705	1,151	19,474
Total	274,845	274,735	271,710	257,106	3,025	132,703

YTD INSPECTIONS - 1/1/2022 to 1/21/2022				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	474	432	142	6
UNCONVENTIONAL	1,063	936	36	2
SITE	222	200	44	6
CLIENT	1	1	2	0
Total	1,760	1,569	224	14

WEEKLY INSPECTIONS - 1/15/2022 to 1/21/2022				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	74	68	6	2
UNCONVENTIONAL	291	284	6	0
SITE	59	58	13	2
CLIENT	0	0	0	0
Total	424	410	25	4

WELLS DRILLED					
	Two Years Prior 1/1/2020 to 1/21/2020	One Year Prior 1/1/2021 to 1/21/2021	Year To Date 1/1/2022 to 1/21/2022	Week of 1/15/2022 to 1/21/2022	As of 1/21/2022
CONVENTIONAL	2	2	9	2	201,420
UNCONVENTIONAL	58	20	44	13	13,360
Total	60	22	53	15	214,780

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